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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to show that the position of Special Assistant to the Deputy Director is no longer excepted under Schedule C. Effective on publication in the FEDERAL REGISTER (4–21–72), paragraph (e) of § 213.3328 is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.72–6117 Filed 4–20–72;8:51 am]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service [1] (Standards Inspection, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

License Fees

On March 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 5046) regarding a proposed revision of regulations (other than rules of practice) (7 CFR 46.1–46.44), effective under the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, et seq., as amended; 7 U.S.C. 499a et seq.).

Interested persons were given until April 9, 1972, in which to submit written data, views, or comments regarding the proposed revision of the regulations calling for an increase from $60 to $75 in the annual license fee under the Act. There were only two comments received concerning the proposed increase in license fee from a total of more than 17,700 licensed firms affected by the proposal. Both of the comments were opposed to the increase.

After due consideration of the comments presented concerning the proposed revision of the regulations, and pursuant to the authority contained in section 15, 46 Stat. 537, as amended; 7 U.S.C. 499o, the regulations, other than rules of practice (7 CFR Part 46) under the Perishable Agricultural Commodities Act, 1930, are hereby amended as follows:

Amend § 46.6 to read as follows:

§ 46.6 License fee.

The annual license fee is seventy-five dollars ($75). The Director may require the fee be submitted in the form of a money order, bank draft, cashier's check, or certified check made payable to Agricultural Marketing Service. Authorized representatives of the Division may accept fees and issue receipts therefor.

This amendment shall become effective July 1, 1972.

Done at Washington, D.C., this 18th day of April 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–6095 Filed 4–20–72;8:49 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

Chapter IX—Agricultural Marketing Service [1] (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Termination of Existing Authorization for Export of Field-Run Dates to Certain Countries

Notice was published in the April 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 6693) regarding a proposal to terminate the existing authorization for exports of filed-run Deglet Noor dates to France and Belgium. The authorization is effective pursuant to § 987.56 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective Apr. 2, 1972, 37 F.R. 6327.

Section 987.56 provides, in part, that whenever the Committee concludes and the Secretary finds that the disposition of utility dates of any variety through any export outlet would tend to effectuate the declared policy of the act, the Secretary shall specify such export outlet, and dates of such variety that are inspected and certified as meeting such grade, size, container, and identification requirements as may be prescribed by the Committee with the approval of the Secretary for such outlet may be so exported. Pursuant to this authority, high quality field-run dates (utility dates) of the Deglet Noor variety were approved for export to France and Belgium in 1970 (35 F.R. 5396, 6700, 14764). Both countries have date processing and packaging plants and desired the dates to be in a form which would enable them to use these facilities. However, after some shipments of field-run dates to these countries, no further requests were received. Apparently, these two countries began receiving supplies of field-run Deglet Noor dates from other sources.

It appears that the needs of these two countries for California dates can now be better met with bulk shipments of processed dates for repacking and/or dates for further processing where almost all of the processing (except for the addition of moisture) is done in the United States. Therefore, the provisions of § 987.156(b) are no longer applicable and should be revoked.

After consideration of all relevant matter presented, including that in the notice, the unanimous recommendation of the California Date Administrative Committee, and other available information, it is hereby found and determined that the authorization in § 987.156 (b) providing for exportation of field-run Deglet Noor dates to France and Belgium no longer tends to effectuate the declared policy of the act and should therefore be terminated.

It is, therefore, ordered, That § 987.156 of Subpart—Administrative Rules and Regulations (7 CFR 987.100–987.174; 36 F.R. 23137; 37 F.R. 1159; 37 F.R. 5282; 37 F.R. 6566; 37 F.R. 6729) is amended by revoking paragraph (b).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) After some initial exports of field-run dates to France and Belgium, no further exports of such dates to these countries have been made and none are expected in the future; (2) this action imposes no restrictions on handlers, and hence they do not need additional notice or time to prepare or to comply therewith; and (3) no useful purpose would be served by postponing the effective time of this action.

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

Dated: April 18, 1972, to become effective upon publication in the FEDERAL REGISTER (4–21–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72–6139 Filed 4–20–72;8:53 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Modification of Additional Grade Requirements

Notice was published in the April 1, 1972, issue of the FEDERAL REGISTER (37 F.R. 6693) of a proposed modification of the grade requirements in § 987.203(b)(2) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282; and 37 F.R. 6729) for restricted dates to be disposed of in product outlets. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15053), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was recommended by the California Date Administrative Committee.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal, and one submission was received from the Committee. However, the submission was not relevant to the subject of the notice.

The submission pertained to a unanimous recommendation of the Committee to reduce the grade requirements for dates exported to Mexico to those set forth in § 987.202. The Committee indicated that the difference between the presently effective Mexico grade and the requirements set forth in § 987.202 was too insignificant to maintain and that the differences were not such as would affect the demand for dates in Mexico. However, the notice did not include a proposal to reduce the presently effective Mexico grade requirements. The matter contained in the Committee's submission is a new proposal and should be published in a notice of proposed rule making.

Section 987.203(b)(2) prescribes, among other things, grade requirements for dates withheld from handling (restricted dates) to be disposed of in product outlets. These requirements are that such restricted dates shall grade not less than U.S. Grade C or U.S. Grade C (Dry), as applicable. In addition to these requirements, Deglet Noor dates must also meet additional requirements for the factor of absence of defects (except that dates damaged by broken skin, by mashing, and by mechanical injury not affecting eating quality are not considered in determining the defect factor), and for the factor of character.

The grade requirements prescribed for dates to be disposed in product outlets should be the minimum quality standards set forth in § 987.202. This reduction will subject an additional quantity of dates to marketing program assessments and also make this quantity available for use in satisfaction of withholding obligations. Moreover, it will simplify program operations in that one grade requirement, instead of two, will be prescribed for restricted dates disposed of in product outlets.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is hereby found and determined that the modification of the grade requirements for restricted dates to be disposed of in product outlets as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, § 987.203(b) of Subpart—Grade and Size Regulations (7 CFR 987.202–987.218; 36 F.R. 23894; 37 F.R. 4900; 37 F.R. 5282; and 37 F.R. 6729) is amended by revising subparagraph (2) to read as follows:

§ 987.203 **Additional grade regulations.**

* * * * *

(b) * * *

(2) *Restricted dates to be disposed of in other approved outlets.* Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 as products shall meet the minimum standard of quality set forth in § 987.202. Dates withheld from handling pursuant to § 987.45 to be disposed of pursuant to § 987.55 by export to Mexico shall meet the requirements of U.S. Grade C or, if for further processing, U.S. Grade C (Dry) of the U.S. Standards for Grades of Dates, as aforesaid: *Provided*, That Deglet Noor dates shall score (i) not less than 24 points for the factor of absence of defects, except that dates damaged by broken skin, by mashing, and by mechanical injury (not affecting eating quality) shall not be considered when determining the defect factor, and (ii) not less than 29 points for the factor of character.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action relieves restrictions on the handling of dates; (2) handlers are aware of the California Date Administrative Committee's recommendation and need no additional notice or time to comply with the change in grade requirements; and (3) no useful purpose would be served by delaying the effective time of this action.

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

Dated: April 18, 1972, to become effective upon publication in the FEDERAL REGISTER (4–21–72).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agriculture Marketing Service.

[FR Doc.72–6140 Filed 4–20–72;8:53 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1972-Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Dry Edible Bean Loan and Purchase Program

On January 21, 1972, notice of proposed rule making regarding loan and purchase rates for 1972-crop dry edible beans and detailed operating provisions to carry out the 1972 dry edible bean program was published in the FEDERAL REGISTER (37 F.R. 936 and 937). Fourteen responses were received from interested individual farmers, farm organizations, and other interested parties. While there was variation in views, most responses recommended an increase in support rates. After considerations of all responses, it has been determined that loan and purchase rates for the individual classes remain the same as in 1971 program with certain exceptions that are necessary to bring the rates for all classes more nearly in line with historical prices. Other operating provisions for the 1972 crop remain the same as those for the 1971 crop.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program Regulations, 35 F.R. 8537, 36 F.R. 8362 and 9001) which contain regulations of a general nature with respect to price support operations, are further supplemented for 1972-crop dry edible beans. The material previously appearing in this subpart in §§ 1421.140 through 1421.143 remains in full force and effect as to the crop to which it was applicable.

Sec.
1421.140 Purpose.
1421.141 Availability.
1421.142 Maturity of loans.
1421.143 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.140 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any

amendments thereto or revisons thereof, and the 1970 and Subsequent Crop Dry Edible Bean Loan and Purchase Program Regulations, and any amendments thereto, apply to loans and purchases for 1972-crop dry edible beans.

§ 1421.141 Availability.

(a) *Loans.* A producer desiring a CCC loan must request a loan on his eligible beans on or before March 31, 1973.

(b) *Purchases.* To sell dry edible beans to CCC through the purchase program, a producer must execute and deliver to the appropriate county ASCS office on or before April 30, 1973, a purchase agreement (Form CCC–614), indicating the approximate quantity of 1972-crop dry edible beans he will sell to CCC.

§ 1421.142 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1973.

§ 1421.143 Loan and purchase rates.

The rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher loan and purchase rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher loan and purchase rate county, the loan and purchase rate shall be determined on the basis of the basic loan and purchase rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.23.

(a) *Basic county loan and purchase rates.* The basic county loan and purchase rates per 100 pounds net weight for beans of all classes grading Prime Handpicked or U.S. No. 1 are as follows:

Class and area	Rate per 100 lb. prime handpicked or U.S. No. 1 in jute or polypropylene bags
Pinto:	
Area I—In New Mexico all counties, except San Juan, Rio Arriba, Taos, McKinley, and Valencia	$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, Texas, and Washington. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico the counties of San Juan, Rio Arriba, Taos, McKinley, and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming, all counties not in Area II. In Colorado, all counties not in Area II	6.27
Area V—Other States	6.07
Great northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming, all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
Pea (Navy), U.S. No. 1 and U.S. prime handpicked pea beans:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.70
Area II—Other States	6.20
Small White and Flat Small White	7.80
Dark Red Kidney	8.51
Light Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho, Colorado, and Washington	7.47
Area II—Other States	7.42
Large lima	10.39
Baby lima	6.39

(b) *Premium.*

	Cents per 100 lb.
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount.*

	Cents per 100 lb.
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges.* In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollars per 100 lb. from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–6044 Filed 4–20–72;8:45 am]

[CCC Grain Loan and Purchase Regs., 1972-Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Rice Loan and Purchase Program

On July 23, 1971, notice of proposed rule making regarding determinations to be made in carrying out the 1972-crop rice program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons. The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363 and 7781 and any amendments thereto, and the 1970 and Subsequent Crops Rice Loan and Purchase Program Regulations, published at 35 F.R. 8443 and 8873, and any amendments to such regulations, are further supplemented for the 1972 crop of rice. The material previously appearing in this subpart in §§ 1421.325 through 1421.328 remains in full force and effect as to the crop to which it was applicable.

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and Subsequent Crop Rice Loan and Purchase Program Regulations and any amendments thereto, apply to loans and purchases for the 1972-crop rice.

§ 1421.326 Availability.

(a) *Loans.* Producers must request a loan on 1972-crop eligible rice on or before March 31, 1973.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1973, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1973.

§ 1421.328 Loan and purchase rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse

shall be the applicable basic rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) *Basic rates.* The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	8.42	4.33
Medium grains	7.92	4.33
Short grains	7.92	4.33

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1972.

(b) *Premium.* The basic rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 lb.
Grade U.S. No. 1	10

(c) *Discounts*—(1) *Grade.* The basic rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 lb.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) *Smut damage.* The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

Percent smut damage:	*Cents per 100 lb.*
Trace	0
0.1–1.0	5
1.1–2.0	10
2.1–3.0	15
3.1 and over	25

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraphs (b) and (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	*Discount per 100 lb.*
Imperial County, Calif., and adjacent counties in Arizona and California	$1.31
State of Florida	1.26
States of North Carolina and South Carolina	1.19
Counties of Marion, Pike, and St. Charles, Mo	0.85
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bosier Parish, La	0.12

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-6045 Filed 4-20-72;8:45 am]

[CCC Grain Price Support Regs. 1972-Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1972-Crop Barley Loan and Purchase Program

On September 11, 1971, notice of proposed rule making regarding loan and purchase rates for 1972-crop barley and detailed operating provisions to carry out the 1972-crop barley loan and purchase program was published in the FEDERAL REGISTER (36 F.R. 18322). No data, views, or recommendations were filed by interested persons.

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program Regulations, published at 35 F.R. 11166 and any amendments to such regulations are further supplemented for the 1972 crop of barley. The material previously appearing in these §§ 1421.72 through 1421.77 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.72 Purpose.
1421.73 Compliance requirements.
1421.74 Availability.
1421.75 Maturity of loans.
1421.76 Warehouse charges.
1421.77 Loan and purchase rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended, 15 U.S.C. 714. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.72 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crop Barley Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1972 crop of barley.

§ 1421.73 Compliance requirements.

A producer shall be eligible for a loan or purchase with respect to the barley being tendered if the producer complies with the 1972 set-aside program, appearing in the regulations published in Part 775 of this title pertaining to the Feed Grain Set-Aside Program for crop years 1971–73 (36 F.R. 12835), and any amendments thereto, on the farm on which such barley was produced if such farm is in an area in which the Feed Grain Set-Aside Program is in effect.

§ 1421.74 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1972 crop of eligible barley on or before April 30, 1973, in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming and by March 31, 1973, in all other States. To sell eligible barley to CCC a producer must execute and deliver to the appropriate county ASCS office, on or before May 31, 1973, in the States named in this section and on or before April 30, 1973, in all other States, a Purchase Agreement (Form CCC–614) indicating the approximate quantity of 1972 crop barley he will sell to CCC.

§ 1421.75 Maturity of loan.

Loans mature on demand but not later than: May 31, 1973, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming, and on April 30, 1973, in all other States.

§ 1421.76 Warehouse charges.

Subject to the provisions of § 1421.56 the schedule of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under Uniform Grain Storage Agreement.

SCHEDULE OF DEDUCTIONS FOR STORAGE CHARGES BY MATURITY DATES

Maturity date of April 30, 1973	Deduction (cents per bushel)	Maturity Date of May 31, 1973
(1)		(1).
Prior to May 28, 1972	14	Prior to June 28, 1972.
May 28–June 21	13	June 28–July 22.
June 22–July 16	12	July 23–Aug. 16.
July 17–Aug. 10	11	Aug. 17–Sept. 10.
Aug. 11–Sept. 4	10	Sept. 11–Oct. 5.
Sept. 5–Sept. 29	9	Oct. 6–Oct. 30.
Sept. 30–Oct. 24	8	Oct. 31–Nov. 24.
Oct. 25–Nov. 18	7	Nov. 25–Dec. 19.
Nov. 19–Dec. 13	6	Dec. 20, 1972–Jan. 13, 1973.
Dec. 14, 1972–Jan. 7, 1973.	5	Jan. 14–Feb. 7.
Jan. 8–Feb. 1	4	Feb. 8–Mar. 4.
Feb. 2–Feb. 26	3	Mar. 5–Mar. 29.
Feb. 27–Mar. 23	2	Mar. 30–Apr. 23.
Mar. 24–Apr. 30, 1973.	1	Apr. 24–May 31, 1973.

[1] Date storage charges start, all dates inclusive.

§ 1421.77 Loan rates and discounts.

(a) *Basic loan rates (counties).* Basic county rates (marketing area for

Alaska) for loan and settlement purposes for barley (except mixed barley) grading U.S. No. 2 or better are established as follows:

County	Rate per bushel
ALABAMA	
All counties	$0.87
ALASKA	
Delta	$0.96
Fairbanks	.93
Glenallen	1.04
Homer	1.00
Kenai-Sold	1.08
Palmer	1.14
Talkeetna	1.14
ARIZONA	
Apache	$0.79
Cochise	.92
Coconino	.79
Gila	.79
Graham	.84
Greenlee	.79
Maricopa	.97
Mohave	$0.84
Navajo	.79
Pima	.95
Pinal	.98
Santa Cruz	.94
Yavapai	.79
Yuma	.99
ARKANSAS	
All counties	$0.88
CALIFORNIA	
Alameda	$1.14
Alpine	.98
Amador	1.10
Butte	1.05
Calaveras	1.10
Colusa	1.08
Contra Costa	1.11
El Dorado	1.10
Fresno	1.07
Glenn	1.07
Humboldt	.96
Imperial	1.09
Inyo	.96
Kern	1.09
Kings	1.07
Lake	1.04
Lassen	.96
Los Angeles	1.14
Madera	1.09
Marin	1.11
Mariposa	1.08
Mendocino	.99
Merced	1.09
Modoc	.96
Monterey	1.06
Napa	1.08
Orange	1.14
Placer	1.07
Plumas	.98
Riverside	$1.09
Sacramento	1.14
San Benito	1.07
San Bernardino	1.09
San Diego	1.14
San Francisco	1.14
San Joaquin	1.14
San Luis Obispo	1.06
San Mateo	1.11
Santa Barbara	1.06
Santa Clara	1.09
Santa Cruz	1.08
Shasta	.96
Sierra	.96
Siskiyou	.96
Solano	1.11
Sonoma	1.08
Stanislaus	1.11
Sutter	1.08
Tehama	1.01
Tulare	1.06
Tuolumne	1.08
Ventura	1.09
Yolo	1.11
Yuba	1.08
COLORADO	
All counties	$0.82
CONNECTICUT	
All counties	$0.88
DELAWARE	
All counties	$0.88
FLORIDA	
All counties	$0.90
GEORGIA	
All counties	$0.90
IDAHO	
Ada	$0.86
Adams	.86
Bannock	.85
Bear Lake	.84
Benewah	.93
Bingham	.84
Blaine	.85
Boise	.86
Bonner	.89
Bonneville	.84
Boundary	.87
Butte	.84
Camas	$0.85
Canyon	.86
Caribou	.84
Cassia	.86
Clark	.84
Clearwater	.92
Custer	.84
Elmore	.86
Franklin	.85
Fremont	.84
Gem	.86
Gooding	.86
Idaho	$0.92
Jefferson	.84
Jerome	.86
Kootenai	.92
Latah	.93
Lemhi	.83
Lewis	.92
Lincoln	.86
Madison	.84
Minidoka	.86
Nez Perce	$0.93
Oneida	.85
Owyhee	.86
Payette	.86
Power	.85
Shoshone	.80
Teton	.84
Twin Falls	.86
Valley	.86
Washington	.86
ILLINOIS	
Alexander	$0.94
Cook	.89
Madison	.93
St. Clair	$0.93
All other counties	.86
INDIANA	
All counties	$0.84
IOWA	
Pottawattamie	$0.90
All other counties	$0.86
KANSAS	
Allen	$0.88
Anderson	.90
Atchison	.91
Barber	.83
Barton	.83
Bourbon	.90
Brown	.90
Butler	.85
Chase	.86
Chautauqua	.86
Cherokee	.88
Cheyenne	.80
Clark	.79
Clay	.86
Cloud	.85
Coffey	.89
Comanche	.81
Cowley	.85
Crawford	.89
Decatur	.82
Dickinson	.85
Doniphan	.90
Douglas	.91
Edwards	.83
Elk	.86
Ellis	.83
Ellsworth	.84
Finney	.79
Ford	.81
Franklin	.91
Geary	.86
Gove	.81
Graham	.82
Grant	.78
Gray	.80
Greeley	.78
Greenwood	.87
Hamilton	.78
Harper	.84
Harvey	.85
Haskell	.79
Hodgeman	.82
Jackson	.90
Jefferson	.91
Jewell	.84
Johnson	.91
Kearny	.78
Kingman	.84
Kiowa	.83
Labette	.88
Lane	.81
Leavenworth	.91
Lincoln	.84
Linn	$0.91
Logan	.79
Lyon	.88
McPherson	.84
Marion	.85
Marshall	.88
Meade	.79
Miami	.91
Mitchell	.84
Montgomery	.88
Morris	.86
Morton	.76
Nemaha	.88
Neosho	.88
Ness	.82
Norton	.83
Osage	.89
Osborne	.84
Ottawa	.85
Pawnee	.83
Phillips	.83
Pottawatomie	.88
Pratt	.83
Rawlins	.81
Reno	.84
Republic	.85
Rice	.84
Riley	.88
Rooks	.83
Rush	.83
Russell	.83
Saline	.84
Scott	.80
Sedgwick	.85
Seward	.78
Shawnee	.90
Sheridan	.82
Sherman	.80
Smith	.84
Stafford	.83
Stanton	.77
Stevens	.78
Sumner	.85
Thomas	.81
Trego	.82
Wabaunsee	.88
Wallace	.78
Washington	.86
Wichita	.79
Wilson	.88
Woodson	.88
Wyandotte	.91
KENTUCKY	
All counties	$0.85
LOUISIANA	
East Baton Rouge	$1.04
Jefferson	1.04
Orleans	1.04
St. Charles	1.04
West Baton Rouge	$1.04
All other Parishes	$0.87
MAINE	
All counties	$0.88
MARYLAND	
Baltimore City	$1.06
All other counties	$0.88
MASSACHUSETTS	
All counties	$0.88
MICHIGAN	
All counties	$0.78
MINNESOTA	
Aitkin	$0.92
Anoka	.95
Becker	.84
Beltrami	.86
Benton	.92
Big Stone	.87
Blue Earth	.94
Brown	.93
Carlton	.95
Carver	.95
Cass	.88
Chippewa	.91
Chisago	.94
Clay	.83
Clearwater	.83
Cottonwood	.92
Crow Wing	.89
Dakota	.95
Dodge	.94
Douglas	.88
Faribault	.93
Fillmore	.92
Freeborn	.93
Goodhue	.94
Grant	.86
Hennepin	.95
Houston	.91
Hubbard	.86
Isanti	.94
Itasca	.91
Jackson	.90
Kanabec	.93
Kandiyohi	.93
Kittson	.80
Koochiching	.91
Lac qui Parle	.88
Lake of the Woods	.86
Le Sueur	.94
Lincoln	.88
Lyon	.91
McLeod	.94
Mahnomen	.82
Marshall	.81
Martin	$0.93
Meeker	.94
Mille Lacs	.93
Morrison	.90
Mower	.93
Murray	.90
Nicollet	.94
Nobles	.87
Norman	.82
Olmsted	.94
Otter Tail	.86
Pennington	.81
Pine	.95
Pipestone	.87
Polk	.82
Pope	.90
Ramsey	.95
Red Lake	.82
Redwood	.93
Renville	.92
Rice	.94
Rock	.84
Roseau	.81
St. Louis	.95
Scott	.95
Sherburne	.94
Sibley	.94
Stearns	.92
Steele	.94
Stevens	.88
Swift	.90
Todd	.88
Traverse	.86
Wabasha	.94
Wadena	.87
Waseca	.94
Washington	.95
Watonwan	.93
Wilkin	.84
Winona	.93
Wright	.95
Yellow Medicine	.89
MISSISSIPPI	
All counties	$0.87
MISSOURI	
Buchanan	$0.91
Clay	.91
Jackson	.91
St. Louis	$0.93
All other counties	.88
MONTANA	
Beaverhead	$0.75
Big Horn	.68
Blaine	.67
Broadwater	.79
Carbon	.73
Carter	.70
Cascade	.75
Chouteau	.73
Custer	.69
Daniels	.67
Dawson	.69
Deer Lodge	.81
Fallon	.70
Fergus	.73
Flathead	$0.85
Gallatin	.81
Garfield	.68
Glacier	.74
Golden Valley	.73
Granite	.80
Hill	.70
Jefferson	.79
Judith Basin	.72
Lake	.80
Lewis and Clark	.74
Liberty	.72
Lincoln	.85

MONTANA—Continued

County	Rate per bushel	County	Rate per bushel
McCone	$0.69	Roosevelt	$0.70
Madison	.81	Rosebud	.68
Meagher	.76	Sanders	.83
Mineral	.83	Sheridan	.69
Missoula	.83	Silver Bow	.81
Musselshell	.72	Stillwater	.73
Park	.79	Sweet Grass	.76
Petroleum	.71	Teton	.74
Phillips	.65	Toole	.73
Pondera	.74	Treasure	.70
Powder River	.68	Valley	.66
Powell	.81	Wheatland	.74
Prairie	.69	Wibaux	.70
Ravalli	.80	Yellowstone	.73
Richland	.69		

NEBRASKA

Adams	$0.84	Jefferson	$0.87
Antelope	.87	Johnson	.88
Arthur	.79	Kearney	.83
Banner	.78	Keith	.79
Blaine	.81	Keya Paha	.81
Boone	.87	Kimball	.78
Box Butte	.78	Knox	.87
Boyd	.84	Lancaster	.89
Brown	.81	Lincoln	.80
Buffalo	.84	Logan	.81
Burt	.89	Loup	.83
Butler	.89	McPherson	.80
Cass	.89	Madison	.88
Cedar	.87	Merrick	.87
Chase	.79	Morrill	.78
Cherry	.79	Nance	.87
Cheyenne	.78	Nemaha	.88
Clay	.85	Nuckolls	.85
Colfax	.89	Otoe	.89
Cuming	.89	Pawnee	.88
Custer	.82	Perkins	.79
Dakota	.88	Phelps	.83
Dawes	.77	Pierce	.88
Dawson	.82	Platte	.88
Deuel	.79	Polk	.88
Dixon	.87	Red Willow	.80
Dodge	.89	Richardson	.88
Douglas	.90	Rock	.82
Dundy	.79	Saline	.88
Fillmore	.87	Sarpy	.89
Franklin	.83	Saunders	.89
Frontier	.81	Scotts Bluff	.78
Furnas	.82	Seward	.89
Gage	.88	Sheridan	.78
Garden	.78	Sherman	.84
Garfield	.84	Sioux	.77
Gosper	.82	Stanton	.89
Grant	.78	Thayer	.86
Greeley	.85	Thomas	.80
Hall	.85	Thurston	.88
Hamilton	.86	Valley	.84
Harlan	.83	Washington	.89
Hayes	.79	Wayne	.88
Hitchcock	.79	Webster	.84
Holt	.84	Wheeler	.86
Hooker	.79	York	.87
Howard	.85		

NEVADA

All counties $0.90

NEW HAMPSHIRE

All counties $0.88

NEW JERSEY

All counties $0.88

NEW MEXICO

All counties $0.85

NEW YORK

Albany	$1.06	All other counties	$0.88
New York City	1.06		

NORTH CAROLINA

All counties $0.91

NORTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Adams	$0.72	McKenzie	$0.69
Barnes	.81	McLean	.75
Benson	.77	Mercer	.74
Billings	.72	Morton	.74
Bottineau	.74	Mountrail	.73
Bowman	.71	Nelson	.79
Burke	.72	Oliver	.74
Burleigh	.76	Pembina	.78
Cass	.82	Pierce	.76
Cavalier	.77	Ramsey	.78
Dickey	.80	Ransom	.81
Divide	.71	Renville	.73
Dunn	.73	Richland	.83
Eddy	.78	Rolette	.75
Emmons	.75	Sargent	.82
Foster	.79	Sheridan	.76
Golden Valley	.70	Sioux	.74
Grand Forks	.81	Slope	.72
Grant	.73	Stark	.73
Griggs	.80	Steele	.81
Hettinger	.73	Stutsman	.80
Kidder	.77	Towner	.76
La Moure	.79	Traill	.81
Logan	.77	Walsh	.79
McHenry	.75	Ward	.73
McIntosh	.77	Wells	.77
		Williams	.71

OHIO

All counties $0.84

OKLAHOMA

Adair	$0.84	Le Flore	$0.81
Alfalfa	.84	Lincoln	.85
Atoka	.85	Logan	.85
Beaver	.84	Love	.86
Beckham	.85	McClain	.85
Blaine	.85	McCurtain	.81
Bryan	.84	McIntosh	.85
Caddo	.85	Major	.84
Canadian	.85	Marshall	.85
Carter	.85	Mayes	.87
Cherokee	.85	Murray	.85
Choctaw	.81	Muskogee	.85
Cimarron	.84	Noble	.84
Cleveland	.85	Nowata	.89
Coal	.85	Okfuskee	.85
Comanche	.85	Oklahoma	.85
Cotton	.85	Okmulgee	.85
Craig	.88	Osage	.85
Creek	.85	Ottawa	.88
Custer	.84	Pawnee	.84
Delaware	.87	Payne	.85
Dewey	.84	Pittsburg	.85
Ellis	.84	Pontotoc	.85
Garfield	.85	Pottawatomie	.85
Garvin	.85	Pushmataha	.81
Grady	.85	Roger Mills	.84
Grant	.84	Rogers	.87
Greer	.85	Seminole	.85
Harmon	.85	Sequoyah	.83
Harper	.83	Stephens	.85
Haskell	.81	Texas	.84
Hughes	.85	Tillman	.85
Jackson	.85	Tulsa	.86
Jefferson	.85	Wagoner	.86
Johnston	.85	Washington	.88
Kay	.84	Washita	.85
Kingfisher	.85	Woods	.83
Kiowa	.85	Woodward	.84
Latimer	.81		

OREGON

Baker	$0.93	Gilliam	$0.98
Benton	.97	Grant	.94
Clackamas	1.01	Harney	.83
Clatsop	1.04	Hood River	1.01
Columbia	1.04	Jackson	.89
Coos	.87	Jefferson	.98
Crook	.95	Josephine	.89
Curry	.87	Klamath	.93
Deschutes	.95	Lake	.92
Douglas	.90	Lane	.93

OREGON—Continued

County	Rate per bushel	County	Rate per bushel
Lincoln	$0.97	Tillamook	$1.01
Linn	.96	Umatilla	.96
Malheur	.86	Union	.94
Marion	.99	Wallowa	.92
Morrow	.98	Wasco	1.01
Multnomah	1.04	Washington	1.01
Polk	.98	Wheeler	.97
Sherman	1.00	Yamhill	.99

PENNSYLVANIA

Philadelphia	$1.06	All other counties	$0.88

RHODE ISLAND

All counties $0.88

SOUTH CAROLINA

Charleston	$1.06	All other counties	$0.91

SOUTH DAKOTA

Aurora	$0.79	Jackson	$0.75
Beadle	.82	Jerauld	.80
Bennett	.74	Jones	.77
Bon Homme	.83	Kingsbury	.84
Brookings	.86	Lake	.82
Brown	.80	Lawrence	.70
Brule	.79	Lincoln	.82
Buffalo	.80	Lyman	.79
Butte	.70	McCook	.80
Campbell	.74	McPherson	.77
Charles Mix	.81	Marshall	.81
Clark	.82	Meade	.71
Clay	.84	Mellette	.77
Codington	.84	Miner	.81
Corson	.71	Minnehaha	.82
Custer	.72	Moody	.85
Davison	.80	Pennington	.73
Day	.82	Perkins	.70
Deuel	.87	Potter	.80
Dewey	.74	Roberts	.84
Douglas	.80	Sanborn	.80
Edmunds	.80	Shannon	.73
Fall River	.72	Spink	.82
Faulk	.81	Stanley	.79
Grant	.85	Sully	.80
Gregory	.80	Todd	.77
Haakon	.76	Tripp	.78
Hamlin	.84	Turner	.81
Hand	.81	Union	.85
Hanson	.80	Walworth	.78
Harding	.70	Washabaugh	.75
Hughes	.79	Yankton	.83
Hutchinson	.81	Ziebach	.73
Hyde	.80		

TENNESSEE

Shelby	$0.94	All other counties	$0.88

TEXAS

Anderson	$0.99	Burnet	$0.96
Angelina	1.01	Callahan	.89
Archer	.87	Cameron	.97
Armstrong	.87	Camp	.94
Atascosa	.96	Carson	.87
Austin	1.04	Cass	.92
Bailey	.87	Castro	.87
Bandera	.95	Chambers	1.06
Baylor	.87	Cherokee	.98
Bee	1.03	Childress	.87
Bell	.98	Clay	.89
Bexar	.97	Cochran	.87
Blanco	.98	Coke	.87
Borden	.87	Coleman	.90
Bosque	.96	Collin	.94
Bowie	.91	Collingsworth	.87
Brazoria	1.04	Comal	.98
Brazos	1.02	Comanche	.92
Brewster	.77	Concho	.92
Briscoe	.87	Cooke	.91
Brown	.92	Coryell	.97
Burleson	1.02		

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Cottle	$0.87	Lamb	$0.87
Crane	.82	Lampasas	.96
Crockett	.81	Leon	1.00
Crosby	.87	Liberty	1.04
Culberson	.77	Limestone	.99
Dallam	.86	Lipscomb	.86
Dallas	.95	Live Oak	1.03
Dawson	.87	Llano	.96
Deaf Smith	.87	Loving	.78
Delta	.91	Lubbock	.87
Denton	.92	Lynn	.87
De Witt	1.00	McCulloch	.92
Dickens	.87	McLennan	.98
Dimmit	.94	Madison	1.02
Donley	.87	Marion	.94
Eastland	.91	Martin	.86
Ector	.86	Mason	.92
Edwards	.86	Maverick	.91
Ellis	.95	Medina	.95
El Paso	.76	Menard	.92
Erath	.92	Midland	.86
Falls	.99	Milam	1.00
Fannin	.91	Mills	.95
Fayette	1.02	Mitchell	.87
Fisher	.87	Montague	.90
Floyd	.87	Montgomery	1.04
Foard	.87	Moore	.86
Fort Bend	1.04	Morris	.94
Franklin	.94	Motley	.87
Freestone	.98	Nacogdoches	.98
Gaines	.87	Navarro	.97
Galveston	1.06	Newton	1.00
Garza	.87	Nolan	.87
Gillespie	.94	Nueces	1.06
Goliad	1.00	Ochiltree	.86
Gonzales	1.01	Oldham	.87
Gray	.87	Orange	1.03
Grayson	.91	Palo Pinto	.91
Gregg	.95	Panola	.97
Grimes	1.03	Parker	.94
Guadalupe	.98	Parmer	.87
Hale	.87	Pecos	.78
Hall	.87	Polk	1.02
Hamilton	.94	Potter	.87
Hansford	.86	Presidio	.77
Hardeman	.87	Rains	.95
Hardin	1.03	Randall	.87
Harris	1.06	Reagan	.81
Harrison	.94	Red River	.90
Hartley	.86	Reeves	.78
Haskell	.87	Roberts	.86
Hays	.99	Robertson	.99
Hemphill	.86	Rockwall	.92
Henderson	.97	Runnels	.89
Hidalgo	.97	Rusk	.96
Hill	.97	Sabine	.98
Hockley	.87	San Augustine	.98
Hood	.92	San Jacinto	1.04
Hopkins	.91	San Patricio	1.06
Houston	1.01	San Saba	.92
Howard	.87	Schleicher	.82
Hudspeth	.77	Scurry	.87
Hunt	.92	Shackelford	.89
Hutchinson	.86	Shelby	.98
Irion	.81	Sherman	.86
Jack	.90	Smith	.96
Jackson	1.01	Somervell	.92
Jasper	1.01	Starr	.94
Jeff Davis	.77	Stephens	.90
Jefferson	1.06	Sterling	.84
Jim Wells	1.03	Stonewall	.87
Johnson	.95	Sutton	.81
Jones	.87	Swisher	.87
Karnes	.98	Tarrant	.95
Kaufman	.94	Taylor	.88
Kendall	.94	Terrell	.81
Kenedy	1.00	Terry	.87
Kent	.87	Throckmorton	.89
Kerr	.94	Titus	.94
Kimble	.92	Tom Green	.87
King	.87	Travis	.99
Kinney	.90	Trinity	1.02
Knox	.87	Tyler	$1.01
Lamar	.90	Upshur	.94
Upton	.82	Wheeler	$0.87
Uvalde	.93	Wichita	.88
Val Verde	.87	Wilbarger	.87
Van Zandt	.95	Willacy	.97
Victoria	1.00	Williamson	.99
Walker	1.03	Wilson	.97
Waller	1.04	Winkler	.85
Ward	.82	Wise	.92
Washington	1.02	Wood	.94
Wharton	1.03	Yoakum	.87
		Young	.90

UTAH

All counties	$0.87

VERMONT

All counties	$0.88

VIRGINIA

Chesapeake (Norfolk)	$1.06	All other counties	$0.88

WASHINGTON

Adams	$0.95	Lewis	$1.01
Asotin	.93	Lincoln	.94
Benton	.97	Mason	.97
Chelan	.99	Okanogan	.93
Clallam	.89	Pacific	.97
Clark	1.04	Pend Oreille	.89
Columbia	.96	Pierce	1.04
Cowlitz	1.04	San Juan	.93
Douglas	.95	Skagit	.96
Ferry	.91	Skamania	1.01
Franklin	.96	Snohomish	.99
Garfield	.96	Spokane	.93
Grant	.95	Stevens	.90
Grays Harbor	.97	Thurston	1.01
Island	.97	Wahkiakum	1.01
Jefferson	.93	Walla Walla	.96
King	1.04	Whatcom	.93
Kitsap	1.01	Whitman	.94
Kittitas	.99	Yakima	.97
Klickitat	.99		

WEST VIRGINIA

All counties	$0.88

WISCONSIN

Douglas	$0.95	All other counties	$0.90

WYOMING

All counties	$0.80

(b) *Discounts.* The basic county rate shall be adjusted as applicable by discounts as follows:

Reason:	Discount (cents per bushel)
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

[1] Not applicable to barley of the class Western Barley.

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS office approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading U.S. No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER (4–21–72).

Signed at Washington, D.C., on April 13, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72–6043 Filed 4–20–72;8:45 am]

SUBCHAPTER C—EXPORT PROGRAMS

[GSM–4, Rev. II]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Financing of Export Sales From Private Stocks Under Export Credit Sales Program

The following is a clarifying amendment of § 1488.2(s) of the regulations governing the CCC Export Credit Sales Program, as revised and published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7597–7602), and corrected April 29, 1971 (36 F.R. 8048), amended May 20, 1971 (36 F.R. 9437–9442), corrected June 9, 1971 (36 F.R. 11081), and amended July 2, 1971 (36 F.R. 12595–12596), to reflect the intention to regard a default by a Government-owned bank as a "political risk" within the meaning of the definition currently contained in that section. Accordingly, it is found and determined that compliance with the public participation requirements prescribed by 5 U.S.C. 553 (b) and (c) is unnecessary.

Section 1488.2(s) is amended by substituting a comma for the period at the end thereof and adding the following: or (4) failure of the foreign bank to make payment for any reason if it is an instrumentality of or is wholly owned by the foreign government.

Effective date. Shall be effective upon filing with the FEDERAL REGISTER.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation and General Sales Manager, Export Marketing Service.

APRIL 17, 1972.

[FR Doc.72–6096 Filed 4–20–72;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 72-CE-2-AD, Amdt. 39-1385]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models A150, 150, 172, 177, 182, 205, 206, 207 and 210 Airplanes; Correction

In F.R. Doc. 72-1255, appearing on pages 1357 and 1358 in the issue of Friday, January 28, 1972, in paragraph A of Amendment 39-1385, AD 72-3-3, add the phrase "and thereafter intervals not to exceed 100 hours' time in service," following the words "On all aircraft with more than 100 hours' time in service, within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the previous 75 hours' time in service,".

Issued in Kansas City, Mo., on April 12, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-6081 Filed 4-20-72;8:47 am]

[Airworthiness Docket No. 69-WE-31-AD, Amdt. 39-1435]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369HS and 369HE Helicopters

Amendment 39-908 (35 F.R. 307), AD 70-1-3, imposes a reduced service life of 1,585 hours on the horizontal stabilizer assembly P/N 369A3600, P/N 369A3600-501, 601, 603, or 605 on Hughes Model 369HS and 369HE helicopters. After issuing Amendment 39-908, in consideration of additional fatigue testing, the agency has determined that the longer service lives listed in the Model 369 series Type Certificate Data Sheet No. H3WE, Revision 3, or subsequent, were applicable. Therefore, the need for AD 70-1-3 is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by rescinding Amendment 39-908 (35 F.R. 307), AD 70-1-3.

This amendment becomes effective April 25, 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 Los Angeles, Calif., on April 12, 1972.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.72-6082 Filed 4-20-72;8:47 am]

[Airspace Docket No. 72-NW-05]

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

Alteration of Control Zone and Transition Area

On February 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 3059) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Pasco, Wash., control zone and transition area.

Interested persons were given 30 days in which to submit written data, views, or arguments. No objections have been received, and the proposed amendments are hereby adopted subject to the following editorial change:

Change the longitude of the geographical coordinates of the Pasco ILS OM to read, "* * * 119°03'00" West Longitude) * * *"

Effective date. This amendment shall be effective 0901 G.m.t. June 22, 1972.

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

Issued in Seattle, Wash., on April 12, 1972.

C. B. WALK, Jr.,
Director.

In § 71.171 (37 F.R. 2056) the description of the Pasco, Wash., control zone is amended in part as follows: Delete: "* * * within 3 miles each side of the Pasco VOR 036° radial extending from the 5-mile-radius zone to 8 miles northeast of the VOR * * *" and substitute therefor, "* * * within 4 miles each side of the Pasco ILS localizer northeast course extending from the 5-mile-radius zone to 10 miles northeast of the OM (46°18'41" North Latitude, 119°03'00" West Longitude) * * *"

In § 71.181 (37 F.R. 2143) the description of the Pasco, Wash., transition area is amended to read as follows: "That airspace extending upward from 700 feet above the surface within 10.5 miles northwest and 6 miles southeast of the Pasco VOR 046° and 226° radials extending from 23 miles northeast to 12 miles southwest of the VOR within 9.5 miles northeast and 5 miles southwest of the Pasco VOR 131° radial extending from the VOR to 18.5 miles southeast of the VOR."

[FR Doc.72-6083 Filed 4-20-72;8:47 am]

[Docket No. 11875, Amdt. 806]

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 (SIAP's) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAP's for the changes and additions covered by this amendment are described in FAA Forms 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 (35 F.R. 5609).

SIAP's 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 SIAP's adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAP's 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 97.21 is amended by establishing, revising, or canceling the following L/MF SIAP's, effective May 18, 1972.

Homer, Alaska—Homer Municipal Airport; LFR-A, Amdt. 17; Revised.

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAP's, effective May 18, 1972.

Atlanta, Ga.—Fulton County Airport; VOR-A, Amdt. 1; Canceled.
Eureka, Calif.—Murray Field; VOR-A, Amdt. 1; Revised.
Georgetown, Del.—Sussex County Airport; VOR Rwy 22, Original; Established.

Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAP's, effective May 18, 1972.

Oxford, Ohio—Miami University Airport; NDB Runway 4, Amdt. 3; Revised.

Sacramento, Calif.—Sacramento Metropolitan Airport; NDB Runway 16, Amdt. 4; Revised.

Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAP's, effective May 18, 1972.

Sacramento, Calif.—Sacramento Metropolitan Airport; ILS Runway 16, Amdt. 5; Revised.

Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAP's, effective May 18, 1972.

Eureka, Calif.—Murray Field; RNAV Runway 11, Amdt. 2; 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); 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 12, 1972.

J. A. FERRARESE,
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.72-5985 Filed 4-20-72;8:45 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-____)

Designation of Representative Payee for U.S. Savings Bonds

The amendment to Regulations No. 4 of the Social Security Administration set forth below provides a simplified form of designation of payee for U.S. Savings Bonds purchased by a representative payee to conserve or invest social security benefits on behalf of the beneficiary.

Inasmuch as this revision is merely technical in nature and will facilitate the purchase and redemption of bonds by representative payees, it should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause that publication with notice of proposed rule making, as well as the designation of an effective date not less than 30 days after final publication, are unnecessary. However, consideration will be given to any comments pertaining to this amendment which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington, DC 20201.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

(Secs. 205 and 1102 of the Social Security Act, as amended, 53 Stat. 1368, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 405 and 1302)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (4-21-72).

Dated: March 22, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: April 15, 1972.

ELLIOTT L. RICHARDSON,
Secretary of Health,
Education, and Welfare.

Regulations No. 4 of the Social Security Administration (20 CFR Part 404) are further amended as follows:

Section 404.1605 is revised to read as follows:

§ 404.1605 Conservation and investment of payments.

Payments certified to a relative or other person on behalf of a beneficiary which are not needed for the current maintenance of the beneficiary except as they may be used pursuant to § 404.1607, shall be conserved or invested on the beneficiary's behalf. Preferred investments are U.S. Savings Bonds, but such funds may also be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, surplus funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. Surplus funds deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred forms of such accounts are as follows:

(Name of beneficiary)
by
---,
(Name of representative payee)
representative payee; or

(Name of beneficiary)
by
---,
(Name of representative payee)
trustee. U.S. Savings Bonds purchased with surplus funds by a representative payee for a minor should be registered as follows:

---,
(Name of beneficiary)
---, a minor, for whom
(Social Security No.)
--- is representative
(Name of payee)
payee for social security benefits.

U.S. Savings Bonds purchased with surplus funds by a representative payee for an incapacitated adult beneficiary should be registered as follows:

---,
(Name of beneficiary)
---, for whom
(Social Security No.)
--- is rep-
(Name of payee)
resentative payee for social security benefits.

A representative payee who is the legally appointed guardian or fiduciary of the beneficiary may also register U.S. Savings Bonds purchased with funds from title II payments in accordance with applicable regulations of the U.S. Treasury Department (31 CFR 315.5 through 315.8). Any other approved investment of the beneficiary's funds made by the representative payee must clearly show that the payee holds the property in trust for the beneficiary.

[FR Doc.72-6107 Filed 4-20-72;8:50 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sulfadimethoxine, Ormetoprim, and Ipronidazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (47-089V), filed by Hoffmann-La-Roche, Inc., Nutley, N.J. 07110, proposing an amendment to the regulations to provide for combined safe and effective use of sulfadimethoxine, ormetoprim, and ipronidazole in turkey feed. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended as follows:

1. Section 135e.55 is amended by adding a new item 4 to the table in paragraph (e) as follows:

§ 135e.55 Sulfadimethoxine, ormetoprim.

* * * * *

(e) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
• • •	• • •	• • •	• • •	• • •	• • •
4. Sulfadimethoxine and Ormetoprim.	56.75 (0.00625%) 34.05 (0.00375%)	Ipronidazole..	56.75 (0.00625%)	For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of coccidiosis caused by all Eimeria species known to be pathogenic to turkeys, namely, *E. adenoeides*, *E. gallopavonis*, and *E. meleagrimitis*; bacterial infections due to *P. multocida* (fowl cholera); and blackhead (histomoniasis).

2. Section 135e.56 is amended in paragraph (f) by revising the existing item and by designating it as No. 1, and by adding a new item No. 2 as follows:

§ 135e.56 Ipronidazole.

* * * * * * *

(e) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Ipronidazole.	56.75 (0.00625%)	----------	----------	For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of blackhead (histomoniasis) in turkeys.
2. Ipronidazole.	56.75 (0.00625%)	Sulfadimethoxine and Ormetoprim.	56.75 (0.00625%) 34.05 (0.00375%)	For growing turkeys only; withdraw 4 days before slaughter.	As an aid in the prevention of blackhead (histomoniasis) and coccidiosis caused by all Eimeria species known to be pathogenic to turkeys, namely, *E. adenoeides*, *E. gallopavonis*, and *E. meleagrimitis* bacterial infections due to *P. multocida* (fowl cholera).

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (4–21–72).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 12, 1972.

FRED J. KINGMA,
Acting Director,
Bureau of Veterinary Medicine.

[FR Doc. 72–6000 Filed 4–20–72;8:45 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 43i—PREPARATION OF A ROLL TO SERVE AS THE BASIS FOR THE DISTRIBUTION OF JUDGMENT FUNDS AWARDED TO THE NORTHWESTERN BAND OF SHOSHONE INDIANS

APRIL 19, 1972.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938). The authority to issue regulations on Indian affairs is vested in the Secretary of the Interior by 5 U.S.C. section 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. secs. 2 and 9).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by the addition of a new Part 43i. The regulations contained in the new Part 43i govern the preparation of a roll to serve as the basis for distributing judgment funds awarded the Northwestern Band of Shoshone Indians as authorized by the Act of December 18, 1971 (85 Stat. 737).

The Act of December 18, 1971 (85 Stat. 737), under which these regulations are issued requires that the proposed roll of Indians eligible to receive judgment funds be prepared within 6 months following the date of enactment of the Act. The regulations contain necessary procedures on the preparation of the roll and so should be issued before the roll is prepared. Advance notice and public procedure on the regulations would delay their issuance and considerably lessen the amount of time the tribe has to prepare the roll, possibly resulting in the roll not being prepared before the end of the 6-month period. Therefore, advance notice and public procedure thereon has been deemed contrary to the public interest and is dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since the 30-day deferred effective date would also delay issuance of the regulations, possibly resulting in the roll not being prepared before the 6-month period ends, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective upon the date of publication in the FEDERAL REGISTER (4–21–72).

Subchapter F, Chapter I, Title 25 of the Code of Federal Regulations is amended by adding a new Part 43i reading as follows:

Sec.

AUTHORITY: The provisions of this Part 43i issued under 5 U.S.C. sec. 301, R. S. secs. 463 and 465; 25 U.S.C. secs. 2 and 9, and sec. 5(b), 85 Stat. 737.

§ 43i.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs or his authorized representative.

(c) "Director" means the Area Director, Portland Area Office, Bureau of Indian Affairs, or his authorized representative.

(d) "Tribe" means the Northwestern Band of Shoshone Indians.

(e) "Governing Officers" means the duly elected officers of the Northwestern Band of Shoshone Indians.

(f) "Living" means born prior to and alive on December 18, 1971.

(g) "Act" means the Act of Congress approved December 18, 1971 (85 Stat. 737).

(h) "Census rolls" means the census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction as specified in the Act.

(i) "Descendants" means those persons who are direct descendants of the individuals included in the census rolls enumerated in the Act, such as children, grandchildren, etc.

§ 43i.2 Purpose.

The regulations in this part are to govern the compilation of a roll of the Northwestern Band of Shoshone Indians living on December 18, 1971, which roll shall be used for the distribution of the judgment awarded the Northwestern Band of Shoshone Indians by the Indian Claims Commission.

§ 43i.3 Qualifications for enrollment.

All persons who meet the following requirements for eligibility shall be entitled to be enrolled to share in the distribution of the judgment funds awarded the Northwestern Band of Shoshone Indians in Indian Claims Commission Dockets Nos. 326–D, 326–E, 326–F, 326–G, 326–H, 366, and 367:

(a) They were born prior to and living on December 18, 1971;

(b) Either their names appear on one of the following Indian census rolls of the Washakie Sub-Agency of the Fort Hall jurisdiction:

(1) Roll dated January 1, 1937, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(2) Roll dated January 1, 1940, by F. A. Gross, Superintendent of the Fort Hall Reservation.

(3) Roll dated March 10, 1954.

(4) Roll dated April 21, 1964.

or they possess one-quarter Shoshone Indian blood and they are descendants of those appearing on at least one of said rolls;

(c) They are not recognized as members of the Shoshone-Bannock Tribes of the Fort Hall Reservation, the Shoshone Tribe of the Wind River Reservation, or any other Indian Tribe; and

(d) They shall elect not to participate in any settlement of claims pending before the Indian Claims Commission in docket 326–J, Shoshone-Goshute, and docket 326–K, Western Shoshone.

§ 43i.4 Eligibility of adopted children.

Children of Indian blood of tribes other than Shoshone and non-Indian children who have been adopted either by persons appearing on the rolls cited herein, or by descendants thereof, shall not be eligible for enrollment. Children of Shoshone blood adopted by non-Indians or Indians of other tribes shall be eligible if they otherwise meet the requirements for enrollment.

§ 43i.5 Preparation, publication and display of proposed roll.

The Governing Officers shall, with the assistance of the Director, prepare a proposed roll of members of the tribe who meet the requirements specified in § 43i.3. Such roll shall contain for each person a roll number, name, sex, date of birth, and degree of Shoshone Indian blood. For administrative purposes, but not for publication, the proposed roll shall also contain the addresses of those determined by the Governing Officers to be eligible for enrollment. The proposed roll shall be published in the FEDERAL REGISTER and in a newspaper of general circulation in the State of Utah. The Director shall forward a copy of the proposed roll to the Commissioner, Area Directors, Agency Superintendents, and Bureau Field Offices for public display for a period of 60 days from the date of publication as hereinafter specified.

§ 43i.6 Appeals.

Any person claiming membership rights in the Northwestern Band of Shoshone Indians, or any interest in said judgment funds, or a representative of the Secretary on behalf of any such person, within 60 days from the date of publication in the FEDERAL REGISTER, or in the newspaper of general circulation, as hereinbefore provided, which ever publication date is last, may file an appeal with the Secretary contesting the inclusion or omission of the name of any person on or from such proposed roll in accordance with the following procedures.

§ 43i.7 Filing appeals.

The appeal shall be in writing addressed to the Secretary and must be received by the Director before the close of business on the sixtieth (60th) day after publication. In computing the 60-day period, the count begins with the day following the last date of publication and continues for 60 consecutive days. If, however, the 60th day falls on a Saturday, Sunday, or legal holiday, the period will end on the first working day thereafter.

§ 43i.8 Supporting evidence.

The appeal may be accompanied by any supporting evidence, relied upon as a basis for the appeal including copies of Bureau or tribal records having a direct bearing on the appellant's contentions. The appellant may furnish affidavits from persons having personal knowledge of the facts at issue.[1] The appellant may request additional time to submit supporting evidence. A period considered reasonable for such submissions may be granted by the official receiving the appeal. The burden of proof of establishing the improper inclusion and omission of any name is on the appellant.

§ 43i.9 Advising tribe.

The Director shall notify the Governing Officers of the receipt of the appeal and shall give the Governing Officers the opportunity to examine the appeal and to present such evidence as they may consider pertinent to the action being appealed. The Governing Officers shall have not to exceed 30 days from receipt of notification of the appeal in which to present in writing such statements as they may deem pertinent, supported by any tribal records which have a bearing on the case.

§ 43i.10 Action by the Director.

If after review of the evidence of appeal, the Director is satisfied that the omission of any name is improper and eligibility has been established, the appellant shall be so notified in writing and his name entered on the roll. If the Director determines the appellant is ineligible or inclusion of the name is improper, he shall so notify the appellant and shall forward the appeal, together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 43i.11 Decision of the Secretary on appeals.

The Secretary will consider the record as presented, together with such additional information as he may consider pertinent. Any such additional information shall be specifically identified in his decision. The decision of the Secretary on an appeal shall be final and conclusive and written notice of the decision shall be given the appellant.

§ 43i.12 Preparation and approval of roll.

The final roll shall be identical with the proposed roll except for such changes as may be required by the decisions on all appeals taken from the proposed roll. The Director shall approve the roll. The final roll shall be published in the FEDERAL REGISTER.

§ 43i.13 Special instructions.

To facilitate the work of the Governing Officers and the Director, the Commissioner may issue special instructions not inconsistent with the regulations in this Part 43i.

JOHN O. CROW,
Commissioner.

[FR Doc.72-6216 Filed 4-20-72;8:53 am]

[1] Criminal penalties are provided by statute for knowingly filing false information in such statement. 18 U.S.C. 1001.

Title 22—FOREIGN RELATIONS

Chapter X—Inter-American Foundation

PART 1001—EMPLOYEE RESPONSIBILITIES AND CONDUCT

In the FEDERAL REGISTER of April 13, 1972, at page 7312, the chapter and part numbers for Title 22 appeared incorrectly as Chapter VII, Part 801. They should appear as set forth above. Within the text of the regulations, the incorrect designations should be changed to reflect the above chapter and part numbers.

KENT N. KNOWLES,
Secretary to the Board of Directors, Inter-American Foundation.

[FR Doc.72-6099 Filed 4-20-72;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7183]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Taxation of Unrelated Business Income of Certain Exempt Organizations

On March 18, 1971, notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) under sections 511, 512(a)(1), (2), (b)(12), (16), (17), 1504(e), and 6050 of the Internal Revenue Code of 1954 to reflect the changes made by section 121 (a), (b)(1), (2)(B), (C), (D), and (e) of the Tax Reform Act of 1969 (83 Stat. 487), and with respect to the amendment of the Regulations on Procedure and Administration (26 CFR Part 301) under section 6050 of the Internal Revenue Code of 1954 to reflect the changes made by section 121(e) of the Tax Reform Act of 1969 (83 Stat. 487),

was published in the FEDERAL REGISTER (36 F.R. 5236). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.511 is amended by revising section 511(a)(2)(A), by revising section 511(b)(2), by striking out section 511(c) and inserting in lieu thereof a new section 511(c), and by revising the historical note. These amended and added provisions read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

SEC. 511. *Imposition of tax on unrelated business income of charitable, etc., organizations*—(a) *Charitable, etc., corporations taxable at corporate rates.*

* * * * *

(2) *Organizations subject to tax.* (A) *Organizations described in sections 401(a) and 501(c).* The taxes imposed by paragraph (1) shall apply in the case of any organization (other than a trust described in subsection (b) or an organization described in section 501(c)(1)) which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a).

* * * * *

(b) *Tax on charitable, etc., trusts.*

* * * * *

(2) *Charitable, etc., trusts subject to tax.* The tax imposed by paragraph (1) shall apply in the case of any trust which is exempt, except as provided in this part or part II (relating to private foundations), from taxation under this subtitle by reason of section 501(a) and which, if it were not for such exemption, would be subject to subchapter J (sec. 641 and following, relating to estates, trusts, beneficiaries, and decedents).

(c) *Special rule for section 501(c)(2) corporations.* If a corporation described in section 501(c)(2)—

(1) Pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or which would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and

(2) Such corporation and such organization file a consolidated return for the taxable year,

such corporation shall be treated, for purposes of the tax imposed by subsection (a), as being organized and operated for the same purposes as such organization, in addition to the purposes described in section 501(c)(2).

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (Public Law 86-667, 74 Stat. 535); as amended by sec. 121(a), Tax Reform Act 1969 (83 Stat. 536)]

PAR. 2. Section 1.511-2 is amended by revising subparagraph (1) of paragraph (a), by revising subdivision (i) of subparagraph (3) of paragraph (a), by adding a new subdivision (iii) to subparagraph (3) of paragraph (a), by revising paragraph (b), and by adding new paragraphs (c) and (d). These amended and added provisions read as follows:

§ 1.511-2 Organizations subject to tax.

(a) *Organizations other than trusts and title holding companies.* (1)(i) The taxes imposed by section 511(a)(1) apply in the case of any organization (other than a trust described in section 511(b)(2) or an organization described in section 501(c)(1)) which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515). For special rules concerning corporations described in section 501(c)(2), see paragraph (c) of this section.

(ii) In the case of an organization described in section 501(c) (4), (7), (8), (9), (10), (11), (12), (13), (14)(A), (15), (16), or (18), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after December 31, 1969. In the case of an organization described in section 501(c)(14) (B) or (C), the taxes imposed by section 511(a)(1) apply only for taxable years beginning after February 2, 1966.

* * * * *

(3)(i) For taxable years beginning before January 1, 1970, churches and associations or conventions of churches are exempt from the taxes imposed by section 511. The exemption is applicable only to an organization which itself is a church or an association or convention of churches. Subject to the provisions of subdivision (ii) of this subparagraph, religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are subject to the tax imposed by section 511, whether or not they engage in religious, educational, or charitable activities approved by a church.

* * * * *

(iii) For taxable years beginning after December 31, 1969, churches and conventions or associations of churches are subject to the taxes imposed by section 511, unless otherwise entitled to the benefit of the transitional rules of section 512(b)(16) and § 1.512(b)-1(i).

(b) *Trusts*—(1) *In general.* The taxes imposed by section 511(b) apply in the case of any trust which is exempt from taxation under section 501(a) (except as provided in sections 507 through 515), and which, if it were not for such exemption, would be subject to the provisions of subchapter J, Chapter 1, of the Code. An organization which is considered as "trustee" of a stock bonus, pension, or profit-sharing plan described in section 401(a), a supplemental unemployment benefit trust described in section 501(c)(17), or a pension plan described in section 501(c)(18) (regardless of the form of such organization) is subject to the taxes imposed by section 511(b)(1) on its unrelated business income. However, if such an organization conducts a business which is a separate taxable entity on the basis of all the facts and circumstances, for example, an association taxable as a corporation, the business will be taxable as a feeder organization described in section 502.

(2) *Effective dates.* In the case of a trust described in section 501(c)(3), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1953. In the case of a trust described in section 401(a), the taxes imposed by section 511(b) apply for taxable years beginning after June 30, 1954. In the case of a trust described in section 501(c)(17), the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1959. In the case of any other trust described in subparagraph (1) of this paragraph, the taxes imposed by section 511(b) apply for taxable years beginning after December 31, 1969.

(c) *Title Holding Companies*—(1) *In general.* If a corporation described in section 501(c)(2) pays any amount of its net income for a taxable year to an organization exempt from taxation under section 501(a) (or would pay such an amount but for the fact that the expenses of collecting its income exceed its income), and if such corporation and such organization file a consolidated income tax return for such taxable year, then such corporation shall be treated, for purposes of the tax imposed by section 511(a), as being organized and operated for the same purposes as such organization, as well as for its title-holding purpose. Therefore, if an item of income of the section 501(c)(2) corporation is derived from a source which is related to the exempt function of the exempt organization to which such income is payable and with which such corporation files a consolidated return, such item is, together with all deductions directly connected therewith, excluded from the determination of unrelated business taxable income under section 512 and shall not be subject to the tax imposed by section 511(a). If, however, such item of income is derived from a source which is not so related, then such item, less all deductions directly connected therewith, is, subject to the modifications provided in section 512(b), unrelated business taxable income subject to the tax imposed by section 511(a).

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. The income of X, a section 501(c)(2) corporation, is required to be distributed to exempt organization A. During the taxable year X realizes net income of $900,000 from source M and $100,000 from source N. Source M is related to A's exempt function, while source N is not so related. X and A file a consolidated return for such taxable year. X has net unrelated business income of $100,000, subject to the modifications in section 512(b).

(3) *Cross reference.* For rules relating generally to the filing of consolidated returns by certain organizations exempt from taxation under section 501(a), see section 1504(e) of the Code and § 1.1502-100.

(4) *Effective dates.* Subparagraphs (1) through (3) of this paragraph apply with respect to taxable years beginning after December 31, 1969. For taxable years beginning before January 1, 1970, a corporation described in section 501(c)(2) and otherwise exempt from taxation under section 501(a) is taxable upon its unrelated business taxable income only if such income is payable either—

(i) To a church or convention or association of churches, or

(ii) To any organization subject, for taxable years beginning before January 1, 1970, to the tax imposed by section 511(a)(1).

(d) The fact that any class of organizations exempt from taxation under section 501(a) is subject to the unrelated business income tax under section 511 and this section does not in any way enlarge the permissible scope of business activities of such class for purposes of the continued qualification of such class under section 501(a).

PAR. 3. Section 1.512(a) is amended by revising section 512(a) and by adding at the end thereof a historical note. These amended and added provisions read as follows:

§ 1.512(a) Statutory provisions; unrelated business taxable income; definition.

SEC. 512. *Unrelated business taxable income*—(a) *Definition.* For purposes of this title—

(1) *General rule.* Except as otherwise provided in this subsection, the term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subsection (b).

(2) *Special rule for foreign organizations.* In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be—

(A) Its unrelated business taxable income which is derived from sources within the United States and which is not effectively connected with the conduct of a trade or business within the United States, plus

(B) Its unrelated business taxable income which is effectively connected with the conduct of a trade or business within the United States.

* * * * *

[Sec. 512(a) as amended by sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 4. Section 1.512(a)-1 is amended by revising paragraph (a), by redesignating paragraph (f) as paragraph (g), and by adding a new paragraph (f). These amended and added provisions read as follows:

§ 1.512(a)-1 Definition.

(a) *In general.* Except as otherwise provided in § 1.512(a)-3 or paragraph (f) of this section, section 512(a)(1) defines "unrelated business taxable income" as the gross income derived from any unrelated trade or business regularly carried on, less those deductions allowed by chapter 1 of the Code which are directly connected with the carrying on of such trade or business, subject to certain modifications referred to in § 1.512(b)-1. To be deductible in computing unrelated business taxable income, therefore, expenses, depreciation, and similar items not only must qualify as deductions allowed by chapter 1 of the Code, but also must be directly connected with the carrying on of unrelated trade or business. Except as provided in paragraph (d)(2) of this section, to be "directly connected with" the conduct of unrelated business, for purposes of section 512, an item of deduction must have proximate and primary relationship to the carrying on of that business. In the case of an organization which derives gross income from the regular conduct of two or more unrelated business activities, unrelated business taxable income is the aggregate of gross income from all such unrelated business activities less the aggregate of the deductions allowed with respect to all such unrelated business activities.

* * * * *

(f) *Foreign organizations*—(1) *In general.* The unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of:

(i) The organization's unrelated business taxable income which is derived from sources within the United States but which is not effectively connected with the conduct of a trade or business within the United States, plus

(ii) The organization's unrelated business taxable income effectively connected with the conduct of a trade or business within the United States (whether or not such income is derived from sources within the United States).

To determine whether income realized by a foreign organization is derived from sources within the United States or is effectively connected with the conduct of a trade or business within the United States, see part 1 of subchapter N (section 861 and following) and the regulations thereunder.

(2) *Effective dates.* Subparagraph (1) of this paragraph applies to taxable years beginning after December 31, 1969. For taxable years beginning on or before December 31, 1969, the unrelated business taxable income of a foreign organization exempt from taxation under section 501(a) consists of the organization's unrelated business taxable income which—

(i) For taxable years beginning after December 31, 1966, is effectively connected with the conduct of a trade or business within the United States, whether or not such income is derived from sources within the United States;

(ii) For taxable years beginning on or before December 31, 1966, is derived from sources within the United States.

(g) *Effective date.* Paragraphs (a) through (e) of this section are applicable with respect to taxable years beginning after December 12, 1967. However, if a taxpayer wishes to rely on the rules stated therein for taxable years beginning before December 13, 1967, it may do so.

PAR. 5. Section 1.512(b) is amended by revising so much thereof that precedes paragraph (1), by revising section 512(b)(12), by adding at the end thereof new paragraphs (16) and (17), and by revising the historical note. These amended and added provisions read as follows:

§ 1.512(b) Statutory provisions; unrelated business taxable income; modifications.

SEC. 512. *Unrelated business taxable income.*

* * * * *

(b) *Modifications.* The modifications referred to in subsection (a) are the following:

* * * * *

(12) Except for purposes of computing the net operating loss under section 172 and paragraph (6), there shall be allowed a specific deduction of $1,000. In the case of a diocese, province of a religious order, or a convention or association of churches, there shall also be allowed, with respect to each parish, individual church, district, or other local unit, a specific deduction equal to the lower of—

(A) $1,000, or

(B) The gross income derived from any unrelated trade or business regularly carried on by such local unit.

* * * * *

(16) Except as provided in paragraph (4), in the case of a church, or convention or association of churches, for taxable years beginning before January 1, 1976, there shall be excluded all gross income derived from a trade of business and all deductions directly connected with the carrying on of such trade or business if such trade or business was carried on by such organization or its predecessor before May 27, 1969.

(17) Except as provided in paragraph (4), in the case of a trade or business—

(A) Which consists of providing services under license issued by a Federal regulatory agency,

(B) Which is carried on by a religious order or by an educational institution (as defined in section 151(e)(4)) maintained by such religious order, and which was so carried on before May 27, 1959, and

(C) Less than 10 percent of the net income of which for each taxable year is used for activities which are not related to the purpose constituting the basis for the religious order's exemption,

there shall be excluded all gross income derived from such trade or business and all deductions directly connected with the carrying on of such trade or business, so long as it is established to the satisfaction of the Secretary or his delegate that the rates or other charges for such services are competitive with rates or other charges charged for similar services by persons not exempt from taxation.

[Sec. 512(b) as amended by Act of April 7, 1958 (Public Law 85-367, 72 Stat. 80); Act of July 17, 1964 (Public Law 88-380, 78 Stat. 333); sec. 121(b)(2), Tax Reform Act 1969 (83 Stat. 538)]

PAR. 6. Section 1.512(b)-1 is amended by revising so much thereof that precedes paragraph (a), by revising paragraph (h), and by adding at the end thereof new paragraphs (i) and (j). These amended and added provisions read as follows:

§ 1.512(b)-1 Modifications.

Whether a particular item of income falls within any of the modifications provided in section 512(b) shall be determined by all the facts and circumstances of each case. For example, if a payment

termed "rent" by the parties is in fact a return of profits by a person operating the property for the benefit of the tax-exempt organization or is a share of the profits retained by such organization as a partner or joint venturer, such payment is not within the modification for rents. The modifications provided in section 512(b) are as follows:

* * * * *

(h) *Specific deduction*—(1) *In general.* In computing unrelated business taxable income a specific deduction from gross income of $1,000 is allowed. However, for taxable years beginning after December 31, 1969, such specific deduction is not allowed in computing the net operating loss under section 172 and paragraph (6) of section 512(b).

(2) *Special rule for a diocese, province of a religious order, or a convention or association of churches.* (i) In the case of a diocese, province of a religious order, or a convention or association of churches, there shall be allowed with respect to each parish, individual church, district, or other local unit a specific deduction equal to the lower of $1,000 or the gross income derived from an unrelated trade or business regularly conducted by such local unit. However, a diocese, province of a religious order, or a convention or association of churches shall not be entitled to a specific deduction for a local unit which, for a taxable year, files a separate return. In the case of a local unit which, for a taxable year, files a separate return, such local unit may claim a specific deduction equal to the lower of $1,000 or the gross income derived from any unrelated trade or business which it regularly conducts.

(ii) The provisions of this subparagraph may be illustrated by the following example:

Example. X is an association of churches on the calendar year basis. X is divided into local units A, B, C, and D. During 1973, A, B, C, and D derive gross income of, respectively, $1,200, $800, $1,500, and $700 from unrelated businesses which they regularly conduct. Furthermore, for such taxable year, D files a separate return. X may claim a specific deduction of $1,000 with respect to A, $800 with respect to B, and $1,000 with respect to C. X may not claim a specific deduction with respect to D. D, however, may claim a specific deduction of $700 on its return.

(i) *Transitional period for churches.* (1) (i) In the case of an unrelated trade or business (as defined in section 513) carried on before May 27, 1969, by a church or convention or association of churches (as defined in § 1.511–2(a)(3)(ii)), or by the predecessor of a church or convention or association of churches which predecessor was itself a church or convention or association of churches, all gross income derived from such unrelated trade or business and all deductions directly connected with the carrying on of such unrelated trade or business shall be excluded from the determination of unrelated business taxable income under section 512(a) for all taxable years beginning before January 1, 1976. Notwithstanding the preceding sentence, in the case of income from debt-financed property (and the deductions attributable thereto), as defined in section 514, of a church or convention or association of churches or by the predecessor of a church or convention or association of churches, the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b) shall apply for taxable years beginning after December 31, 1969.

(ii) The provisions of subdivision (i) may be illustrated by the following example:

Example. X, a church as defined in §1.511–2(a)(3)(ii), realizes gross income from an unrelated business (as defined in section 513) of $100,000 for calendar year 1972. X's predecessor church, Y, began conducting such unrelated business in January 1, 1968. Of the $100,000 realized for calendar year 1972, $40,000 is attributable to debt-financed property (as defined in section 514). Since the unrelated business was conducted by Y prior to May 27, 1969, and since X's taxable year begins before January 1, 1976, that amount of the income realized from such business (and all deductions directly connected therewith) which is not attributable to debt-financed property shall be excluded from the determination of unrelated business taxable income under section 512(a). Therefore, of the $100,000 realized, $60,000 ($100,000 less $40,000 attributable to debt-financed property), and all deductions directly connected therewith shall be excluded from the determination of such unrelated business taxable income for purposes of imposition of the tax under section 511(a). The remaining $40,000 and the deductions attributable thereto shall be subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512(b).

(2) This paragraph shall not apply in the case of income from property, or deductions directly connected with such income, if title to the property is held by a corporation described in section 501(c)(2) for a church or convention or association of churches. Thus, if such income is derived from an unrelated trade or business, the corporation shall be liable for tax imposed by section 511(a) on such income.

(j) *Special rule for certain unrelated trades or businesses carried on by a religious order or by an educational institution maintained by such order.* (1) Except as provided in subparagraph (2) of this paragraph, gross income realized by a religious order (or an educational institution (as defined in section 151(e)(4)) maintained by such order) from an unrelated trade or business, together with all deductions directly connected therewith, shall be excluded from the determination of unrelated business taxable income under section 512(a), if—

(i) The trade or business has been operated by such order or by such institution since before May 27, 1959,

(ii) The trade or business consists of providing services under a license issued by a Federal regulatory agency,

(iii) More than 90 percent of the net income from the business is, for each taxable year for which gross income from such business is so excluded by reason of section 512(b)(17) and this paragraph, devoted to religious, charitable, or educational purposes, and

(iv) It is established to the satisfaction of an officer no lower than the Regional Commissioner that the rates or other charges for such services are fully competitive with rates or other charges charged for such services by persons not exempt from taxation. Rates or other charges for such services shall be considered as fully competitive with rates or other charges charged for such services by persons not exempt from taxation if the rates charged by such unrelated trade or business are neither materially higher nor materially lower than the rates charged by similar businesses operating in the same general area.

(2) The provisions of this paragraph shall not apply with respect to income from debt-financed property (as defined in section 514) and the deductions attributable thereto. For taxable years beginning after December 31, 1969, such income and deductions are subject to the provisions of paragraphs (a) through (e) of section 514 and paragraph (4) of section 512 (b).

PAR. 7. Section 1.1504 is amended by adding at the end thereof a new subsection (e) and by revising the historical note. These amended and added provisions read as follows:

§ 1.1504 Statutory provisions; definitions.

SEC. 1504. *Definitions.*

* * * * *

(e) *Includible tax-exempt organizations.* Despite the provisions of paragraph (1) of subsection (b), two or more organizations exempt from taxation under section 501, one or more of which is described in section 501(c)(2) and the others of which derive income from such 501(c)(2) organizations, shall be considered as includible corporations for the purpose of the application of subsection (a) to such organizations alone.

[Sec. 1504 as amended by sec. 5, Act of Mar. 13, 1956 (Public Law 429, 84th Cong., 70 Stat. 49); sec. 64(d)(3), Technical Amendments Act 1958 (72 Stat. 1657); sec. 3(f)(1), Life Insurance Company Income Tax Act 1959 (73 Stat. 140); sec. 2(c), Act of Sept. 23, 1959 (Public Law 86–376, 73 Stat. 699); sec. 10(j), Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1009); sec. 121(a)(4), Tax Reform Act 1969 (83 Stat. 537)]

PAR. 8. There is inserted immediately after section 1.1502–80 the following new section:

§ 1.1502–100 Includible tax exempt organizations.

For taxable years beginning after December 31, 1969, two organizations exempt from taxation under section 501(a), one of which is described in section 501(c)(2) and the other of which derives income from such section 501(c)(2) organization, shall be considered as "includible corporations" for purposes of the application of subsection (a) of section 1504 to such organizations alone, despite the provisions of paragraph (1) of subsection (b) of section 1504. If such organizations satisfy the requirements of section 1504(a) (relating to the definition of an "affiliated group") and the other relevant provisions of chapter 6 of the Code, then such organizations may file a consolidated return.

PAR. 9. There are inserted immediately after § 1.6049–3 the following new sections:

§ 1.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necesary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 1.6050–1 Returns relating to certain transfers to exempt organizations.

(a) *Requirement of reporting.* Any person (individual, corporation, partnership, etc.) who, after December 31, 1969, sells, exchanges, gives, bequeaths, or otherwise transfers income producing property with a fair market value in excess of $50,000 (without regard to any lien thereon) to any organization or trust which is known by such person to be an organization or trust exempt from taxation by reason of section 501(a) (excluding organizations described in section 501(c)(1)), or to be an organization referred to in section 511(a)(2)(B), shall make a separate return on Form 4629 with respect to each such organization or trust. The return shall include the following information:

(1) Name, address, and identifying number (as defined in § 1.6109–1) of the transferor.

(2) Name and address of the transferee.

(3) Description of property transferred.

(4) Date of transfer of the property.

(5) Fair market value of the property (without regard to any lien thereon) on the date of transfer.

(6) Whether the property was transferred subject to a mortgage or other similar lien.

(7) Amount of a mortgage or other similar lien (if any) on the property immediately after the transfer.

(b) *Time and place for filing.* The return required by this section shall be filed on or before the later of [the 90th day after publication of final regulations under this section in the FEDERAL REGISTER] or the 90th day after the date of transfer of the property with the Mid-Atlantic Service Center, Philadelphia, Pa. For extensions of time for filing returns under this section, see § 1.6081–1.

(c) *Last day for filing return.* For provisions relating to the time for performance of an act when the last day prescribed for performance falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Regulations on Procedure and Administration).

PAR. 10. There are inserted immediately after § 301.6049–1 the following new sections:

§ 301.6050 Statutory provisions; returns relating to certain transfers to exempt organizations.

SEC. 6050. *Returns relating to certain transfers to exempt organizations*—(a) *General rule.* On or before the 90th day after the transfer of income producing property, the transferor shall make a return in compliance with the provisions of subsection (b) if the transferee is known by the transferor to be an organization referred to in section 511 (a) or (b) and the property (without regard to any lien) has a fair market value in excess of $50,000.

(b) *Form and contents of returns.* The return required by subsection (a) shall be in such form and shall set forth, in respect of the transfer, such information as the Secretary or his delegate prescribes by regulations as necesary for carrying out the provisions of the income tax laws.

[Sec. 6050 as added by sec. 121(e), Tax Reform Act 1969 (83 Stat. 548)]

§ 301.6050–1 Returns relating to certain transfers to exempt organizations.

For provisions regarding the requirement of returns relating to certain transfers to exempt organizations, see § 1.6050–1 of this chapter (Income Tax Regulations).

[FR Doc.72–6146 Filed 4–20–72;8:53 am]

[T.D. 7182]

PART 301—PROCEDURE AND ADMINISTRATION

Property Exempt From Levy

On September 25, 1971, notice of proposed rule making to conform the regulations on procedure and administration (26 CFR Part 301) under section 6334(a) of the Internal Revenue Code of 1954 (relating to property exempt from levy) to section 945 of the Tax Reform Act of 1969 (83 Stat. 729) was published in the FEDERAL REGISTER (36 F.R. 19035). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of the regulations as proposed is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: April 14, 1972.

FREDERIC W. HICKMAN,
Acting Assistant Secretary of the Treasury.

In order to conform the regulations on Procedure and Administration (26 CFR Part 301) under section 6334(a) of the Internal Revenue Code of 1954 to section 945 of the Tax Reform Act of 1969 (83 Stat. 729), such regulations are amended as follows:

PARAGRAPH 1. Section 301.6334 is amended by adding new paragraph (8) to section 6334(a) and by revising the historical note to read as follows:

§ 301.6334 Statutory provisions; property exempt from levy.

SEC. 6334. *Property exempt from levy*—(a) *Enumeration.* * * *

(8) *Salary, wages, or other income.* If the taxpayer is required by judgment of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.

* * * * *

[Sec. 6334 as amended by section 406, Social Security Amendments 1958 (72 Stat. 1047); sec. 812, Excise Tax Reduction Act of 1965 (79 Stat. 170); sec. 104(c), Federal Tax Lien Act 1966 (80 Stat. 1137); sec. 945, Tax Reform Act 1969 (83 Stat. 729)]

PAR. 2. Section 301.6334–1(a) is amended by adding new subparagraph (8) which reads as follows:

§ 301.6334–1 Property exempt from levy.

(a) *Enumeration.* There shall be exempt from levy—

* * * * *

(8) *Salary, wages, or other income.* If the taxpayer is required under any type of order or decree (including an interlocutory decree or a decree of support pendente lite) of a court of competent jurisdiction, entered prior to the date of levy, to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such order or decree. The taxpayer must establish the amount necessary to comply with the order or decree. The district director is not required to release a levy until such time as he is satisfied that the amount to be released from levy will actually be applied in satisfaction of the support obligation. The district director may make arrangements with a delinquent taxpayer to establish a specific amount of such taxpayer's salary, wage, or other income for each pay period which shall be exempt from levy. Any request for such an arrangement shall be directed to the Chief, Special Procedures Staff, for the internal revenue district in which the taxpayer resides. Where the taxpayer has more than one source of income sufficient to satisfy the support obligation imposed by the order or decree, the amount exempt from levy may at the discretion of the district director be allocated entirely to one salary, wage, or source of other income or be apportioned between the several salaries, wages, or other sources of income. This subparagraph applies with respect to levies made on or after January 30, 1970.

* * * * *

[FR Doc.72–6147 Filed 4–20–72;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 4—Department of Agriculture

PART 4–1—GENERAL

Procurement

This is to correct nomenclature as published at 37 F.R. 5384 March 15, 1972,

to delete reference to Director of Management Improvement in the introductory language of § 4–1.453 and to reference source of Form AD–566 (2/72). Language changes are made for consistency with corrected nomenclature where necessary.

These amendments and corrections involve matters relating to agency management which are not subject to the notice and public procedure requirements for rule making under 5 U.S.C. 553. It is in the public interest that these provisions be made effective immediately; accordingly, they shall be effective upon publication in the FEDERAL REGISTER (4–21–72).

1. Section 4–1.453 is revised to read as follows:

§ 4–1.453 Delegation of authority for automatic data processing equipment, services, and related supplies.

(a) Those agencies delegated procurement contracting authority by the Office of Plant and Operations under § 4–1.404–1 are hereby delegated procurement contracting authority for procurement of automatic data processing equipment, services, and related supplies in the following circumstances:

(1) ADP equipment (for definition see FPMR 101–32.402–1).

(i) Such card punching, verifying, and manipulating equipment as is described as electronic accounting machines (EAM) or punch card accounting machines (PCAM) where the total dollar cost does not exceed $50,000 for purchase or annual rental.

(ii) Any other items of ADP equipment where the total dollar cost does not exceed $25,000 for purchase or annual rental: *Provided,* That no existing computer system is augmented under this delegation such that the purchase cost (cost to purchase if leased) of all the components of that system are made to exceed $200,000.

(iii) If for renewal of equipment previously authorized or procured by OMI and the terms of the original procurement have not significantly changed and the changes in costs do not exceed 10 percent of those originally approved.

(iv) None of the above-stated circumstances apply to the intergovernmental transfer (IGT) of owned or leased equipment. All IGT of equipment must be approved by OMI prior to acquisition.

(2) ADP equipment maintenance (for definition see FPMR 101–32.402–3).

(i) The services are available from a Federal Supply Schedule contract under the terms of the contract; or

(ii) The procurement does not exceed $25,000 annually.

(3) ADP Software (for definition see FPMR 101–32.402–2).

(i) The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply contract under the terms of the contract; or

(ii) The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost.

(4) ADP services obtained from other than Federal agencies (for definition of service see 5 AR 865).

(i) The cost of the ADP services involved does not exceed $25,000.

(5) ADP supplies (for definition see FPMR 101–32.402–4).

(i) The cost of the supplies does not exceed $2,500; or

(ii) The procurement will be made under a specific purchase program established by GSA. These programs include electronic data processing (EDP) tapes, tabulating machine cards, and marginally punched continuous forms. Instructions for acquisition of these supplies are set forth in FPMR 101–26.508, 101–26.509, and 101–26.604, respectively.

(b) All procurements which are not within the authorities set forth in paragraph (a) of this section must be submitted to the Director of Management Improvement. The Office of Management Improvement will either conduct the procurement or delegate the agency authority to conduct the procurement.

(c) Agencies shall report all ADP services or products acquired within the authorities delegated under paragraphs (a) and (b) of this section. Form AD–566 (2/72), Contracts for ADP Services or Products, shall be completed and submitted to the Office of Management Improvement upon the execution of an applicable contract or purchase order. Form AD–566 is available from Central Supply Section, Service Operations Division, Office of Plant and Operations.

Done at Washington, D.C., this 17th day of April 1972.

FRANK B. ELLIOTT,
Assistant Secretary for Administration.

[FR Doc.72–6094 Filed 4–20–72;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 0—COMMISSION ORGANIZATION

Authority Delegation to Chief, Safety and Special Services Radio

Order. In the matter of amendment of § 0.331 of the Commission's rules relating to authority delegated to the Chief, Safety and Special Radio Services Bureau.

1. On May 12, 1971, the Commission adopted a report and order in Docket No. 18924 (62919, 36 F.R. 9514, FCC–71–510) to amend Parts 2, 87, and 91 of the Commission's rules to provide, among other things, that frequencies in the 216–220 MHz band, which are allocated to the Government Radiolocation Service, may also be assigned on a regular and secondary basis in the Industrial Radio Services (Part 91) for certain nonvoice land mobile radio operations. One effect of these amendments was to render unnecessary and inconsistent the provision in § 0.331(b)(20) of the Commission's rules under which the Chief, Safety and Special Radio Services Bureau, is delegated authority to act upon requests for waiver for grant of applications for the use of frequencies in the 216–220 MHz band. However, by inadvertence, this delegation of authority was not deleted in the Docket 18924 proceeding.

2. To avoid any confusion in this regard, an editorial amendment is required to delete subparagraph (20) of § 0.331(b) of the Commission's rules. Such rule amendment, being editorial and nonsubstantive in nature, may be adopted without regard to the prior notice and effective date provisions of 5 U.S.C. 533.

3. *Accordingly, it is ordered,* That, pursuant to authority contained in sections 4(i), 5(d) and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, subparagraph (20) of § 0.331(b) is deleted effective April 21, 1972.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 12, 1972.

Released: April 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.72–6112 Filed 4–20–72;8:50 am]

PART 89—PUBLIC SAFETY RADIO SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Frequency Coordination Requirements

Order. In the matter of amendment of §§ 89.15 and 91.8 of the Commission's rules to effect certain editorial changes with respect to frequency coordination requirements.

1. In the Commission's rules, § 89.15(b), for the Public Safety Radio Services, and § 91.8(a)(2), for the Industrial Radio Services, set forth procedures and requirements for coordination of frequencies below 470 MHz in connection with applications for licensing.

2. It is the intent of these rule provisions, among other things, that, in lieu of conducting field studies, applicants are permitted to achieve required frequency coordination through recommendations secured from frequency advisory committees. Thus, it is intended that committee clearances for frequencies may be obtained with respect to both cochannel and adjacent channel licensees. However, as a result of inadvertence in the numbering or lettering of certain of these rule provisions, this intent is not clear or is, at least, subject to misinterpretation.

3. To eliminate any confusion in this respect, it is necessary that an editorial amendment of the rules be adopted. The amendment being editorial and nonsubstantive in nature, may be adopted without regard to the prior notice and effective date provisions of 5 U.S.C. 533.

4. *Accordingly, it is ordered,* That, pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended,

and § 0.231(d) of the Commission's rules, Parts 89 and 91 are amended effective April 21, 1972, as shown below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 12, 1972.

Released: April 13, 1972.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

A. Part 89 of the Commission's rules is amended as follows:

Section 89.15(b) is amended to read as follows:

§ 89.15 Frequency coordination procedures.

* * * * *

(b) For frequencies below 470 MHz:

(1) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing cochannel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and a report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(2) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain, and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service and is assignable only after coordination, the committee's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

B. Part 91 of the Commission's rules is amended as follows:

Section 91.8(a)(2) is amended to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(2) For frequencies below 470 MHz:

(i) A report based on a field study indicating the degree of probable interference to existing stations operating on the same channel within 75 miles of the proposed station and a signed statement that all existing co-channel licensees within 75 miles of the proposed station have been notified of applicant's intention to file his application, and a report based on a field study indicating the degree of probable interference to existing stations located 10 to 35 miles from the proposed station operating on a frequency within 15 kHz and a signed statement that the licensees of all such stations have been notified of applicant's intention to file his application. In no instance will an application be granted where the proposed station is located less than 10 miles from an adjacent-channel station 15 kHz removed, or

(ii) A statement from a frequency advisory committee recommending the specified frequency which in the opinion of the committee will result in the least amount of interference to existing stations operating in the particular area. The committee's recommendations may appropriately include comments on technical factors such as power, antenna height and gain, terrain and other factors which may serve to mitigate any contemplated interference. The committee shall not recommend any adjacent-channel frequency (15 kHz removed) to existing stations which would result in a separation of less than 10 miles. The frequency advisory committee must be so organized that it is representative of all persons who are eligible for radio facilities in the service concerned in the area the committee purports to serve. The functions of such committees are purely advisory in character, and their recommendations cannot be considered as binding upon either the applicant or the Commission, and must not contain statements which would imply that frequency advisory committees have any authority to grant or deny applications. Where the frequency or frequencies requested or assigned are within 15 kHz of a frequency which is available to another radio service and is assignable only after coordination, the Commission's statement shall affirmatively show that coordination with a similar committee for the other service has been accomplished.

* * * * *

[FR Doc.72-6113 Filed 4-20-72;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Services

[26 CFR Part 1]

INCOME TAX

Charitable Contributions Deduction for Annuity Trust Interests and Unitrust Interests

On April 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER to conform the Income Tax Regulations to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (83 Stat. 549, 564). Notice is hereby given that so much of the proposed regulations as is contained in paragraph (c)(2) of § 1.170A–6, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is hereby withdrawn.

Further notice is hereby given that, in lieu of the proposed rules which are so withdrawn, the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

On April 2, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6082) regarding the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 201(a), relating to charitable contributions, and section 201(f), relating to bargain sales to a charitable organization, of the Tax Reform Act of 1969 (83 Stat. 549, 564). So much of such proposed regulations as is contained in paragraph (c)(2) of § 1.170A–6, relating to the definition of annuity trust interest and unitrust interest, as set forth in paragraph 6 of the appendix to the notice of proposed rule making, is hereby withdrawn. The following rules are hereby prescribed in lieu of the rules which are so withdrawn:

§ 1.170A–6 Charitable contributions in trust.

* * * * *

(c) *Charitable contribution of an income interest in trust.* * * *

(2) *Definitions.* For purposes of this paragraph—

(i) *Annuity trust interest.* (*a*) An income interest is an "annuity trust interest" only if it is an irrevocable right pursuant to the governing instrument to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the governing instrument can be ascertained on the date of contribution. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or percentage of the cost of living index on the date of contribution.

(*b*) An income interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the income interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(*c*) If the present value of the annuity on the date of contribution exceeds 60 percent of the aggregate fair market value of all amounts in the trust (after the payment of liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets. The requirement in this (*c*) for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets shall not apply to a trust executed on or before May 21, 1972.

(*d*) An annuity payable by a trust executed after May 21, 1972, will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*d*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the governing instrument of the trust may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947–1 (c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*e*) The governing instrument of a trust paying an annuity trust interest may provide that income of the trust which is in excess of the amount required to pay the annuity trust interest shall be paid to or for the use of a charitable organization.

(ii) *Unitrust interest.* (*a*) An income interest is a "unitrust interest" only if it is an irrevocable right pursuant to the governing instrument to receive payment, not less often than annually, of a fixed percentage of the net fair market value of the trust assets, determined annually. In computing the fair market value of the trust assets, all assets and liabilities shall be taken into account without regard to whether particular items are taken into account in determining the income of the trust. The net fair market value of the trust assets may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year: *Provided,* That the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(*b*) An income interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the income interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(*c*) An income interest consisting of a fixed percentage of the net fair market

value of trust assets, determined annually, will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (c), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the governing instrument of the trust may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually, shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(d) The governing instrument of a trust paying a unitrust interest may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charitable organization.

* * * * *

[FR Doc.72-6092 Filed 4-20-72;8:49 am]

INCOME TAX

[26 CFR Part 1]

Losses from Demolition of Buildings

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestion not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before the notice of hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to clarify the income tax treatment of the demolition of buildings situated on leased property, paragraph (b)(2) of § 1.165-3 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows:

§ 1.165-3 Demolition of buildings.

* * * * *

(b) *Intent to demolish formed subsequent to the time of acquisition.* * * *

(2) If a lessor or lessee of real property demolishes the buildings situated thereon, as required or permitted by a lease or by an agreement which resulted in a lease, no deduction shall be allowed to the lessor under section 165(a) on account of the demolition of the old buildings. However, the adjusted basis of the demolished buildings, increased by the net cost of demolition or decreased by the net proceeds from demolition, shall be considered as a part of the cost of the lease to be amortized over the remaining term thereof.

* * * * *

[FR Doc.72-6215 Filed 4-20-72;8:53 am]

[26 CFR Parts 20, 25]

ESTATE AND GIFT TAXES

Proposed Deduction for Transfers for Public, Charitable, and Religious Uses

Notice is hereby given that the regulations set forth in tentative form in the attached below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by May 22, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by May 22, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their request for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

In order to conform the Estate Tax Regulations (26 CFR Part 20) and the Gift Tax Regulations (26 CFR Part 25) to the amendments of the Internal Revenue Code of 1954 made by section 201(d) of the Tax Reform Act of 1969 (83 Stat. 560), such regulations are amended as follows:

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PARAGRAPH 1. Section 20.2055 is amended by revising subsections (a)(2) and (3), (b)(2)(C), and (e) of section 2055, and by revising the historical note, as follows:

§ 20.2055 Statutory provisions; transfers for public, charitable, and religious uses.

Sec. 2055. *Transfers for public, charitable, and religious uses*—(a) *In general.* * * *

(2) To or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements) any political campaign on behalf of any candidate for public office;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no substantial part of the activities of such trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; or

* * * * *

(b) *Powers of appointment.* * * *

(2) *Special rule for certain bequests subject to power of appointment.* * * *

(C) Such surviving spouse by affidavit executed within 6 months after the death of the decedent specifies the organizations described in subsection (a)(2) in favor of which he intends to exercise the power of appointment and indicates the amount or proportion each such organization is to receive; and

* * * * *

(e) *Disallowance of deductions in certain cases.* (1) No deduction shall be allowed under this section for a transfer to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

(2) Where an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the decedent's entire interest in property) passes or has passed from the decedent to a person, or for a use, described in subsection (a), and an interest (other than an interest which is extinguished upon the decedent's death) in the same property passes or has passed (for less than an adequate and full consideration in money or money's worth) from the decedent to a person, or for a use,

not described in subsection (a), no deduction shall be allowed under this section for the interest which passes or has passed to the person, or for the use, described in subsection (a) unless—

(A) In the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642 (c)(5)), or

(B) In the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).

* * * * *

[Sec. 2055 as amended by sec. 1, Act of Aug. 6, 1956 (Public Law 1011, 84th Cong., 70 Stat. 1075); sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 201(d) (1) and (4), Tax Reform Act 1969 (83 Stat. 560, 561); sec. 101(c), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1836)]

PAR. 2. Section 20.2055–1 is amended by revising that part of paragraph (a) that follows subparagraph (1) and by adding a new paragraph (d), as follows:

§ 20.2055–1 Deduction for transfers for public, charitable, and religious uses; in general.

(a) *General rule.* * * *

(2) To or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to the benefit of any private stockholder or individual (other than as a legitimate object of such purposes), if no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of transfers made after December 31, 1969, it does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

(3) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if the transferred property is to be used exclusively for religious, charitable, scientific, literary, or educational purposes (or for the prevention of cruelty to children or animals), if no substantial part of the activities of such transferee is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of transfers made after December 31, 1969, such transferee does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; or

(4) To or for the use of any veterans' organization incorporated by act of Congress, or of any of its departments, local chapters, or posts, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

The deduction is not limited, in the case of estates of citizens or residents of the United States, to transfers to domestic corporations or associations, or to trustees for use within the United States. Nor is the deduction subject to percentage limitations such as are applicable to the charitable deduction under the income tax. An organization will not be considered to meet the requirements of subparagraph (2) or (3) of this paragraph if such organization engages in any activity which would cause it to be classified as an "action" organization under paragraph (c)(3) of § 1.501(c)(3)–1 of this chapter (Income Tax Regulations). See §§ 20.2055–4 and 20.2055–5 for rules relating to the disallowance of deductions to trusts and organizations which engage in certain prohibited transactions or whose governing instruments do not contain certain specified requirements.

* * * * *

(d) *Cross references.* (1) See section 2055(f) for certain cross references relating to section 2055.

(2) For treatment of bequests accepted by the Secretary of State or the Secretary of Commerce, for the purpose of organizing and holding an international conference to negotiate a Patent Corporation Treaty, as bequests to or for the use of the United States, see section 3 of Joint Resolution of December 24, 1969 (Public Law 91–160, 83 Stat. 443).

(3) For treatment of bequests accepted by the Secretary of the Department of Housing and Urban Development, for the purpose of aiding or facilitating the work of the Department, as bequests to or for the use of the United States, see section 7(k) of the Department of Housing and Urban Development Act (42 U.S.C. 3535), as added by section 905 of Public Law 91–609 (84 Stat. 1809).

PAR. 3. Section 20.2055–2 is amended by revising paragraphs (a) and (b), and by adding new paragraphs (e) and (f), as follows:

§ 20.2055–2 Transfers not exclusively for charitable purposes.

(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interests. Thus, in the case of decedents dying before January 1, 1970, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable organization, the present value of the remainder is deductible. See paragraph (e) of this section for limitations applicable to decedents dying after December 31, 1969. See paragraph (f) of this section for rules relating to valuation of partial interests in property passing for charitable purposes.

(b) *Transfers subject to a condition or a power.* (1) If, as of the date of a decedent's death, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to, or is vested in, charity at the time of a decedent's death and the estate or interest would be defeated by the subsequent performance of some act or the happening of some event, the possibility of occurrence of which appeared at the time of the decedent's death to be so remote as to be negligible, the deduction is allowable. If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. If by reason of all the conditions and circumstances surrounding a transfer of an income interest in property in trust it appears that the charity may not receive the beneficial enjoyment of the interest, a deduction will be allowed under section 2055 only for the minimum amount it is evident the charity will receive.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). In 1965, A dies leaving certain property in trust in which charity is to receive the income for the life of his widow with remainder to his children. The assets placed in trust by the decedent consist of stock in a corporation the fiscal policies of which are controlled by the decedent and his family. The trustees of the trust and the remaindermen are members of the decedent's family, and the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees are not members of the decedent's family but have no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

Example (2). In 1975, B dies leaving $20,000 in trust with the requirement that a designated charity be paid an annuity trust interest (as defined in paragraph (e)(2)(v) of this section) of $4,100 a year, payable annually at the end of each year for a period of 6 years and that the remainder be paid to his children. The fair market value of an annuity of $4,100 a year for a period of 6 years is $20,160.93 ($4,100 × 4.9173), as determined under paragraph (f)(2)(iv) of this section and Table B in paragraph (f) of § 20.2031–10. The deduction with respect to the annuity trust interest will be limited to $20,000, which is the minimum amount it is evident the charity will receive.

Example (3). C dies leaving a tract of land to a city government for as long as the land is used by the city for a public park. If on the date of C's death the city does plan to use the land for a park and the possibility that the city will not use the land for a public park is so remote as to be negligible, a deduction will be allowed.

* * * * *

(e) *Limitation applicable to decedents dying after December 31, 1969*—(1)

In general—(i) *Disallowance of deduction.* In general, in the case of decedents dying after December 31, 1969, where an interest in property passes or has passed from the decedent for charitable purposes and an interest (other than an interest which is extinguished upon the decedent's death) in the same property passes or has passed from the decedent for private purposes (for less than full and adequate consideration in money or money's worth), no deduction is allowed under section 2055 for the value of the interest which passes or has passed for charitable purposes unless the interest in property is a deductible interest described in subparagraph (2) of this paragraph. Where an interest in property passes from the decedent for a charitable purpose and an interest in the same property passes for a private purpose, it is immaterial whether the interests pass at the same time or under the same instrument. If, as of the date of a decedent's death, a transfer for a private purpose is dependent upon the performance of some act or the happening of an event in order that it might become effective, an interest in property will be considered to pass for a private purpose unless the possibility of occurrence of such act or event is so remote as to be negligible. An interest in property will not be considered as passing for private purposes or in trust merely by reason of the fact that an interest in that property does not pass to charity until the end of a reasonable period of administration or settlement within the meaning of § 1.641(b)–3 of this chapter (Income Tax Regulations) or by reason of the fact that an interest in that property is enjoyed by a private person during such period of administration or settlement. The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which passes for private purposes does not pass for an adequate and full consideration in money or money's worth:

Example (1). In 1968, H creates a trust which is to pay the income of the trust to W for her life, the reversionary interest in the trust being retained by H. H predeceases W in 1975. H's will provides that the residue of his estate (including the reversionary interest in the trust) is to be transferred to charity. For purposes of this subdivision, interests in the same property have passed from H for charitable purposes and for private purposes.

Example (2). In 1973, H creates a trust which is to pay the income of the trust to W for her life and upon termination of the life estate to transfer the remainder to S. S predeceases W in 1975. S's will provides that the residue of his estate (including the remainder interest in the trust) is to be transferred to charity. For purposes of this subdivision, interests in the same property have not passed from H or S for charitable purposes and for private purposes.

Example (3). In 1973, A dies leaving a $10,000 bequest to charity. His will provides that all income earned during the period of administration of his estate by property constituting a part of his estate shall be paid to his widow. The administration of A's estate requires 3 years, but under the circumstances this period is not considered unduly prolonged for purposes of the income tax. Upon termination of this period, A's executor transfers $10,000 in cash to the charity. For purposes of this section, no interest in the $10,000 bequest will be deemed to pass for a private purpose, or will be deemed to pass in trust, merely because of the extended period of administration or because A's widow enjoyed an interest in the property during the period of administration.

(ii) *Interest in property.* In determining whether interests in the same property pass or have passed for charitable and private purposes, a distinction is to be drawn between "property," as such term is used in this paragraph, and an "interest in property." The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property." The term "interest in property" means any beneficial interest, whether vested or contingent, in property, whether tangible or intangible. For such purpose, an interest in property may consist of a life estate, a term of years, a right to use, a remainder, a reversion, a general power of appointment, a power of invasion or consumption, or a dower or curtesy interest. The term does not include a security interest or bare legal title, such as that of a trustee, or a power of appointment which is not a general power of appointment. The term includes the interest of any possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment. Where the possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment consist of both a charity or charities and a private person or persons, the interest will be deemed to pass solely for private purposes. See section 2041(b) and the regulations thereunder for definition of the term "general power of appointment." The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the interest in property which passes for private purposes does not pass for an adequate and full consideration in money or money's worth:

Example (1). H transfers Blackacre to A by gift, reserving the right to the rentals of Blackacre for a term of 20 years. H dies within the 20-year term, bequeathing the right to the remaining rentals to charity. For purposes of this paragraph the term "property" refers to Blackacre and the right to rentals from Blackacre consist of an interest in Blackacre. An interest in Blackacre has passed from H for charitable purposes and for private purposes.

Example (2). H bequeaths the residue of his estate to T in trust for the benefit of W and a charity. The trust income is to be paid to W for life and upon her death the corpus is to be distributed to charity. Since no beneficial interest in the property passes to T, no interest in property passes or has passed to T for purposes of this paragraph. However, an interest in the residue of the estate has passed from H for charitable purposes and for private purposes.

Example (3). H bequeaths the residue of his estate in trust for the benefit of A and a charity. An annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the 20-year term the corpus is to be distributed to A if living. However, if A should die during the 20-year term, the corpus is to be distributed to charity upon termination of the term. An interest in the residue of the estate has passed from H for charitable purposes. In addition, an interest in the residue of the State has passed from H for private purposes, unless the possibility that A will survive the 20-year term is so remote as to be negligible.

Example (4). H bequeaths the residue of his estate in trust. Under the terms of the trust an annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the term, the corpus is to pass to such of A's children and their issue as A may appoint. However, if A should die during the 20-year term without exercising the power of appointment, the corpus is to be distributed to charity upon termination of the term. Since A does not have a general power of appointment, no interest in property has passed from H to A. However, since the possible appointees include private persons, an interest in the residue of the estate is considered to have passed from H for private purposes.

(iii) *Passes or has passed from the decedent.* Notwithstanding the designation by local law of the capacity in which a person takes, the phrase "passes or has passed from the decedent" includes any transfer, or any passing directly or indirectly, of property or any interest in property from the decedent. Thus, an interest in property passes or has passed from the decedent for purposes of this subdivision in any case in which property would be held to have been transferred from the decedent for purposes of the estate tax or to be a gift by the decedent for purposes of the gift tax. The phrase "passes or has passed" also includes a transfer or passing of property, or any interest in property which is not considered a gift by a decedent for purposes of the gift tax or a transfer from a decedent for purposes of the estate tax. For example, an interest in property passes or has passed for purposes of this paragraph if such interest passes by reason of the decedent's nonexercise of a general power of appointment (as defined in section 2041(b) and the regulations thereunder) created on or before October 21, 1942. If property or an interest in property passes or has passed from the decedent to any person subject to an obligation that any interest, vested or contingent, be transferred to another person, an interest in property will be considered to pass from the decedent to such other person.

(2) *Deductible interests.* A deductible interest for purposes of subparagraph (1) of this paragraph is a charitable interest in property where—

(i) *Undivided portion of decedent's entire interest.* The charitable interest is an undivided portion, not in trust, of the decedent's entire interest in property. An undivided portion of a decedent's entire interest in property may consist of a fraction or percentage of each interest or right owned by the decedent in such property or may consist of all or a fraction or a percentage of a specific right or interest in such property. An interest in property will not, however, be considered

a decedent's entire interest in property for this purpose unless it extends over the entire term of the decedent's interest in such property and in other property into which such property is converted. For example, if the decedent transferred a life estate in an office building to his wife for her life and retained a reversionary interest in the office building, the devise by the decedent of one-half of that reversionary interest to charity while his wife is still alive will not be considered the transfer of a deductible interest; because an interest in the same property has already passed from the decedent for private purposes, the reversionary interest will not be considered the decedent's entire interest in the property. If, on the other hand, the decedent has given a life estate in Blackacre for the life of his wife and the decedent had no other interest in Blackacre at any time during his life, the devise by the decedent of one-half of that life estate to charity would be considered the transfer of a deductible interest; because the life estate would be considered the decedent's entire interest in the property, the devise would be of an undivided interest in such entire interest. An undivided portion of a decedent's entire interest in the property includes an interest in property whereby the charity is given the right, as a tenant in common with the decedent's devisee or legatee, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property; it also includes an open space easement in gross in perpetuity, as defined in § 1.170A–7(b)(1)(ii) of this chapter (Income Tax Regulations).

(ii) *Remainder interest in personal residence.* The charitable interest is an irrevocable remainder interest, not in trust, in a personal residence. For purposes of this subdivision, the term "personal residence" means property used by the decedent as his personal residence even though it was not used as his principal residence. For example, a decedent's vacation home at a resort which he occupied for 2 months each year may be a personal residence for purposes of this subdivision. The term "personal residence" also includes stock owned by the decedent as a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b)(1) and (2) if the dwelling which the decedent was entitled to occupy as such stockholder was used by him as his personal residence.

(iii) *Remainder interest in a farm.* The charitable interest is an irrevocable remainder interest, not in trust, in a farm. For purposes of this subdivision, the term "farm" means any land used by the decedent or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. A farm includes the improvements thereon.

(iv) *Charitable remainder trusts and pooled income funds.* The charitable interest is a remainder interest in a trust which is a charitable remainder annuity trust, as defined in section 664(d)(1) and § 1.664–2 of this chapter; a charitable remainder unitrust, as defined in section 664(d)(2) and § 1.664–3 of this chapter; or a pooled income fund, as defined in section 642(c)(5) and § 1.642(c)–5 of this chapter. The charitable organization to or for the use of which the remainder interest passes must meet the requirements of both section 2055(a) and section 642(c)(5)(A), section 664(d)(1)(C), or section 664(d)(2)(C), whichever applies. For example, the charitable organization to which the remainder interest in a charitable remainder annuity trust passes may not be a foreign corporation.

(v) *Annuity trust interest.* (*a*) The charitable interest is an annuity trust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "annuity trust interest" means an irrevocable right pursuant to the instrument of transfer to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the instrument of transfer can be ascertained on the date of death of the decedent. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or a percentage of the net fair market value, as finally determined for Federal estate tax purposes, of the residue of the estate on the date of death, or it may be expressed as a fraction or percentage of the cost of living index on the date of death of the decedent.

(*b*) A charitable interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(*c*) Where a charitable interest in the form of an annuity is not in trust, the interest will be considered an annuity trust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing annuity contracts.

(*d*) Where a charitable interest in the form of an annuity is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay an annuity trust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2055 shall be limited to the fair market value of the annuity trust interest.

(*e*) Where a charitable interest in the form of an annuity is in trust and the present value on the appropriate valuation date of such annuity interest exceeds 60 percent of the aggregate fair market value of all amounts in such trust (after the payment of estate taxes and all other liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets.

(*f*) Where a charitable interest in the form of an annuity is in trust, the interest will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*f*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947–1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*g*) Neither the requirement in item (*e*) of this subdivision for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets nor the provisions of item (*f*) of this subdivision shall apply to—

(*1*) A trust executed on or before May 21, 1972, if—

(*i*) The trust is irrevocable on such date,

(*ii*) The trust is revocable on such date and the decedent dies within 3 years after such date without having amended any dispositive provision of the trust after such date, or

(*iii*) The trust is revocable on such date and no dispositive provision of the trust is amended within a period ending 3 years after such date and the decedent is, at the end of such 3-year period and at all times thereafter, under a mental disability (as defined in § 1.642(c)–2(b)(2)(ii) of this chapter) to amend the trust, or

(*2*) A will executed on or before May 21, 1972, if—

(*i*) The testator dies within 3 years after such date without having amended any dispositive provision of the will after such date, by codicil or otherwise,

(*ii*) The testator at no time after such date has the right to change the provisions of the will which pertain to the trust, or

(iii) No dispositive provision of the will is amended by the decedent, by codicil or otherwise, within a period ending 3 years after such date and the decedent is, at the end of such 3-year period and at all times thereafter, under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter) to amend the will by codicil or otherwise.

(h) For purposes of this subdivision and paragraph (f) of this section, the term "appropriate valuation date" means the date of death or the alternate valuation date determined pursuant to an election under section 2032.

(i) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the annuity trust interest is in trust.

(vi) *Unitrust interest.* (a) The charitable interest is a unitrust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "unitrust interest" means an irrevocable right pursuant to the instrument of transfer to receive payment, not less often than annually, of a fixed percentage of the net fair market value, determined annually, of the property which funds the unitrust interest. In computing the fair market value of the property which funds the unitrust interest, all assets and liabilities shall be taken into account without regard to whether particular items are taken into account in determining the income from the property. The net fair market value of the property which funds the unitrust interest may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year: *Provided*, That the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(b) A charitable interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(c) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is not in trust, the interest will be considered a unitrust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing interests otherwise meeting the requirements of a unitrust interest.

(d) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the interest will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (d), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually, shall be paid to a private party. See § 53.4947-1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(e) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2055 shall be limited to the fair market value of the unitrust interest.

(f) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the unitrust interest is in trust.

(3) *Effective date.* The provisions of this paragraph apply only in the case of decedents dying after December 31, 1969, except that they do not apply—

(i) In the case of property passing under the terms of a will executed on or before October 9, 1969—

(a) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended any dispositive provision of the will after October 9, 1969, by codicil or otherwise,

(b) If the decedent dies after October 9, 1969, and at no time after that date had the right to change the portions of the will which pertain to the passing of the property to, or for the use of, an organization described in section 2055(a), or

(c) If no dispositive provision of the will is amended by the decedent, by codicil or otherwise, before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter (Income Tax Regulations)) to amend the will by codicil or otherwise, or

(ii) In the case of property transferred in trust on or before October 9, 1969—

(a) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended, after October 9, 1969, any dispositive provision of the instrument governing the disposition of the property,

(b) If the property transferred was an irrevocable interest to, or for the use of, an organization described in section 2055(a), or

(c) If no dispositive provision of the instrument governing the disposition of the property is amended by the decedent before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)-2(b)(2)(ii) of this chapter) to change the disposition of the property.

(4) *Amendment of dispositive provisions.* For purposes of subparagraphs (2) and (3) of this paragraph, an amendment shall generally be considered as one which amends the dispositive provisions of a will or trust if it results in a change in the persons to whom the funds are to be given or makes changes in the conditions under which the funds are given. Examples of amendments which do not amend the dispositive provisions of a will or trust include the substitution of one fiduciary for another to act in the capacity of executor or trustee and the change in the name of a legatee or beneficiary by reason of the legatee's or beneficiary's marriage. On the other hand, examples of amendments which do amend the dispositive provisions of a will or trust include an increase in the share of other legatees or beneficiaries by reason of the lapse of a legacy or interest, a change in the power of a trustee to determine the allocation of income or corpus among the beneficiaries which has the effect of changing a recipient's share of the funds, or a change in the allocation of (or right to allocate) receipts or expenditures between income and principal which has the effect of changing a recipient's share of the funds.

(f) *Valuation of charitable interest*—(1) *In general.* The amount of the deduction in the case of a contribution of a partial interest in property to which this section applies is the fair market value of the partial interest at the appropriate valuation date, as defined in paragraph (e)(2)(v)(h) of this section. The fair market value of an annuity, life estate, term for years, remainder, reversion, and unitrust interest is its present value.

(2) *Certain decedents dying after July 31, 1969.* In the case of a transfer of an interest described in subdivision (iv), (v), or (vi) of paragraph (e)(2) of this section by decedents dying after July 31, 1969, the present value of such interest is to be determined under the following rules:

(i) The present value of a remainder interest in a charitable remainder annuity trust is to be determined under § 1.664-2(c) of this chapter (Income Tax Regulations).

(ii) The present value of a remainder interest in a charitable remainder unitrust is to be determined under § 1.664-4 of this chapter.

(iii) The present value of a remainder interest in a pooled income fund is to be determined under § 1.642(c)-6 of this chapter.

(iv) The present value of an annuity trust interest described in paragraph (e)(2)(v) of this section is to be determined under § 20.2031-10 except that, if the annuity is issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 20.2031-8.

(v) The present value of a unitrust interest described in paragraph (e)(2)(vi)

of this section is to be determined by subtracting the present value of all interests in the transferred property that follow the unitrust interest from the fair market value of the transferred property. For such purposes the present value of all interests that follow the unitrust interest shall be determined under § 1.664–4 by treating such interests as a remainder interest in a charitable remainder unitrust.

(3) *Certain decedents dying before August 1, 1969.* In the case of decedents dying before August 1, 1969, the present value of an interest described in subparagraph (2) of this paragraph is to be determined under § 20.2031–7 except that, if the interest is an annuity issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 20.2031–8.

(4) *Other decedents.* The present value of an interest not described in subparagraph (2) of this paragraph is to be determined under § 20.2031–7 in the case of decedents dying before January 1, 1971, or under § 20.2031–10 in the case of decedents dying after December 31, 1970.

(5) *Special computations.* If the interest transferred is such that its present value is to be determined by a special computation, a request for a special factor, accompanied by a statement of the date of birth and sex of each individual the duration of whose life may affect the value of the interest, and by copies of the relevant instruments, may be submitted by the executor to the Commissioner who may, if conditions permit, supply the factor requested. If the Commissioner furnishes the factor, a copy of the letter supplying the factor must be attached to the tax return in which the deduction is claimed. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in this paragraph.

PAR. 4. Section 20.2055–4 is amended by revising the heading thereof and by adding a new paragraph (d), as follows:

§ 20.2055–4 Disallowance of charitable, etc., deductions because of "prohibited transactions" in the case of decedents dying before January 1, 1970.

* * * * *

(d) This section applies only in the case of decedents dying before January 1, 1970. In the case of decedents dying after December 31, 1969, see § 20.2055–5.

PAR. 5. The following new section is added immediately after § 20.2055–4:

§ 20.2055–5 Disallowance of charitable, etc., deductions in the case of decedents dying after December 31, 1969.

(a) *Organizations subject to section 507(c) tax.* Section 508(d)(1) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent to or for the use of an organization upon which the tax provided by section 507(c) has been imposed shall not be allowed if the transfer is made by the decedent after notification is made under section 507(a) or if the decedent is a substantial contributor (as defined in section 507(d)(2)) who dies on or after the first day on which action is taken by such organization that culminates in the imposition of the tax under section 507(c). This paragraph does not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated under section 507(g) by the Commissioner or his delegate.

(b) *Taxable private foundations, section 4947 trusts, etc.*—(1) *In general.* Section 508(d)(2) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent shall not be allowed if the transfer is made—

(i) To or for the use of a private foundation or a trust described in section 4947 if such organization fails to meet the governing instrument requirements of section 508(e) (determined without regard to section 508(e)(2)(B) and (C)) in accordance with § 1.508–2(b)(1) of this chapter (Income Tax Regulations), or

(ii) To or for the use of any organization (other than a charitable trust described in section 4947(a)(1)) which is not treated as an organization described in section 501(c)(3) on the date of the decedent's death by reason of its failure to give notification under section 508(a) of its status to the Commissioner.

(2) *Transfers not covered by section 508(d)(2)(A)*—(i) *In general.* Any deduction which would otherwise be allowable under section 2055 for the value of property transferred by a decedent dying after December 31, 1969, will not be disallowed under section 508(d)(2)(A) and subparagraph (1)(i) of this paragraph—

(*a*) In the case of property passing under the terms of a will executed on or before October 9, 1969—

(*1*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended any dispositive provision of the will after October 9, 1969, by codicil or otherwise,

(*2*) If the decedent dies after October 9, 1969, and at no time after that date had the right to change the portions of the will which pertain to the passing of the property to, or for the use of, an organization described in section 2055(a), or

(*3*) If no dispositive provision of the will is amended by the decedent, by codicil or otherwise, before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)–2(b)(2)(ii) of this chapter (Income Tax Regulations)) to amend the will by codicil or otherwise, or

(*b*) In the case of property transferred in trust on or before October 9, 1969—

(*1*) If the decedent dies after October 9, 1969, but before October 9, 1972, without having amended, after October 9, 1969, any dispositive provision of the instrument governing the disposition of the property.

(*2*) If the property transferred was an irrevocable interest to, or for the use of, an organization described in section 2055(a), or

(*3*) If no dispositive provision of the instrument governing the disposition of the property is amended by the decedent before October 9, 1972, and the decedent is on October 9, 1972, and at all times thereafter under a mental disability (as defined in § 1.642(c)–2(b)(2)(ii) of this chapter) to change the disposition of the property.

(ii) *Amendment of dispositive provisions.* For purposes of subdivision (i) of this subparagraph, the provisions of paragraph (e)(4) of § 20.2055–2 shall apply in determining whether an amendment will be considered as one which amends the dispositive provisions of a will or trust.

(c) *Foreign organization with substantial support from foreign sources.* Section 4948(c)(4) provides that, in the case of decedents dying after December 31, 1969, a deduction which would otherwise be allowable under section 2055 for the value of property transferred by the decedent to or for the use of a foreign organization which has received substantially all of its support (other than gross investment income) from sources without the United States shall not be allowed if the transfer is made (1) after the date on which the Commissioner has published notice that he has notified such organization that it has engaged in a prohibited transaction, or (2) in a taxable year of such organization for which it is not exempt from taxation under section 501(a) because it has engaged in a prohibited transaction after December 31, 1969.

PAR. 6. Section 20.2106 is amended by revising section 2106(a)(2)(A)(ii) and (iii), (E), (3), and the historical note, as follows:

§ 20.2106 Statutory provisions; taxable estate.

SEC. 2106. *Taxable estates*—(a) *Definition of taxable estate.* * * *

(2) *Transfers for public, charitable, and religious uses*—(A) *In general.* * * *

(ii) To or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office; or

(iii) To a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no substantial part of the activities of such

trustee or trustees, or of such fraternal society, order, or association, is carrying on propaganda, or otherwise attempting, to influence legislation, and such trustee or trustees, or such fraternal society, order, or association, does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

* * * * *

(E) *Disallowance of deductions in certain cases.* The provisions of section 2055(e) shall be applied in the determination of the amount allowable as a deduction under this paragraph.

* * * * *

(3) *Exemption*—(A) *General rule.* An exemption of $30,000.

(B) *Residents of possessions of the United States.* In the case of a decedent who is considered to be a "nonresident not a citizen of the United States" under the provisions of section 2209, the exemption shall be the greater of (i) $30,000, or (ii) that proportion of the exemption authorized by section 2052 which the value of that part of the decedent's gross estate which at the time of his death is situated in the United States bears to the value of his entire gross estate wherever situated.

* * * * *

[Sec. 2106 as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 4(c), Act of Sept. 14, 1960 (Public Law 86-779, 74 Stat. 1000); sec. 108(e), Foreign Investors Tax Act 1966 (80 Stat. 1572); sec. 201(d) (2) and (4), Tax Reform Act 1969 (83 Stat. 561)]

PAR. 7. Section 20.2106-1 is amended by revising paragraph (a)(2) to read as follows:

§ 20.2106-1 Estate of nonresidents not citizens; taxable estate; deductions in general.

(a) * * *

(2) A deduction computed in the same manner as the one allowed under section 2055 (see §§ 20.2055-1 through 20.2055-5) for charitable, etc., transfers, except—

(i) That the deduction is allowed only for transfers to corporations and associations created or organized in the United States, and to trustees for use within the United States, and

(ii) That the provisions contained in paragraph (c)(2) of § 20.2055-2 relating to termination of a power to consume are not applicable.

* * * * *

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

PAR. 8. Section 25.2522(a) is amended by revising that part of section 2522(a) that precedes paragraph (1) thereof, by revising section 2522(a)(2), and by adding an historical note, as follows:

§ 25.2522(a) Statutory provisions; charitable and similar gifts; citizens or residents.

SEC. 2522. *Charitable and similar gifts*—(a) *Citizens or residents.* In computing taxable gifts for the calendar quarter, there shall be allowed as a deduction in the case of a citizen or resident the amount of all gifts made during such quarter to or for the use of—

* * * * *

(2) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

* * * * *

[Sec. 2522(a) as amended by sec. 201(d)(4), Tax Reform Act 1969 (83 Stat. 562); sec. 102(c)(2), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1841)]

PAR. 9. Section 25.2522(a)-1 is amended by revising paragraph (a)(2), by revising that part of paragraph (a) that follows subparagraph (4), and by revising paragraph (b), as follows:

§ 25.2522(a)-1 Charitable and similar gifts; citizens or residents.

(a) * * *

(2) Any corporation, trust, community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, if no part of the net earnings of the organization inures to the benefit of any private shareholder or individual, if no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation, and if, in the case of gifts made after December 31, 1969, it does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

* * * * *

The deduction is not limited to gifts for use within the United States, or to gifts to or for the use of domestic corporations, trusts, community chests, funds, or foundations, or fraternal societies, orders, or associations operating under the lodge system. An organization will not be considered to meet the requirements of subparagraph (2) of this paragraph, or of paragraph (b)(2) or (3) of this section, if such organization engages in any activity which would cause it to be classified as an "action" organization under paragraph (c)(3) of § 1.501(c)(3)-1 of this chapter (Income Tax Regulations). For the deductions for charitable and similar gifts made by a nonresident who was not a citizen of the United States at the time the gifts were made, see § 25.2522(b)-1. See §§ 25.2522(c)-1 and 25.2522(c)-2 for rules relating to the disallowance of deductions to trusts and organizations which engage in certain prohibited transactions or whose governing instruments do not contain certain specified requirements.

(b) The deduction under section 2522 is not allowed for a transfer to a corporation, trust, community chest, fund, or foundation unless the organization or trust meets the following four tests:

(1) It must be organized and operated exclusively for one or more of the specified purposes.

(2) It must not, by a substantial part of its activities, attempt to influence legislation by propaganda or otherwise.

(3) In the case of gifts made after December 31, 1969, it must not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

(4) Its net earnings must not inure in whole or in part to the benefit of private shareholders or individuals other than as legitimate objects of the exempt purposes.

* * * * *

PAR. 10. Section 25.2522(a)-2 is amended by revising the heading thereof and by adding a new paragraph (c), as follows:

§ 25.2522(a)-2 Transfers not exclusively for charitable, etc., purposes in the case of gifts made before August 1, 1969.

* * * * *

(c) *Effective date.* This section applies only to gifts made before August 1, 1969. In the case of gifts made after July 31, 1969, see § 25.2522(c)-2.

PAR. 11. Section 25.2522(b) is amended by revising that part of section 2522 that precedes paragraph (1) thereof, by revising section 2522(b)(2) and (3), and by adding an historical note, as follows:

§ 25.2522(b) Statutory provisions; charitable and similar gifts; nonresidents.

SEC. 2522. *Charitable and similar gifts* * * *

(b) *Nonresidents.* In the case of a nonresident not a citizen of the United States, there shall be allowed as a deduction the amount of gifts made during such quarter to or for the use of—

* * * * *

(2) A domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office;

(3) A trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office; but only if such gifts are to be used within the United States exclusively for such purposes;

* * * * *

[Sec. 2522(b) as amended by sec. 201(d)(4), Tax Reform Act 1969 (83 Stat. 562); sec.

102(c)(2), Excise, Estate, and Gift Tax Adjustment Act 1970 (84 Stat. 1841)]

PAR. 12. Section 25.2522(c) is amended by revising section 2522(c) and the historical note, as follows:

§ 25.2522(c) Statutory provisions; charitable and similar gifts; disallowance of deductions in certain cases.

SEC. 2522. *Charitable and similar gifts.* * * *

(c) *Disallowance of deductions in certain cases.* (1) No deduction shall be allowed under this section for a gift to or for the use of an organization or trust described in section 508(d) or 4948(c)(4) subject to the conditions specified in such sections.

(2) Where a donor transfers an interest in property (other than a remainder interest in a personal residence or farm or an undivided portion of the donor's entire interest in property) to a person, or for a use, described in subsection (a) or (b) and an interest in the same property is retained by the donor, or is transferred or has been transferred (for less than an adequate and full consideration in money or money's worth) from the donor to a person, or for a use, not described in subsection (a) or (b), no deduction shall be allowed under this section for the interest which is, or has been transferred to the person, or for the use, described in subsection (a) or (b), unless—

(A) In the case of a remainder interest, such interest is in a trust which is a charitable remainder annuity trust or a charitable remainder unitrust (described in section 664) or a pooled income fund (described in section 642(c)(5)), or

(B) In the case of any other interest, such interest is in the form of a guaranteed annuity or is a fixed percentage distributed yearly of the fair market value of the property (to be determined yearly).

(Sec. 2522(c) as amended by sec. 30(d), Technical Amendments Act 1958 (72 Stat. 1631); sec. 201(d)(3), Tax Reform Act 1969 (83 Stat. 561))

PAR. 13. Section 25.2522(c)-1 is amended by revising the heading thereof and by adding a new paragraph (e), as follows:

§ 25.2522(c)-1 Disallowance of charitable, etc., deductions because of "prohibited transactions" in the case of gifts made before January 1, 1970.

* * * * *

(e) This section applies only to gifts made before January 1, 1970. In the case of gifts made after December 31, 1969, see § 25.2522(c)-2.

PAR. 14. The following new sections are added immediately after § 25.2522(c)-1:

§ 25.2522(c)-2 Disallowance of charitable, etc., deductions in the case of gifts made after December 31, 1969.

(a) *Organizations subject to section 507(c) tax.* Section 508(d)(1) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 for a gift to or for the use of an organization upon which the tax provided by section 507(c) has been imposed shall not be allowed if the gift is made by the donor after notification is made under section 507(a) or if the donor is a substantial contributor (as defined in section 507(d)(2)) who makes such gift in his taxable year (as defined in section 441) which includes the first day on which action is taken by such organization that culminates in the imposition of the tax under section 507(c) and any subsequent taxable year. This paragraph does not apply if the entire amount of the unpaid portion of the tax imposed by section 507(c) is abated under section 507(g) by the Commissioner or his delegate.

(b) *Taxable private foundations, section 4947 trusts, etc.* Section 508(d)(2) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 shall not be allowed if the gift is made to or for the use of—

(1) A private foundation or a trust described in section 4947 in a taxable year of such organization for which it fails to meet the governing instrument requirements of section 508(e) (determined without regard to section 508(e)(2)(B) and (C)), or

(2) Any organization (other than a charitable trust described in section 4947(a)(1)) in a period for which it is not treated as an organization described in section 501(c)(3) by reason of its failure to give notification under section 508(a) of its status to the Commissioner.

For additional rules, see § 1.508-2(b)(1) of this chapter (Income Tax Regulations).

(c) *Foreign organizations with substantial support from foreign sources.* Section 4948(c)(4) provides that, in the case of gifts made after December 31, 1969, a deduction which would otherwise be allowable under section 2522 for a gift to or for the use of a foreign organization which has received substantially all of its support (other than gross investment income) from sources without the United States shall not be allowed if the gift is made (1) after the date on which the Commissioner has published notice that he has notified such organization that it has engaged in a prohibited transaction, or (2) in a taxable year of such organization for which it is not exempt from taxation under section 501(a) because it has engaged in a prohibited transaction after December 31, 1969.

§ 25.2522(c)-3 Transfers not exclusively for charitable, etc., purposes in the case of gifts made after July 31, 1969.

(a) *Remainders and similar interests.* If a trust is created or property is transferred for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interest.

(b) *Transfers subject to a condition or a power.* (1) If, as of the date of the gift, a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest has passed to, or is vested in, charity on the date of the gift and the estate or interest would be defeated by the performance of some act or the happening of some event, the possibility of occurrence of which appeared on such date to be so remote as to be negligible, the deduction is allowable. If the donee or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so given by the donor, the deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of the power. If by reason of all the conditions and circumstances surrounding a transfer of an income interest in property in trust it appears that the charity may not receive the beneficial enjoyment of the interest, a deduction will be allowed under section 2522 only for the minimum amount it is evident the charity will receive.

(2) The application of this paragraph may be illustrated by the following examples:

Example (1). In 1965, A transfers certain property in trust in which charity is to receive the income for his life with remainder to his descendants. The assets placed in trust by the donor consist of stock in a corporation the fiscal policies of which are controlled by the donor and his family. The trustees of the trust and the remainderman are members of the donor's family and the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees are not members of the donor's family but have no power to sell or otherwise dispose of the closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction will be allowed.

Example (2). In 1975, B transfers $20,000 in trust with the requirement that a designated charity be paid an annuity trust interest (as defined in paragraph (c)(2)(v) of this section) of $4,100 a year, payable annually at the end of each year for a period of 6 years and that the remainder be paid to his children. The fair market value of an annuity of $4,100 a year for a period of 6 years is $20,160.93 ($4,100×4.9173), as determined under paragraph (d)(2)(iv) of this section and Table B in paragraph (f) of § 25.2512-9. The deduction with respect to the annuity trust interest will be limited to $20,000, which is the minimum amount it is evident the charity will receive.

Example (3). C transfers a tract of land to a city government for as long as the land is used by the city for a public park. If on the date of gift the city does plan to use the land for a park and the possibility that the city will not use the land for a public park is so remote as to be negligible, a deduction will be allowed.

(c) *Transfers of partial interests in property—(1) In general—(i) Disallowance of deduction.* In the case of gifts made after July 31, 1969, where a donor transfers an interest in property for charitable purposes and an interest in the same property is retained by the donor, or is transferred or has been transferred for private purposes (for less than full and adequate consideration in money or money's worth), no deduction is allowed under section 2522

for the value of the interest which is transferred or has been transferred for charitable purposes unless the interest in property is a deductible interest described in subparagraph (2) of this paragraph. Where an interest in property is transferred by the donor for a charitable purpose and an interest in the same property is transferred for a private purpose, it is immaterial whether the interests are transferred at the same time or under the same instrument. If, as of the date of the gift, a retention of an interest by a donor, or a transfer for a private purpose, is dependent upon the performance of some act or the happening of an event in order that it may become effective, an interest in property will be considered retained by the donor, or transferred for a private purpose, unless the possibility of occurrence of such act or event is so remote as to be negligible. The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which is transferred for private purposes is not transferred for an adequate and full consideration in money or money's worth:

Example (1). In 1968, H creates a trust which is to pay the income of the trust to W for her life, the reversionary interest in the trust being retained by H. In 1975, H gives the reversionary interest to charity, while W is still living. For purposes of this subdivision interests in the same property have been transferred by H for charitable purposes and for private purposes.

Example (2). In 1973, H creates a trust which is to pay the income of the trust to W for her life and upon termination of the life estate to transfer the remainder to S. In 1975, S gives his remainder interest to charity, while W is still living. For purposes of this subdivision, interests in the same property have not been transferred by H or S for charitable purposes and for private purposes.

(ii) *Interest in property.* In determining whether interests in the same property are transferred or have been transferred for charitable and private purposes, a distinction is to be drawn between "property", as such term is used in this paragraph, and an "interest in property". The term "property" refers to the underlying property in which various interests exist; each such interest is not for this purpose to be considered as "property". The term "interest in property" means any beneficial interest, whether vested or contingent, in property, whether tangible or intangible. For such purpose, an interest in property may consist of a life estate, a term of years, a right of use, a remainder, a reversion, a general power of appointment, a power of invasion or consumption, a dower or curtesy interest. The term does not include a security interest or bare legal title, such as that of a trustee, or a power of appointment which is not a general power of appointment. The term includes the interest of any possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment. Where the possible appointees under, and possible takers in default of, a power of appointment which is not a general power of appointment consist of both a charity or charities and a private person or persons, the interest will be deemed to be transferred solely for private purposes. See section 2514(c) and the regulations thereunder for definition of the term "general power of appointment". The application of this subdivision may be illustrated by the following examples, in each of which it is assumed that the property interest which is transferred for private purposes is not transferred for an adequate and full consideration in money or money's worth:

Example (1). H transfers Blackacre to A by gift, reserving the right to the rentals of Blackacre for a term of 20 years. After 4 years H transfers the right to the remaining rentals to charity. For purposes of this paragraph the term "property" refers to Blackacre, and the right to rentals from Blackacre consist of an interest in Blackacre. An interest in Blackacre has been transferred by H for charitable purposes and for private purposes.

Example (2). H transfers property to T in trust for the benefit of W and a charity. The trust income is to be paid to W for life, and upon her death the corpus is to be distributed to charity. Since no beneficial interest in the property is transferred to T, no interest in property is transferred or has been transferred to T for puposes of this paragraph. However, an interest in property has been transferred by H for charitable purposes and for private purposes.

Example (3). H transfers property in trust for the benefit of A and a charity. An annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the 20-year term the corpus is to be distributed to A if living. However, if A should die during the 20-year term, the corpus is to be distributed to charity upon termination of the term. An interest in property has been transferred by H for charitable purposes. In addition, an interest in the same property has been transferred by H for private purposes unless the possibility that A will survive the 20-year term is so remote as to be negligible.

Example (4). H transfers property in trust, under the terms of which an annuity trust interest (as defined in subparagraph (2)(v) of this paragraph) of $5,000 a year is to be paid to charity for 20 years. Upon termination of the term, the corpus is to pass to such of A's children and their issue as A may appoint. However, if A should die during the 20-year term without exercising the power of appointment, the corpus is to be distributed to charity upon termination of the term. Since A does not have a general power of appointment, no interest in property has been transferred by H to A. However, since the possible appointees include private persons, an interest in the corpus of the trust is considered to have been transferred by H for private purposes.

(iii) *Transferred or has been transferred by the donor.* Notwithstanding the designation by local law of the capacity in which a person takes, the phrase "transferred or has been transferred by the donor" includes any transfer, directly or indirectly, of property or any interest in property by the donor. Thus, an interest in property is transferred or has been transferred by the donor for purposes of this subdivision in any case in which property would be held to be a gift by the donor for purposes of the gift tax. The phrase "transferred or has been transferred" also includes a transfer of property, or any interest in property, which is not considered a gift by a donor for purposes of the gift tax. For example, an interest in property is transferred or has been transferred for purposes of this paragraph if such interest is transferred by reason of the donor's nonexercise of a general power of appointment (as defined in section 2514(c) and the regulations thereunder) created on or before October 21, 1942. If property or a property interest is transferred or has been transferred from the donor to any person subject to an obligation that any interest, vested or contingent, be transferred to another person, an interest in property will be considered to have been transferred by the donor to such other person.

(2) *Deductible interests.* A deductible interest for purposes of subparagraph (1) of this paragraph is a charitable interest in property where—

(i) *Undivided portion of donor's entire interest.* The charitable interest is an undivided portion, not in trust, of the donor's entire interest in property. An undivided portion of a donor's entire interest in property may consist of a fraction or percentage of each interest or right owned by the donor in such property or may consist of all or a fraction or percentage of a specific right or interest in such property. An interest in property will not, however, be considered a donor's entire interest in property for this purpose unless it extends over the entire term of the donor's interest in such property and in other property into which such property is converted. For example, if the donor gave a life estate in an office building to his wife for her life and retained a reversionary interest in the office building, the gift by the donor of one-half of that reversionary interest to charity while his wife is still alive will not be considered the transfer of a deductible interest; because an interest in the same property has already passed from the donor for private purposes, the reversionary interest will not be considered the donor's entire interest in the property. If, on the other hand, the donor was given a life estate in Blackacre for the life of his wife and the donor had no other interest in Blackacre on or before the time of gift, the gift by the donor of one-half of that life estate to charity would be considered the transfer of a deductible interest; because the life estate would be considered the donor's entire interest in the property, the gift would be of an undivided interest in such interest. An undivided portion of a donor's entire interest in property includes an interest in property whereby the charity is given the right, as a tenant in common with the donor, to possession, dominion, and control of the property for a portion of each year appropriate to its interest in such property; it also includes an open space easement in gross in perpetuity, as defined in § 1.170A-7(b)(1)(ii) of this chapter (Income Tax Regulations).

(ii) *Remainder interest in personal residence.* The charitable interest is an irrevocable remainder interest, not in trust, in a personal residence. For purposes of this subdivision, the term "personal residence" means property which is used by the donor as his personal residence even though it is not used as his principal residence. For example, a donor's vacation home at a resort which he occupies for 2 months each year may be a personal residence for purposes of this subdivision. The term "personal residence" also includes stock owned by the donor on the date of gift as a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216(b) (1) and (2)) if the dwelling which the donor is entitled to occupy as such stockholder is used by him as his personal residence.

(iii) *Remainder interest in a farm.* The charitable interest is an irrevocable remainder interest, not in trust, in a farm. For purposes of this subdivision, the term "farm" means any land used by the donor or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. The term "livestock" includes cattle, hogs, horses, mules, donkeys, sheep, goats, captive fur-bearing animals, chickens, turkeys, pigeons, and other poultry. A farm includes the improvements thereon.

(iv) *Charitable remainder trust and pooled income funds.* The charitable interest is a remainder interest in a trust which is a charitable remainder annuity trust, as defined in section 664(d)(1) and § 1.664–2 of this chapter; a charitable remainder unitrust, as defined in section 664(d)(2) and § 1.664–3 of this chapter; or a pooled income funds, as defined in section 642(c)(5) and § 1.642 (c)–5 of this chapter. The charitable organization to or for the use of which the remainder interest is transferred must meet the requirements of both section 2522 (a) or (b) and section 642(c)(5) (A), section 664(d)(1)(C), or section 664(d)(2)(C), whichever applies. For example, the charitable organization to which the remainder interest in a charitable remainder annuity trust is transferred may not be a foreign corporation.

(v) *Annuity trust interest.* (*a*) The charitable interest is an annuity trust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "annuity trust interest" means an irrevocable right pursuant to the instrument of transfer to receive a guaranteed annuity. An annuity is an arrangement under which a determinable amount is paid periodically, but not less often than annually, for the life or lives of a named individual or individuals or for a specified term of years. An amount is determinable if the exact amount which must be paid under the conditions specified in the instrument of transfer can be ascertained on the date of gift. For example, the amount to be paid may be a stated sum for a term, or for the life of an individual, at the expiration of which it may be changed by a specified amount, but it may not be redetermined by reference to a fluctuating index such as the cost of living index. In further illustration, the amount to be paid may be expressed as a fraction or percentage of the cost of living index on the date of gift.

(*b*) A charitable interest is an annuity trust interest only if it is an annuity trust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not an annuity trust interest.

(*c*) Where a charitable interest in the form of an annuity is not in trust, the interest will be considered an annuity trust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing annuity contracts.

(*d*) Where a charitable interest in the form of an annuity is in trust and the present value on the date of gift of such annuity interest exceeds 60 percent of the aggregate fair market value of all amounts in such trust (after the payment of liabilities), the interest will not be considered an annuity trust interest unless the governing instrument of the trust prohibits both the acquisition and the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired such assets. The requirement in this (*d*) for a prohibition in the governing instrument against the retention of assets which would give rise to a tax under section 4944 if the trustee had acquired the assets shall not apply to a trust executed on or before May 21, 1972.

(*e*) Where a charitable interest in the form of an annuity is in trust, and the trust is executed after May 21, 1972, the interest will not be considered an annuity trust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*e*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the annuity shall be paid to a private party. See § 53.4947–1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(*f*) Where a charitable interest in the form of an annuity is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay an annuity trust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2522 shall be limited to the fair market value of the annuity trust interest.

(*g*) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the annuity trust interest is in trust.

(vi) *Unitrust interest.* (*a*) The charitable interest is a unitrust interest, whether or not such interest is in trust. For purposes of this subdivision, the term "unitrust interest" means an irrevocable right pursuant to the instrument of transfer to receive payment, not less often than annually, of a fixed percentage of the net fair market value, determined annually, of the property which funds the unitrust interest. In computing the fair market value of the property which funds the unitrust interest, all assets and liabilites shall be taken into account without regard to whether particular items are taken into acount in determining the income from the property. The net fair market value of the property which funds the unitrust interest may be determined on any one date during the year or by taking the average of valuations made on more than one date during the year, provided that the same valuation date or dates and valuation methods are used each year. Payments under a unitrust interest may be paid for a specified term of years or for the life or lives of a named individual or individuals.

(*b*) A charitable interest is a unitrust interest only if it is a unitrust interest in every respect. For example, if the charitable interest is the right to receive from a trust each year a payment equal to the lesser of a sum certain or a fixed percentage of the net fair market value of the trust assets, determined annually, such interest is not a unitrust interest.

(*c*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is not in trust, the interest will be considered a unitrust interest only if it is to be paid by an insurance company or by an organization regularly engaged in issuing interests otherwise meeting the requirements of a unitrust interest.

(*d*) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the interest will not be considered a unitrust interest if any amount may be paid by the trust for a private purpose before the expiration of all the income interest for a charitable purpose, unless such amount is paid from a group of assets which, pursuant to the governing instrument of the trust, are devoted exclusively to private purposes and to which section 4947(a)(2) is inapplicable by reason of section 4947(a)(2)(B). For purposes of this (*d*), an amount is not paid for a private purpose if it is paid for full and adequate consideration. For example, the trust instrument may not provide that income of the trust in excess of the fixed percentage of the net fair market value of the trust assets, determined annually,

shall be paid to a private party. See § 53.4947–1(c) of this chapter (Foundation Excise Tax Regulations) for rules relating to the inapplicability of section 4947(a)(2) to segregated amounts in a split-interest trust.

(e) Where a charitable interest in the form of a fixed percentage of the net fair market value of property, determined annually, is in trust, the governing instrument of the trust may provide that income of the trust which is in excess of the amount required to pay the unitrust interest shall be paid to or for the use of a charity. Nevertheless, the amount of the deduction under section 2522 shall be limited to the net fair market value of the unitrust interest.

(f) See section 4947 (a)(2) and (b)(3)(A) for rules relating to certain governing instrument requirements and to the imposition of certain excise taxes where the unitrust interest is in trust.

(d) *Valuation of charitable interest*—(1) *In general.* The amount of the deduction in the case of a contribution of a partial interest in property to which this section applies is the fair market value of the partial interest on the date of gift. The fair market value of an annuity, life estate, term for years, remainder, reversion, and unitrust interest is its present value.

(2) *Certain transfers after July 31, 1969.* In the case of a transfer after July 31, 1969, of an interest described in subdivision (iv), (v), or (vi) of paragraph (c)(2) of this section, the present value of such interest is to be determined under the following rules:

(i) The present value of a remainder interest in a charitable remainder annuity trust is to be determined under § 1.664–2(c) of this chapter (Income Tax Regulations).

(ii) The present value of a remainder interest in a charitable remainder unitrust is to be determined under § 1.664–4 of this chapter.

(iii) The present value of a remainder interest in a pooled income fund is to be determined under § 1.642(c)–6 of this chapter.

(iv) The present value of an annuity trust interest described in paragraph (c)(2)(v) of this section is to be determined under § 25.2512–9 except that, if the annuity is issued by a company regularly engaged in the sale of annuities, the present value is to be determined under § 25.2512–6.

(v) The present value of a unitrust interest described in paragraph (c)(2)(vi) of this section is to be determined by subtracting the present value of all interests in the transferred property that follow the unitrust interest from the fair market value of the transferred property. For such purposes the present value of all interests that follow the unitrust interest shall be determined under § 1.664–4 of this chapter by treating such interests as a remainder interest in a charitable remainder unitrust.

(3) *Other transfers.* The present value of an interest not described in subparagraph (2) of this paragraph is to be determined under § 25.2512–5 in the case of transfers before January 1, 1971, or under § 25.2512–9 in the case of transfers after December 31, 1970.

(4) *Special computations.* If the interest transferred is such that its present value is to be determined by a special computation, a request for a special factor, accompanied by a statement of the date of birth and sex of each individual the duration of whose life may affect the value of the interest, and by copies of the relevant instruments, may be submitted by the executor to the Commissioner who may, if conditions permit, supply the factor requested. If the Commissioner furnishes the factor, a copy of the letter supplying the factor must be attached to the tax return in which the deduction is claimed. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present value made in accordance with the principles set forth in this paragraph.

(e) *Effective date.* This section applies only to gifts made after July 31, 1969.

PAR. 15. The following new section is inserted immediately after § 25.2522(d):

§ 25.2522(d)–1 Additional cross references.

(a) See section 14 of the Wild and Scenic Rivers Act (Public Law 90–542, 82 Stat. 918) for provisions relating to the claim and allowance of the value of certain easements as a gift under section 2522.

(b) For treatment of gifts accepted by the Secretary of State or the Secretary of Commerce, for the purpose of organizing and holding an international conference to negotiate a Patent Corporation Treaty, as gifts to or for the use of the United States, see section 3 of Joint Resolution of December 24, 1969 (Public Law 91–160, 83 Stat. 443).

(c) For treatment of gifts accepted by the Secretary of the Department of Housing and Urban Development, for the purpose of aiding or facilitating the work of the Department, as gifts to or for the use of the United States, see section 7(k) of the Department of Housing and Urban Development Act (42 U.S.C. 3535), as added by section 905 of Public Law 91–609 (84 Stat. 1809).

[FR Doc.72–6091 Filed 4–20–72;8:48 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Proposed Part Designations; Opportunity for Public Hearing

Title 50, Part 17, Appendix B, Designated Ports and Exceptions Thereto, is proposed to be amended by designating Honolulu, Hawaii, as a port of entry for fish and wildlife.

As amended, 50 CFR Part 17, Appendix B, paragraph 1 will read as follows:

APPENDIX B

DESIGNATED PORTS AND EXCEPTIONS THERETO

1. *Designated ports.* The following ports are designated as ports of entry for all fish and wildlife, except shellfish and fishery products imported for commercial purposes which may enter through any Customs district or port:

New York, N.Y.	Los Angeles, Calif.
Miami, Fla.	New Orleans, La.
Chicago, Ill.	Seattle, Wash.
San Francisco, Calif.	Honolulu, Hawaii.

* * * * *

A hearing will be held in Honolulu, Hawaii, on April 25, 1972, beginning at 2 p.m., in Room 404 of the Federal Building, 335 Merchant Street. Members of the interested public are invited to submit comments, suggestions, or objections orally or in writing at the hearing. Interested persons may also submit written comments, suggestions, or objections, with respect to this proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication of the notice in the FEDERAL REGISTER.

APRIL 4, 1972.

SPENCER SCHMIDT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.72–6103 Filed 4–20–72;8:49 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service [1]

[7 CFR Part 1108]

[Docket No. AO 243–A24]

MILK IN THE CENTRAL ARKANSAS MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order; Correction

In the notice of hearing issued April 10, 1972, for the Central Arkansas order certain language was inadvertently omitted from the first sentence appearing in the notice. Accordingly, the first sentence in that notice, which appeared in the FEDERAL REGISTER April 13, 1972 (37 F.R. 7341), is corrected to read as follows:

"Notice is hereby given of a public hearing to be held at the Sheraton-Little Rock, 601 East Seventh, Little Rock, AR, beginning at 9:30 a.m., May 2, 1972, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Central Arkansas marketing area."

Signed at Washington, D.C., on April 18, 1972.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.72–6141 Filed 4–20–72;8:53 am]

[1] Formerly Consumer and Marketing Service. Name changed to Agricultural Marketing Service effective April 2, 1972, 37 F.R. 6327.

Animal and Plant Health Inspection Service

[9 CFR Part 317]

SLICED BACON

Proposed Package Design

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), proposes to amend § 317.8 (b)(5) of the Federal meat inspection regulations (9 CFR 317.8(b)(5)) to require that partially transparent packages containing sliced bacon be designed to expose a substantial portion of a representative slice so that a consumer can see the fat-to-lean ratio prior to purchasing and opening the package. A substantial portion would be the full width and not less than 70 percent of the length of the slice.

Statement of considerations. The Federal Meat Inspection Act in section 1(n)(4) (21 U.S.C. 601(n)(4)), defines a product as "misbranded" if its container is so made, formed or filled as to be misleading; and section 7(e) of the Act (21 U.S.C. 607(e)), authorizes the Secretary to require modification of packaging in use which he has reason to believe are misleading in any particular.

Numerous consumer complaints have been received over the past 5 years concerning the packaging of sliced bacon. Consumers have stated that when a package includes a window that reveals only the lean portion of the product, it is impossible for the consumer to judge the quality of the product and the consumer may be misled.

The Department proposes the following amendment that would provide for sufficient visibility of the sliced bacon in the package to allow the consumer to make a meaningful evaluation of the product. A study of packaging methods and package construction indicates attention should be given to modifying present packages rather than requiring a complete change of package design. Otherwise, complying with a regulatory change might cause unnecessary expense to the packers which would be passed on to the consumer.

The proposed amendment would provide for the display through the package of the full width and 70 percent of the length of a representative slice of the bacon.

The proposed amendment is as follows:

Section 317.8(b)(5) would be amended by designating the present text as subdivision (i) and adding a new subdivision (ii) to read:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(5) * * *

(ii) Packages for sliced bacon that have a transparent opening shall be designated to expose, for viewing, the full width and at least 70 percent of the length of a slice of bacon taken from the same portion of the carcass and representing approximately the same fat-to-lean ratio as the remainder of the contents of the package. Packages for sliced bacon which meet the following specifications will be accepted as meeting the requirements of the preceding paragraph provided the enclosed bacon is positioned so that the full width and 70 percent of the length of the representative slice can be visually examined:

(*a*) For shingle-packed sliced bacon, the length of the transparent window for display of the representative slice must be at least 70 percent of the length (longest dimension) of the package and 1½ inches wide. The 1-pound package may not have more than a ⅝-inch package lip (margin), and the 2-pound package may not have more than a ¾-inch package lip (margin) at the top or bottom of the package to maintain structural integrity.

(*b*) For stack-packed sliced bacon, the transparent window shall reveal the cut surface of the bacon and its length must be at least 70 percent of the length (longest dimension) of the package and at least 1½ inches wide.

* * * * *

It is recognized that those affected by the proposed amendment would need time to exhaust existing inventories of packages, to obtain acceptable replacement packages, and to make equipment adjustments where necessary. Therefore, a period of 6 months following the issuance date of the amendment would be provided to permit the necessary adjustments if the amendment is adopted.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER.

Persons desiring opportunity for oral presentation of views should address such requests to the Standards and Services Division, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views within the 60-day period. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours in a manner convenient to the public business (7 CFR 1.27(b)), unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on April 10, 1972.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.72-6138 Filed 4-20-72;8:53 am]

Commodity Credit Corporation

[7 CFR Part 1464]

FLUE-CURED TOBACCO, TYPES 11–14

Notice of Advance Schedule and Grade Rates for Price Support on 1972 Crop

Consideration will be given to data, views, and recommendations pertaining to the advance rates set out in this notice which are submitted in writing to the Director, Tobacco Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All submissions, in order to be sure of consideration, must be received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

These proposed rates calculated to provide the level of support 72.7 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are as follows:

§ 1464.16 1972 Crop—Flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	98.25	B2L	86.25
A2F	96.25	B3L	83.25
B1L	91.25	B4L	81.25

[1] The advance rates listed are applicable to tied, and untied Flue-cured tobacco which is (1) eligible tobacco as defined in the regulations, and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card which bears the notation "Discount Variety-Limited Support" are 50 percent of the advance rates listed plus twelve and one-half cents ($0.125) per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer and only if produced by a cooperator.

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G," or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

Grade	Advance Rate	Grade	Advance Rate
B5L	78.25	B5LV	73.25
B6L	74.25	B3FV	80.25
B1F	91.25	B4FV	76.25
B2F	86.25	B5FV	73.25
B3F	83.25	B3LS	76.25
B4F	81.25	B4LS	73.25
B5F	78.25	B5LS	70.25
B6F	74.25	B6LS	64.25
B1FR	90.25	B3FS	73.25
B2FR	85.25	B4FS	71.25
B3FR	82.25	B5FS	68.25
B4FR	79.25	B6FS	62.25
B5FR	75.25	B3KL	68.25
B6FR	71.25	B4KL	66.25
B3R	70.25	B5KL	63.25
B4R	66.25	B6KL	58.25
B5R	61.25	B3KF	67.25
B6R	57.25	B4KF	65.25
B3K	76.25	B5KF	62.25
B4K	73.25	B6KF	57.25
B5K	70.25	B3KM	71.25
B6K	65.25	B4KM	69.25
B3LV	80.25	B5KM	66.25
B4LV	76.25	B6KM	61.25
B3KR	76.25	C4FV	82.25
B4KR	73.25	C4LS	80.25
B5KR	70.25	C5LS	77.25
B4KV	67.25	C4KL	80.25
B5KV	63.25	C4KF	80.25
B6KV	59.25	C4KM	80.25
B5RR	57.25	C4KR	82.25
B4GL	70.25	X1L	88.25
B5GL	67.25	X4L	81.25
B6GL	62.25	X3L	84.25
B4GF	69.25	X4L	81.25
B5GF	65.25	X5L	77.25
B6GF	61.25	X1F	88.25
B4GR	63.25	X2F	86.25
B5GR	58.25	X3F	84.25
B6GR	53.25	X5F	77.25
B4GK	65.25	X3LV	80.25
B5GK	60.25	X4LV	77.25
B6GK	56.25	X3FV	80.25
B5RG	54.25	X4FV	77.25
B4GG	56.25	X3LS	79.25
B5GG	53.25	X4LS	75.25
H1L	91.25	X3FS	77.25
H2L	88.25	X4FS	74.25
H3L	86.25	X4KL	75.25
H4L	84.25	X4KF	75.25
H5L	81.25	X4KV	72.25
H6L	77.25	X3KM	78.25
H1F	91.25	X4KM	74.25
H2F	88.25	X4KR	78.25
H3F	86.25	X4G	71.25
H4L	84.25	X5G	66.25
H5F	81.25	X4GK	69.25
H6F	77.25	P2L	83.25
H3FR	83.25	P3L	80.25
H4FR	80.25	P4L	77.25
H5FR	77.25	P5L	72.25
H6FR	74.25	P2F	83.25
H4K	79.25	P3F	80.25
H5K	76.25	P4F	77.25
H6K	72.25	P5F	72.25
C1L	92.25	P4G	68.25
C2L	90.25	P5G	62.25
C3L	88.25	N1L	64.25
C4L	86.25	N1XL	68.25
C5L	84.25	N1K	63.25
C1F	92.25	N1R	53.25
C2F	90.25	N1GL	57.25
C3F	88.25	N1GF	56.25
C4F	86.25	N1GR	51.25
C5F	84.25	N1GG	47.25
C4LV	82.25		

(Sec. 4, 62 Stat. 1070, as amended, sec. 5, 62 Stat. 1072, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 1054, 74 Stat. 6; 7 U.S.C. 1441, 1445, 1421, 1423, 15 U.S.C. 714b, 714c)

All comments, suggestions, or objections will be considered before the final schedule is published. All written submissions received pursuant to this notice will be made available for public inspection at the office of the Director, Tobacco Division, during the regular business hours, 8:15 a.m. to 4:45 p.m. (7 CFR 1.27(b)).

Signed at Washington, D.C., on April 17, 1972.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-6097 Filed 4-20-72;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

METHADONE

Proposed Special Requirements for Use; Correction

In F.R. Doc. 72-5297 appearing at page 6940 in the April 6, 1972, issue of the FEDERAL REGISTER, proposed § 130.48(b)(2)(i) is corrected by changing the figure "10" in line 18 of paragraph XII of the Form FD_____ "Application for Approval of Treatment Program Using Methadone" to read "25" (page 6943, column 3).

Dated: April 14, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-6058 Filed 4-20-72;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 575]

[Docket No. 25]

UNIFORM TIRE QUALITY GRADING

Consumer Information

A notice proposing a Consumer Information Regulation on "Uniform Tire Quality Grading" was published September 21, 1971 (36 F.R. 18751). As a result of comments received in response to the notice, and a public meeting held November 12, 1971, the NHTSA has decided to issue a modified notice of proposed rule making with opportunity to comment thereon. This decision is hereby made public before the actual issuance of the modified proposal in order that any interested parties who may have planned action based on the existing notice will have knowledge of this agency's intentions.

This notice is issued under the authority of sections 103, 112, 119, and 203 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1392, 1401, 1407, 1423) and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on April 14, 1972.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.72-6102 Filed 4-20-72;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 249]

[Docket No. 24329; EDR-223A]

CHARTER AIR TRAVEL

Extension of Time for Filing Comments

APRIL 18, 1972.

The Board, by circulation of notice of proposed rule making EDR-223, dated March 17, 1972, and published at 37 F.R. 5826, gave notice that it had under consideration proposed amendments to Parts 207, 208, 212, 214, and 249 of its Economic Regulations (14 CFR Parts 207, 208, 212, 214, and 249). The proposed amendments would: (1) Require that an air carrier or foreign air carrier which has been engaged to provide only one-way transportation from the United States in connection with a pro rata charter trip originating in the United States shall, before providing such transportation, ascertain that the carrier which is to perform the return flight has received full payment of its charges therefor; (2) facilitate enforcement of the Board's existing pro rata charter regulations; and (3) clarify certain of the Board's charter regulations. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before April 21, 1972.

By letter dated April 13, 1972, counsel for World Airways, Inc. (World), requested an extension of time for filing comments, to May 5, 1972, on the ground that their attorneys who handle these matters are presently out of the country participating in a transportation conference. They contend that the requested extension of time would not seriously inconvenience the parties.

The undersigned finds that good cause has been shown for an extension of time for filing comments, particularly since it seems that counsel for other interested persons are also out of the country now, attending the same transportation conference. However, since the Board, in EDR-223, expressed its tentative view that a final rule aimed at preventing strandings of passengers abroad should be promulgated in time to accomplish its purpose in this year's summer charter season, the undersigned finds that an extension beyond April 28, 1972, would not comport with the Board's view of the urgency of this rule making proceeding.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's

Organization Regulations, the undersigned hereby extends the time for submitting comments to April 28, 1972.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[FR Doc.72-6129 Filed 4-20-72;8:52 am]

[14 CFR Parts 221, 231]

[Docket No. 22415; EDR-224]

PUBLICATION OF TARIFFS FOR CLASSES OF SERVICE SUBJECT TO SCHEDULE DESIGNATION AND CLASSES OF SERVICE NOT ACTUALLY PROVIDED TO THE PUBLIC

Notice of Proposed Rule Making

APRIL 14, 1972.

Notice is hereby given that the Civil Aeronautics Board has under consideration rule making action to amend Parts 221 and 231 of the economic regulations of the Board (14 CFR Parts 221 and 231) so as to provide for terms and conditions governing the publication of tariffs for classes of service subject to schedule designation and for classes of service not actually being provided to the public.

This advance notice of proposed rule making is being issued to invite participation by the industry, interested governmental agencies, affected localities, as well as interested members of the general public, in the Board's efforts to determine the scope of the problem, to decide whether the promulgation of rules is appropriate and feasible, and, if so, the content of such rules. If, in the Board's view, comments received indicate that further action is warranted, the Board may then issue a supplemental notice of rule making with proposed rules or request further comments from interested persons.

This notice is issued pursuant to the authority of sections 204(a), 403, 404(a), and 405(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 758 (as amended by 74 Stat. 445), 760; 49 U.S.C. 1324, 1373, 1374, 1375.

Interested parties may participate in this rule making proceeding by submitting twelve (12) copies of written data, views, or arguments pertaining thereto addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before June 1, 1972, will be reviewed and considered by the Board. Copies of such communications will be available for examination by interested persons in the Docket Section, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

It has come to the Board's attention that Part 221 of its economic regulations, governing the construction, publication, filing and posting of tariffs of air carriers and foreign air carriers, may be deficient in that it in effect permits substantial and significant changes in services and fares, or both, to be effectuated simply through the filing by a carrier of amendments to its general schedules filed with the Board pursuant to Part 231 of the economic regulations. Since such changes may take effect upon 10 days' notice and are not subject to suspension by the Board as would be a tariff filing, they are effectively insulated from prior Board investigation and review, as well as from public complaint.

The problem arises out of carrier tariffs which provide that the services and fares described therein are applicable only on such flights as are appropriately designated by the carrier in its official general schedules.[1] The Board's regulations do not place any limitation upon the carriers' discretion in this regard. Accordingly, it is possible for a carrier to "designate" a class of service and/or fare totally out of existence, while keeping the applicable tariff in effect, albeit in a dormant state. It further becomes possible for that carrier to reactivate that dormant tariff at some future time, simply by filing a schedule amendment showing certain flights "designated" to provide that service.

Under certain circumstances the carrier's unlimited discretion to add or drop services as described may effectively circumvent the tariff provisions of the Act, as was called to our attention by a complaint filed by the Commonwealth of Puerto Rico against Eastern Air Lines, Inc., and Pan American World Airways, Inc., Docket 22398, which we have dismissed this date by Board Order 72-4-77. In that case, the two named carriers discontinued "thrift" third-class service in the Miami-San Juan market and reinstituted "economy" second-class service in lieu thereof, with a resultant $7 increase one-way in the lowest generally-available fare in that market. The second-class tariff, while on file with the Board and in effect, had lain dormant in that market for almost 6 years prior to its resurrection.

The Board is of the belief that the maintenance of tariffs in specific markets pursuant to which no services are provided to the public is essentially inconsistent with section 404(a) of the Act, which provides that it "shall be the duty of every air carrier to provide and furnish interstate and overseas air transportation, as authorized by its certificate, upon reasonable request therefor * * *." A carrier's tariffs constitute its principal legal means of giving notice of services offered to the public, and fix its duties to the public from which it may not deviate. The public is charged by law with full knowledge of a carrier's tariffs. Accordingly, "[i]t seems obvious that, in the absence of restricting tariff provisions, the publication of a charge for a given service carries with it an obligation to perform the service for which the charge is named," C. S. Wells & Son v. Chicago, B. & Q.R. Co., 161 ICC 145, 148 (1930).[2]

More importantly, we feel that the fundamental thrust of the rate and tariff provisions of the Act is to bring carrier-initiated changes in services and charges to the public within the purview of the Board's powers of suspension and investigation and to provide adequate notice to the public of such changes. To the extent that the Board's rules permit a carrier to keep dormant tariffs "in reserve," to be implemented at will merely upon 10 days' notice, and insofar as these rules allow the termination or institution of specific classes of service in a market insulated from prior Board review, we believe them to be incompatible with the intent and purposes of the Act and the Board's responsibilities.

Our purpose herein shall be to determine appropriate and workable means to bring the carriers' elimination or activation of classes of service or of rates and fares in a market within the purview of the Board's power of suspension and investigation, and to provide adequate notice to the public of such changes. Rather than proposing specific rules at this time, the Board hereby requests comments from interested persons with regard to ways our objectives outlined herein may be accomplished.

For example, it may be that an amendment to the Board's economic regulations absolutely prohibiting the elimination of a class of service in a market, or the institution of such service, except upon the cancellation or amendment of the appropriate tariff, or the filing of a tariff, would be in order. On the other hand, it may be possible to subject a carrier's general schedule filings effectuating such changes to suspension and/or investigation by the Board, and provide for notice to the public similar to the statutory 30-day notice requirement pertaining to tariff filings. Moreover, it may be that, whatever restrictions are placed upon the carriers' discretion to make changes in classes of services offered in a market by general schedule filings, such restrictions should apply only in cases where the changes have substantial impact upon the public or upon air transportation in the affected market.[3] To this end, the degree of significance of such changes should be assessed, in terms, for

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[1] Descriptions of such tariffs are set forth in the Appendix, filed as part of the original document.

[2] *Cf.* Order 71-2-120 (Feb. 26, 1971), where the Board expressed the position that "a carrier's tariff should normally be confined to the publication of fares applicable to services actually performed."

[3] For example, the carriers' option of designating or not designating "night-coach" service may not be a change of such substance as to require prior Board review, inasmuch as few travelers are, as a rule, affected thereby. On the other hand, a change from "thrift" to "economy" fares in a major market, affecting many travelers and resulting in a significant increase in the lowest generally-available fare, as evidenced in the referenced case, may require Board suspension and/or investigation, as well as more public notice than is provided for changes in official general schedules.

example, of the number of the traveling public potentially affected, the nature and extent of the impact financially and otherwise, and the effect of the changes in terms of the characteristics and extent of the market involved.

It is not our intent to put in issue the impact of each carrier's "designation" tariff rules for each class of service in each and every market where such a "designation" rule applies. Rather, we intend this proceeding to develop general standards or principles which will thereafter govern the applicability of classes of service or of rates or fares to specific flights as designated by the carriers' official general schedules.

[FR Doc.72-6130 Filed 4-20-72;8:52 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101-18]

UNIFORM ACQUISITION AND RELOCATION ASSISTANCE PRACTICES

Proposed Amendment to Federal Property Management Regulations

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, the General Services Administration is considering an amendment to 41 CFR 101-18—Acquisition of Real Property. The amendment will establish agency policy for acquiring real property and for providing services and payments to persons displaced from real property in accordance with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by forwarding them in duplicate to the General Services Administration, Washington, D.C. 20405, within 30 calendar days following publication of this notice in the FEDERAL REGISTER.

Dated: April 17, 1972.

ARTHUR F. SAMPSON,
Commissioner,
Public Buildings Service.

As proposed, the amendment to the regulations would read as follows:

PART 101-18—ACQUISITION OF REAL PROPERTY

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, establishes uniform policies for acquiring real property for Federal and federally assisted programs and provides for the fair and equitable treatment of persons displaced from real property by such programs. This amendment to Part 101-18 of the Federal Property Management Regulations sets forth the interim regulations to be followed by the General Services Administration in administering the provisions of Public Law 91-646.

The table of contents for Part 101-18 is amended by adding new Subparts 101-18.2 and 101-18.3 and by reserving Subparts 101-18.4—101-18.49, as follows:

AUTHORITY: The provisions of Subparts 101-18.2 and 101-18.3 are issued under sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-18.2—Acquisition by Purchase or Condemnation

§ 101-18.200 Scope of subpart.

This subpart sets forth the policies and procedures governing the acquisition of real property by the General Services Administration (GSA) for its programs and projects in the United States, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust territory of the Pacific Islands.

§ 101-18.201 Purpose.

These regulations implement title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to:

(a) Encourage and expedite the acquisition of real property by agreements with owners;

(b) Avoid litigation where possible and relieve congestion in the courts;

(c) Insure consistent treatment of owners in the many Federal programs; and

(d) Promote public confidence in Federal land acquisition practices.

§ 101-18.202 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 40 U.S.C. 601-615; and sections 213, 301 et seq., Public Law 91-646, approved January 2, 1971, 84 Stat. 1894.

§ 101-18.203 Definitions.

For the purposes of this subpart, the following terms shall have the meanings set forth in this section.

§ 101-18.203-1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), approved January 2, 1971.

§ 101-18.203-2 Uneconomic remnant.

"Uneconomic remnant" means that portion of an ownership remaining after acquisition, the retention of which provides no benefit to the owner because of

[4] Comment is invited as to the appropriate criteria which might be adopted for determining the types of schedule designation changes which should be exempted from any new rules.

loss or difficulty of access, a changed highest and best use, remoteness, or any other reason resulting in burdening the owner thereof with expenses or responsibilities not commensurate with retention of such ownership.

§ 101–18.204 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

(a) Make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.

(c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefor and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of, and a summary of the basis for, the amount established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:

(1) Identification of the real property and the estate or interest therein to be acquired;

(2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;

(3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property. This includes buildings, structures, or other improvements that GSA requires removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of a tenant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the tenant, will be apportioned to the landowner and the tenant so that the amount attributable to the tenant's improvements will be the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property, or

(2) Contributive fair market value of the tenant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the tenant's improvements and the tenant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The tenant may reject payment under paragraph (d) of this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require an additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given an opportunity to accompany the appraiser during the inspection of the real property.

(g) Pay an owner or tenant or deposit such payment in the registry of the court before requiring him to surrender his property. To the maximum extent practicable, owners and tenants will be given at least 90 days notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more than the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

§ 101–18.205 Expenses incidential to transfer.

GSA will amend its real property purchase contract forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the date title vests in the United States.

§ 101–18.206 Litigation expenses.

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101–18.3—Relocation Assistance and Payments (Interim Regulations)

§ 101–18.300 Scope of subpart.

This subpart contains the regulations governing relocation assistance practices, procedures, and payments by GSA in the acquisition of real property for its programs and projects pursuant to Subpart 101–18.2.

§ 101–18.301 Purpose.

These regulations implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and will serve to insure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public as a whole and to safeguard against abuse of any of the underlying purposes, provisions, and policies of the Act.

§ 101–18.302 Authority.

The provisions of this subpart are issued under provisions of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 40 U.S.C. 471; the Public Buildings Act of 1959, as amended, 73 Stat. 479, 40 U.S.C. 601–615; and Public Law 91–646, 84 Stat. 1894, approved January 2, 1971.

§ 101–18.303 Definitions.

For the purpose of this subpart, the following terms shall have the meanings set forth in this section.

§ 101–18.303–1 Act.

"Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91–646), approved January 2, 1971.

§ 101–18.303–2 Federal agency.

"Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority); any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency); the Architect of the Capitol; and the Federal Reserve banks and branches thereof.

§ 101–18.303–3 Person.

"Person" means any individual, partnership, corporation, or association.

§ 101–18.303–4 Displaced person.

(a) "Displaced person" means any person who on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) The acquisition of such real property by GSA in whole or in part; or

(2) Receipt from GSA of a written notice of displacement under a program or project undertaken by a Federal agency or with Federal financial assistance.

(b) For purposes of receiving moving and related expense payments and receiving relocation advisory assistance, a displaced person also is a person meeting the provisions of this section who conducts a business or farm operation on such real property.

(c) For purposes of qualifying for relocation benefits as provided in this Subpart 18.3 a displaced person is a person who moves as the result of the notice referenced in § 101–18.303–4(a)(2) regardless of whether his real property is actually acquired.

§ 101–18.303–5 Business.

"Business" means any lawful activity except a farm operation conducted primarily:

(a) For the purchase, sale, lease, or rental of personal and real property and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization, or

(d) For (in accordance with section 202(a) of the Act) assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

§ 101–18.303–6 Farm operation.

"Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 101–18.303–7 Mortgage.

"Mortgage" means such classes of liens as are commonly given to secure advances on or the unpaid purchase price of real property under the laws of the State in which the real property is located, with any credit instruments secured thereby.

§ 101–18.303–8 Comparable replacement dwelling.

"Comparable replacement dwelling" means a dwelling which, when compared with the dwelling being taken, is:

(a) Decent, safe, and sanitary (sound, clean, weathertight), and meets local housing codes and criteria specified in § 101–18.306.

(b) Functionally equivalent and substantially the same with respect to age, construction, state of repair, number of rooms, and square feet of living area.

(c) Open to all persons and meets the provisions of title VIII of the Civil Rights Act of 1968 (Public Law 90–284).

(d) Located in an area not generally less desirable than the dwelling to be acquired as to the neighborhood, public utilities, and commercial facilities and is reasonably accessible to the displaced person's place of employment.

(e) Available on the market and within the financial means of the displaced person or family.

(f) Adequate to accommodate the displaced person.

§ 101–18.303–9 Initiation of negotiations.

"Initiation of negotiation" means the date on which an official representative of GSA first contacts an owner (or his duly authorized representative) of real property to be acquired by GSA and discusses price.

§ 101–18.303–10 Owner.

"Owner" means an individual (or individuals) who:

(a) Holds the fee title, a life estate, a 99-year lease or a lease with not less than 50 years to run from the date of the acquisition of property; or

(b) Has an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit; or

(c) Is the contract purchaser of any such estates or interests listed in (a) above; or

(d) Has succeeded to any of the interests in paragraphs (a) or (b) of this section, by devise, bequest, inheritance, or operation of law. For the purposes of this subpart, if a person acquires ownership by any of the methods listed in this paragraph, the tenure of the succeeding owner shall be the same as the tenure of the preceding owner.

§ 101–18.303–11 Dwelling.

"Dwelling" means a single-family building, a one-family unit in a multifamily building, a unit of a condominium or cooperative housing project, or any other residential unit, including a mobile home which either is considered to be real property under State law, cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe, and sanitary dwelling.

§ 101–18.303–12 Nonprofit organization.

"Nonprofit organization" means a corporation, partnership, individual, or other public or private entity engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of the business, professional, or institutional activity on the premises.

§ 101–18.303–13 Existing patronage.

"Existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

§ 101–18.303–14 Family.

"Family" means two or more individuals living together in the same dwelling who are related to each other by blood, marriage, adoption, legal guardianship, or operation of law.

§ 101–18.303–15 Moving and related expense payments.

"Moving and related expense payments" means those payments authorized by section 202 of the Act.

§ 101–18.303–16 Replacement housing payments.

"Replacement housing payments" means those payments authorized by section 203 of the Act.

§ 101–18.303–17 Replacement rental payments.

"Replacement rental payments" means those payments authorized by section 204 of the Act.

§ 101–18.303–18 Notice of displacement.

"Notice of displacement" means a written notice to vacate real property given by GSA generally 90 days prior to the date of vacation.

§ 101–18.303–19 Economic rent.

"Economic rent" means the amount of rent a displaced tenant would have to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired by the Government.

§ 101–18.304 Basic policy.

GSA, to the greatest extent practicable, will:

(a) Administer its real property acquisition programs and projects so that every person displaced because of such programs or projects will have been offered a comparable replacement dwelling which is decent, safe, and sanitary before being required to vacate the dwelling acquired by the Government.

(b) Make prompt and equitable payments to those eligible displaced persons to cover:

(1) Reasonable costs incurred for moving and related expenses;

(2) Amounts determined to be the replacement housing payments; and/or

(3) Amounts determined to be the replacement rental payments.

(c) Provide, or cause to be provided, relocation assistance advisory services in a manner to insure that the displaced person will receive assistance in relocation.

(d) Provide procedures for reviewing the application of an aggrieved applicant to encourage the prompt and proper resolution of the causes of such aggravation.

(e) Adhere to all existing GSA regulations, procedures, policies, and forms relating to the acquisition of real property and interests therein as well as project requirements except as modified by the requirements of the Act and these regulations.

§ 101–18.305 Right of appeal.

Any applicant aggrieved by a determination as to eligibility for a payment under the Act, or the amount of such payment, may submit through the Commissioner, Public Buildings Service, a request to have his application reviewed by the Administrator of General Services.

§ 101–18.306 General criteria for decent, safe, and sanitary housing.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(a) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(b) Has a continuing and adequate supply of potable safe water.

(c) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot and cold water and an adequate sewage system.

(d) Has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where not normally included in new housing.

(e) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(f) Has an adequate and safe wiring system for lighting and other electrical services.

(g) Is structurally sound, weathertight, in good repair, and adequately maintained.

(h) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.

(i) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

§ 101–18.306–1 Sleeping rooms.

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in § 101–18.306 (a), (d), (f) through (h), and the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(b) Lavatory, bath, and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.

§ 101–18.306–2 Application of local code standards.

In those instances where there is no local housing code or where a local housing code does not meet all the standards listed in this section, the Administrator of General Services will determine the standards acceptable for decent, safe, and sanitary housing.

§ 101–18.306–3 Exceptions.

Exceptions may be granted to decent, safe, and sanitary standards and will be limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions will not affect the computation of a replacement housing payment.

§ 101–18.307 Multiple occupancy.

Multiple occupancy will be treated as single occupancy in the case of individuals, not families, in dealing with benefits for replacement housing. However, each displaced individual may receive benefits for actual, reasonable moving expenses and for other related expenses and in the case of families, each family will be considered separately.

§ 101–18.308 Moving and related expenses.

Whenever the acquisition of real property by GSA will result in the displacement of any person on or after January 2, 1971, and such person occupied the real property acquired by GSA prior to its acquisition, GSA will make a payment to the person, upon application as approved by GSA, for the person's reasonable and actual moving expenses as follows:

(a) Transporting individuals, families, and property from acquired site, including storage, to the replacement site, not to exceed a distance of 50 miles, except where GSA determines that relocation beyond the 50-mile area is justified.

(b) Packing and crating of personal property.

(c) Advertising for packing, crating, and transportation when GSA determines that it is necessary.

(d) Storing personal property for a period generally not to exceed 12 months when GSA determines that storage is necessary in connection with relocation.

(e) Insuring loss and damage of personal property while in storage or transit.

(f) Removing, reinstalling, and reestablishing machinery, equipment, appliances, and other items, not acquired as real property, including reconnection of utilities, which do not constitute an improvement (except when required by law) to the replacement site, and which were not acquired by GSA. (Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that GSA is released from any payment for the property.)

(g) Replacing property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(h) Paying other reasonable expenses determined proper by GSA.

§ 101–18.308–1 Limitations.

In the implementation of section 202 of the Act, GSA will apply the following limitations:

(a) When the displaced person accomplishes the move himself, the amount of payment will not exceed the estimated cost of moving commercially.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement will not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, as determined by GSA, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junkyards, stockpiled sand, gravel, minerals, metals, and similar type items of personal property.

§ 101–18.308–2 Exclusions.

In the implementation of section 202 of the Act, GSA will exclude the following moving expenses and losses from payment:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site, except when required by law.

(k) Such other items as GSA determines should be excluded on the basis that they are not reasonable, prudent, or proper.

§ 101–18.308–3 Direct losses.

GSA will reimburse a displaced person as the result of the person's moving or

discontinuing a business or a farm operation for direct losses to personal property in accordance with the following:

(a) When the displaced person does not move personal property, he will be required to make a bona fide effort to sell it.

(b) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the difference between the replacement cost minus the sale proceeds, or the cost of moving, whichever is less.

(c) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the inplace value of the personal property and the sale proceeds, or the cost of moving, whichever is less.

(d) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the inplace value and the amount which would have been received from the sale of the item, or the cost of moving, whichever is less.

§ 101–18.308–4 Expenses in searching for a replacement business or farm.

In the implementation of section 202 (a)(3) of the Act, GSA will allow the following expenses, except that the total amount which a displaced person may be paid for searching expenses will not exceed $500, unless GSA determines that a greater amount is justified based on the circumstances involved;

(a) Travel costs up to a maximum distance of 100 miles.

(b) Reasonable costs for meals and lodging.

(c) Time spent in searching at the rate of the displaced person's salary or earnings, but not exceeding $10 per hour.

(d) Broker or realtor fee to locate a replacement business or farm operation if GSA determines such service is necessary to effect a satisfactory relocation.

§ 101–18.308–5 Scheduled payments.

Any displaced person eligible for moving and related expense benefits heretofore enumerated may elect to receive a moving expense allowance determined in accordance with a schedule established by GSA but not to exceed $300 and a dislocation allowance of $200. These payments will be made upon application by the displaced person and need not be supported by any evidence of incurred expenses. The schedule established by GSA will be the room moving allowance schedules maintained by the respective State highway departments.

§ 101–18.308–6 Fixed payments for displaced businesses or farms.

Any eligible displaced business or farm operator who elects to accept a payment authorized by this section in lieu of the moving and related expense payments heretofore enumerated may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment will not be less than $2,500 nor more than $10,000. However, where an entire farm operation is not acquired, the payment will be made only if GSA determines that the farm met the definition of a farm operation prior to the acquisition and the property remaining after the acquisition is no longer an economic unit. In the case of a business, no payment will be made unless GSA is satisfied that the business: Cannot be relocated without a substantial loss of its existing patronage and is not part of a commercial enterprise having at least one other establishment not being acquired by the Government, which is engaged in the same or similar business. The term "average annual net earnings" means one-half of the sum of the net earnings of the business or farm operation before Federal, State, and local income taxes during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired by GSA or during any other period that GSA determines to be more equitable for establishing such earnings. The "average annual net earnings" includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during that period.

(a) To be eligible for the payment authorized in this section, the business or farm operation must contribute materially to the income of the displaced owner. This standard is designed to eliminate those part-time family occupations which do not contribute materially to a displaced person's income.

(b) The loss of existing patronage of a business will be determined by GSA only after consideration of all pertinent circumstances, including the following:

(1) The type of business conducted by the displaced concern.

(2) The nature of the clientele of the displaced concern.

(3) The relative importance of the present and proposed locations to the patronage of the displaced business.

(c) A person who is displaced from his place of business or farm may elect to receive a fixed relocation payment whether or not he discontinues or reestablishes operations. Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling will be regarded as displaced from his place of business, in addition to having been displaced from his dwelling, and is eligible in accordance with the foregoing requirements for a fixed payment based on the average annual net earnings.

§ 101–18.309 Replacement housing payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $15,000 to any eligible displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 180 days prior to initiation of negotiations for the acquisition of the dwelling. Such additional payments will include the following elements:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the Government is determined to be the reasonable cost of a comparable replacement dwelling.

(b) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing of the comparable replacement dwelling. This amount will be paid only if the dwelling acquired by the Government was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. Such amount will be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder of the term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate will be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, legal, closing, and related costs, preparing conveyance contracts, credit reports, FHA and VA appraisal fees, and other costs incident to the purchase of the comparable replacement dwelling, but not including prepaid expenses.

§ 101–18.309–1 Eligibility.

(a) A displaced owner-occupant is eligible for a replacement housing payment if he:

(1) Owned and occupied the acquired dwelling for not less than 180 days immediately prior to the initiation of negotiations for the real property; and

(2) Purchases and occupies a comparable replacement dwelling not later than the end of the 1-year period beginning on the date on which the displaced person receives from the Government final payment of all costs of the acquired dwelling or on the date on which he moves from the acquired dwelling, whichever is later.

§ 101–18.309–2 Computation of replacement housing payment.

GSA will compute the amount of the replacement housing payment by:

(a) Determining the amount necessary to purchase a comparable replacement dwelling using a schedule, or by devising a suitable alternate method to better meet local conditions. The schedule will be based on a continuing and current analysis of the market to determine a representative amount for each type of dwelling required.

(b) Selecting a comparable dwelling or dwellings which are actually available on the real estate market and which meet the definition of a comparable replacement dwelling. Asking prices will be adjusted to reflect market sales experience. A single comparable dwelling will be used only when additional comparable dwellings are not available.

(c) Cooperating with other Federal agencies causing displacement in a community to establish a uniform method of

calculating replacement housing payments.

(d) Basing the interest payment portion of the replacement housing payment on the present value of the reasonable cost of the interest differential including points paid by the purchaser on the amount refinanced not to exceed the amount of the unpaid debt for its remaining term at the time of Government acquisition of the real property.

(e) Reimbursing the displaced person, in the amount found in the incidental expenses portion of the replacement housing payment, for costs incident to the purchase of a comparable replacement dwelling. This amount may include: Legal, closing, and related costs including costs of title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation; lenders', FHA, or VA appraisal fees; FHA application fees; certifying structural soundness when required by lender, FHA, or VA; credit report; title policies or abstracts of title; escrow agent's fee; and State revenue stamps, or sale or transfer taxes. However, no fee, cost, charge, or expense is reimbursable which is determined to be part of the finance charge under the Truth in Lending Act, title I, Public Law 90–321, and Regulation Z issued pursuant thereby the Board of Governors of the Federal Reserve System.

§ 101–18.309–3 Upper limit of replacement housing payments.

The amount established as the replacement housing payment for a comparable replacement dwelling sets the upper limit of this payment.

(a) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the upper limit of the replacement housing payment plus the purchase price paid for the Government acquired dwelling, the replacement housing payment will be reduced to the amount necessary to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling plus reasonable incidental expenses. A displaced person will be considered as having "purchased" such a dwelling if he acquires an existing dwelling, purchases and rehabilitates a substandard dwelling, relocates, or relocates and rehabilitates an existing dwelling, constructs a new dwelling, contracts to purchase a dwelling to be constructed on a site provided by a builder or developer, or enters into a contract for the construction of a dwelling on a site which he owns or acquired for the purpose.

(b) If a displaced person, of his own volition, purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling no differential payment will be made.

§ 101–18.310 Replacement rental payments.

In addition to payments otherwise authorized, GSA will make a payment not in excess of $4,000 to any eligible displaced person not eligible to receive a replacement housing payment under § 101–18.309 who actually and lawfully occupied the dwelling acquired by the Government for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the dwelling. GSA will notify the tenant or other occupant of the property in writing of the actual date of initiation of negotiations. Such payment will be the amount, not to exceed $4,000, determined by GSA to be necessary to enable the displaced person to:

(a) Lease or rent for a period not to exceed 4 years a comparable replacement dwelling, or

(b) Make a downpayment, including incidental expenses described in § 101–18.309–2(e), on a comparable replacement dwelling, if such amount exceeds $2,000, the displaced person must match any amount in excess of $2,000 in making the downpayment.

§ 101–18.310–1 Eligibility.

A displaced person who is a tenant or an owner-occupant of less than 180 days prior to initiation of negotiations is eligible for a replacement housing payment if he meets both of the following requirements:

(a) Occupies, actually and lawfully, the dwelling for not less than 90 days immediately prior to the initiation of negotiations for the acquisition of the dwelling.

(b) Meets the other eligibilty requirements of § 101–18.310.

§ 101–18.310–2 Owner-occupant who elects to rent.

An owner-occupant eligible for a replacement housing payment under the provisions of § 101–18.309 but who elects to rent a comparable replacement dwelling rather than purchase such a replacement dwelling is eligible for a replacement rental payment under these provisions. However, in no event will the replacement rental payment exceed the amount of his entitlement under the replacement housing payment provisions or the replacement rental payment provisions, whichever is less.

§ 101–18.310–3 Computation of renter's replacement rental payment.

Computation of the replacement rental payment for eligible displaced persons who elect to rent a comparable replacement dwelling will be determined by GSA by the establishment of a schedule, by using a comparative method, or by devising a suitable alternate method to better meet local conditions.

(a) GSA may establish a rental schedule for comparable replacement dwellings. The replacement rental payment will be computed by determining the amount necessary to rent a comparable replacement dwelling for 4 years (using the average monthly cost from the schedule) and subtracting from such amount 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations if such rent was reasonable, or if not reasonable, 48 times the monthly economic rent for the dwelling as established by GSA. Economic rent is the amount of rent the displaced tenant would have had to pay for a similar dwelling unit in areas not generally less desirable than the dwelling unit to be acquired. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(b) GSA may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired by the Government which is available on the market and is a comparable replacement dwelling. The payment will be computed by determining the amount necessary to rent for 4 years the comparable replacement dwelling and subtracting the amount of 48 times the average month's rent paid by the displaced person in the last 3 months prior to initiation of negotiations, or if not reasonable, 48 times the monthly economic rent.

(c) GSA may establish the average month's rent paid by a displaced person by using more than 3 months prior to negotiations if it is deemed advisable.

(d) All replacement rental payments for displaced persons who elect to rent instead of purchase, that exceed $500, will be made in four equal installments on an annual basis. Before making each annual payment, GSA will verify that the displaced person continues to occupy a decent, safe, and sanitary dwelling.

(e) When more than one Federal agency is causing displacement in a community or area, GSA will cooperate with those agencies in determining uniform replacement rental payments.

§ 101–18.310–4 Computation of purchaser's replacement rental payment.

Computation of the replacement rental payment for eligible displayed persons who elect to purchase instead of rent a comparable replacement dwelling will be the amount determined to be necessary to make a downpayment and to cover incidental expenses in the purchase of a replacement dwelling.

(a) Incidental expenses of closing the transaction are those heretofore described in § 101–18.309–2(e).

(b) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs shown on the closing statement.

(c) To receive payment to apply on the purchase of a replacement dwelling, a tenant or owner-occupant eligible under this section to receive a replacement housing payment, must purchase and occupy a decent, safe, and sanitary dwelling not later than 1 year subsequent to the date he vacated the dwelling acquired by GSA.

§ 101–18.311 Relocation assistance advisory services.

Whenever GSA causes displacement of persons residing on a public building site, after January 2, 1971, GSA will provide to all eligible displaced persons a relocation assistance advisory service. This service will be provided by GSA

personnel or by the personnel of a contractor employed by GSA. If GSA determines that any person occupying property immediately adjacent to the real property acquired by the Government is caused substantial economic injury because of that acquisition, such person may be offered relocation assistance advisory services.

(a) GSA will cooperate to the maximum extent feasible with other Federal or State agencies to insure that displaced persons receive the maximum relocation assistance available to them.

(b) GSA relocation assistance advisory services will include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of eligible displaced persons, for relocation assistance.

(2) Provide current and continuing information on the availability, prices, and rentals of comparable replacement dwellings which are decent, safe, and sanitary and of comparable commercial properties and locations for displaced businesses.

(3) Insure that, within a reasonable time, prior to displacement, comparable replacement dwellings which are decent, safe, and sanitary will be available to replace the dwellings acquired by the Government.

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a replacement location.

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(6) Provide other advisory services to displaced persons to minimize hardship to such persons in adjusting to relocation.

§ 101–18.312 Availability determination.

GSA will not proceed with any phase of a project which will cause the displacement of any person until it has determined that there will be available, within a reasonable time prior to such displacement, on a basis consistent with the requirements of title VIII of the Civil Rights Act of 1968 (Public Law 90–284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means (including supplements provided by law) of the families displaced, decent, safe, and sanitary dwellings equal in number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

(a) This determination will be based on a current survey and analysis of available replacement housing resources. This survey will take into account the competing demands on the available housing resources.

(b) GSA may waive the requirements of this section in periods of emergency and/or other extraordinary situations where immediate possession of real property is of crucial importance.

§ 101–18.313 Housing replacement as a last resort.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 206 of the Act.

§ 101–18.314 Planning and other preliminary expenses for additional housing.

GSA will be guided by the criteria and policies to be developed by the Secretary of Housing and Urban Development in its implementation of section 215 of the Act.

§ 101–18.315 Applicability of the acquisition of leasehold interest.

The relocation provisions of the Act do not apply to leasing actions except when persons are displaced as a result of the condemnation of a leasehold interest and lease construction of a building which has received congressional approval as a public buildings project pursuant to section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606).

Subparts 101–18.4—101–18.49 [Reserved]

[FR Doc.72–6159 Filed 4–20–72;8:53 am]

OFFICE OF EMERGENCY PREPAREDNESS

[32 CFR 1710]

PRIVATE, NONPROFIT MEDICAL CARE FACILITIES

Repair, Reconstruction, Replacement

Public Law 92–209 amends the Disaster Relief Act of 1970, Public Law 91–606, by adding § 255 providing for the repair, reconstruction, or replacement of certain private medical care facilities. An amendment to Part 1710 of Title 32 of the Code of Federal Regulations is required to implement Public Law 92–209. The proposed amendment is set forth below.

Interested persons may submit written data, views, or arguments regarding the proposal by mailing them to the Director, Office of Emergency Preparedness, 604 17th Street NW., Washington, DC 20504, within 15 days after this notice is published in the FEDERAL REGISTER. Persons interested in inspecting or copying submissions received pursuant to this Notice should call 202–395–6111.

Dated: April 15, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

PART 1710—FEDERAL DISASTER ASSISTANCE

Section 1710.2 is amended by adding the following paragraphs:

§ 1710.2 Definitions.

* * * * *

(s) "Medical care facility" includes, without limitation, any hospital, diagnostic or treatment center, or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operation of such medical care facilities although not contiguous thereto.

(t) "Tax exempt organization" means an organization or entity which has applied for, and currently has in effect from the U.S. Internal Revenue Service, a Ruling Letter granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(u) "Disaster Proofing" consists of those minimum alterations or modifications to damaged facilities which could be expected to prevent or substantially reduce future damages to the repair or reconstructed facility; i.e. to make the facility disaster resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs.

Section 1710.8 is amended by adding the following paragraph:

§ Project applications.

* * * * *

(h) The local or State government, as an authorized applicant under the Act, must submit the project application on behalf of the interested private organization or entity for private, nonprofit medical care facilities. In addition to the completed application documents specified by OEP instructions for permanent work, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service Ruling Letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A–95.

(3) A copy of the following assurances by the interested private organization or entity:

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility;

(ii) That it will employ the lump sum contract method; employ competitive bidding prior to awarding the construction contract, either by public advertising or circularizing three or more bidders, and award the contract to the responsible bidder submitting the lowest acceptable bid;

(iii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times;

(iv) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(v) That adequate financial support will be available for maintenance and operation when completed.

Section 1710.11 is amended to read as follows:

§ 1710.11 Repair and replacement of facilities.

(a) Repair or replacement of public facilities may be eligible in two phases, as outlined in subparagraphs (1) and (2) of this paragraph, dependent on the extent of damage and the circumstances under which repairs are to be made. Repair or replacement of private nonprofit medical care facilities may be eligible only as outlined in subparagraphs (2) and (3) of this paragraph. Emergency repair or replacement under section 203 of the Act is not authorized for private nonprofit medical care facilities.

(1) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that restoration of the facility can be delayed until permanent repair or replacement can be performed to predisaster conditions or, if no alternative is practical, eligible work will be considered only under subparagraph (2) of this paragraph.

(2) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed immediately prior to the disaster, and in conformity with applicable codes, specifications or standards, may be approved using the following criteria:

(i) The Federal contribution shall not exceed the net eligible cost of restoring each such facility.

(ii) Such net costs shall be based on the codes, specifications, and standards currently being used by the applicant for similar facilities in the locality, or in the case of medical care facilities, the applicable Federal, State, or local codes, specifications, and standards. The general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities" shall be applicable for those nonprofit medical care facilities that conformed to such general standards prior to the major disaster. For other nonprofit medical care facilities, any eligible replacement of damaged facilities shall conform generally to such standards as determined by the Regional Director to be consistent with their predisaster condition and utilization.

(iii) Written codes, specifications, and standards shall have been in use prior to the disaster to be applicable except for disaster proofing. If not in writing, the applicant must identify and a Federal inspector shall verify that the codes, specifications, and standards, to be applicable, have been in use prior to the disaster. If no codes, specifications, or standards, as prescribed above, have impact on eligible restorative work, repair, or replacement will be limited to returning the facility to predisaster condition, based on then-existing design.

(iv) If the damaged facility is economically repairable, as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs.

(v) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost estimate of eligible work.

(vi) In every major Federal action or project involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Director or his staff to arrange for compliance with section 102, National Environmental Policy Act, Public Law 91–190.

(vii) The minimum policy objective in restoring facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site provided that overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(3) The repair or replacement of private, nonprofit medical care facilities by Federal disaster assistance must be justified on the basis of need for such facilities as determined by the OEP Regional Director based on recommendations by the State Coordinating Officer, State and/or local health agency, and the appropriate regional health agency of the Department of Health, Education, and Welfare. No payment will be made for any work which is not the responsibility of the interested private organization or entity. The following general criteria apply for determining the eligibility of the medical care facility:

(i) It must have been in active use and providing significant medical services to the general public prior to the disaster.

(ii) It must have been recognized as an essential or integral part of the comprehensive plan for the provision of required medical facilities for the affected area or community.

(iii) It must be operated in a manner to carry out the tax exempt purposes of the owning organization.

(iv) Damages must have occurred as the result of a major disaster and impair the capability of the medical care facility to perform essential medical services for the general public.

(v) The State must furnish assurances that the hospital will be fully licensed following completion of repair or replacement.

(b) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility: *Provided, however*, That used or surplus equipment shall be utilized to the extent practicable.

(c) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced. The 90-day deadline may be waived by the Regional Director where appropriate.

Section 1710.17 is amended to read as follows:

§ 1710.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility or private, nonprofit medical care facility which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement therefore shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its contractors or, in the case of a medical care facility, by the interested private organization or entity or one of its contractors, and determined to be eligible by the Regional Director in:

(i) Restoring a facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed physical conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received

pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence, or by the negligence of any interested private organization or entity, or by any contractor.

Section 1710.22 is amended by adding the following subparagraph:

§ 1710.22 Nondiscrimination.

* * * * *

(d) As a condition of receiving assistance under section 255, interested private organizations or entities restoring damaged medical care facilities shall be required to comply with this part and agree in writing that no person in the United States shall, on the grounds of race, religion, sex, color, age, economic status, or national origin, be subjected to discrimination under the subsequent operation of these medical care facilities.

(Public Law 92-209, 85 Stat. 742; Executive Order 11662)

[FR Doc.72-6062 Filed 4-20-72;8:48 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

AMBASSADOR AT ATHENS, GREECE, ET AL.

Revocation of Authority

Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 54, dated October 21, 1964, as amended, I hereby revoke the Redelegation of Authority made on September 27, 1965, as amended November 23, 1965, and published in the FEDERAL REGISTER for January 12, 1966 (31 F.R. 358), to the Ambassadors at Athens, Greece, and Beirut, Lebanon, and to the AID Mission Directors at Cairo, United Arab Republic, and Ankara, Turkey, in connection with the administration and implementation of certain grant agreements made by the United States of America pursuant to section 214 (a) and (b) of the Foreign Assistance Act of 1961, as amended.

This revocation of authority shall be effective immediately.

Dated: March 13, 1972.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

Concurrence:

CURTIS FARRAR,
Acting Assistant Administrator for Asia.

[FR Doc.72-6080 Filed 4-20-72;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH

Determination of Eligibility for Reimbursement

APRIL 11, 1972.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Section 2 of the Act of September 18, 1970 (84 Stat. 843), authorizes the Secretary of the Interior to reimburse Indians and former members of the Ute Indian Tribe of the Uintah and Ouray Reservation terminated by the Act of August 27, 1954 (68 Stat. 868), who sold project lands that were nonirrigable (determined according to the approved designation of 1964) for the construction, operation, and maintenance charges which were collected from the proceeds of such sales. The Secretary delegated his authority under the Act of September 18, 1970, to the Commissioner of Indian Affairs in section 30 (a) (49) of Secretarial Order 2508 which was published on page 229 of the January 7, 1971, FEDERAL REGISTER (36 F.R. 229).

Notice is hereby given that the individuals named in the listing below are determined to be eligible for reimbursement under section 2 of the Act of September 18, 1970 (84 Stat. 843). Any individual who has objections to any part of this listing may submit an appeal to the Regional Solicitor, Federal Building, 125 South State Street, Salt Lake City, UT 84111, no later than 90 days after the date this notice is published in the FEDERAL REGISTER. The Uintah and Ouray Agency, Bureau of Indian Affairs, will make the payments to the persons determined to be eligible or to their estates within 60 days after all appeals have been resloved or after the Agency receives the congressional appropriation, whichever occurs later.

Effective date. This notice shall be effective upon publication in the FEDERAL REGISTER (4-21-72).

JOHN O. CROW,
Deputy Commissioner.

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	REIMBURSEMENT OF FULL BLOOD MEMBERS OF UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
FB-6	Wesley Accuttoroop, Randlett, Utah 84063	Unc 560	$25.30	$25.30
FB-16	Lee Alhandra, Randlett, Utah 84063	Unc 32	$42.74; $42.92	1,926.16
		Unc 103	$1,840.50	
FB-23	Roy J. Ankerpont, Fort Duchesne, Utah 84026	Unc 120	$6.16	6.16
FB-25	Florence A. Mills, Towaoc, Colo. 81334	Unc 44	$39.99	165.85
		Unc 72	$125.86	
FB-29	Robert Mark Ankerpont, Fort Duchesne, Utah 84026.	Unc 31	$207.84	1,138.44
		Unc 120	$4.11; $6.16	
		Unc 146	$726.68	
		Unc 163	$193.65	
FB-30	Joseph Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-31	Mary P. Ankerpont, Randlett, Utah 84063	U and W 439	$5.36	122.12
		Unc 289	$104.19	
		Unc 301	$12.57	
FB-32	Francis Ankerpont, Randlett, Utah 84063	Unc 31	$51.96	292.32
		Unc 120	$4.11; $6.16	
		Unc 146	$181.67	
		Unc 163	$48.42	
FB-39	Zina L. A. Cornpeach, Whiterocks, Utah 84085	U and W 250	$7.64	7.64
FB-59	Tommy Arrats, Route 1, Roosevelt, Utah 84066	U and W 126	$3.83	32.94
		Unc 395	$29.11	
FB-61	Albert S. Arrats, Route 1, Roosevelt, Utah 84066	U and W 658	$14.30	14.30
FB-62	Howard Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-63	Melton Arrats, Route 1, Roosevelt, Utah 84066	do	$14.30	14.30
FB-65	James L. Arrats, General Delivery, Roosevelt, Utah 84066.	do	$14.30	14.30
FB-70	Bernelle Burns, Randlett, Utah 84063	Unc 120	$2.89	2.89
FB-73	Gladys S. Cuch, Fort Duchesne, Utah 84026	U and W 241	$0.75	.75
FB-98	Lucy Ashta, Randlett, Utah 84063	Unc 173	$128.44; $64.22	360.38
		Unc 174	$126.20	
		Unc 487	$41.52	
FB-99	Delores Ashta, Randlett, Utah 84063	Unc 173	$128.44; $64.22	318.85
		Unc 174	$126.19	
FB-101	Sidney Atwine, Post Office Box 5, Whiterocks, UT 84085.	U and W 311	$5.70; $1.89	7.59
FB-102	Eugenia J. Q. Atwine, Whiterocks, Utah 84085	U and W 482	$242.84	242.84
FB-112	Carmelita Jane A. N. McCook, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 391	$199.91	413.91
		Unc 32	$9.50	
		Unc 103	$204.50	
FB-113	Melvin Leo Atwine. 2610 West 8th St., Los Angeles, CA 90057.	U and W 391	$199.91	413.91
		Unc 32	$9.50	
		Unc 103	$204.50	
FB-119	Wallace Brown (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$5.35	5.35
FB-135	Charles J. Bush, Route 1, Roosevelt, Utah 84066	U and W 346	$10.94	10.94
FB-136	Lena A. Bush, Route 1, Roosevelt, Utah 84066	Unc 84	$14.08	81.79
		Unc 87	$3.44	
		Unc 560	$25.30	
		Unc 294	$5.44	
		Unc 552	$33.44	
FB-137	Sam Bush, Post Office Box 9, Whiterocks, UT 84085.	U and W 346	$2.18	2.18
FB-138	Mable C. Bush (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-146	Vessie I. Cesspooch, Randlett, Utah 84063	U and W 464	$71.71	2,075.32
		U and W 465	$1,640.33	
		Unc 32	$4.04	
		Unc 111	$359.24	
FB-148	Irene C. Cuch, Box 23, Fort Duchesne, UT 84026.	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-150	Alice C. Colorow, Randlett, Utah 84063	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-151	Adelbert Alan Cesspooch, Randlett, Utah 84063.	Unc 32	$1.14	103.78
		Unc 111	$102.64	

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-153	Roy Bird Cesspooch, Fort Duchesne, Utah 84026.	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-154	Cruz Cesspooch, Randlett, Utah 84063	Unc 32	$12.02	12.02
FB-155	May Cesspooch, Randlett, Utah 84063	Unc 120	$34.77	34.77
FB-161	Devilia L. C. San Juan, Randlett, Utah 84063	Unc 32	$0.45; 0.91	1.36
FB-163	Clarinda Cesspooch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.18; 0.36	.54
FB-164	Frank R. Cesspooch, Randlett, Utah 84063	do	$1.33	1.33
FB-165	Evalita Cesspooch, Randlett, Utah 84063	Unc 120	$34.77	34.77
FB-170	Henry Cesspooch, Randlett, Utah 84063	Unc 32	$12.02	736.02
		Unc 115	$724.00	
FB-175	Larry L. Cesspooch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.57	51.95
		Unc 111	$51.38	
FB-176	Juan Cesspooch, Randlett, Utah 84063	Unc 32	$12.02	12.02
FB-177	Mary Ellen Utt Cesspooch, Randlett, Utah 84063.	Unc 120	$68.42	345.13
		Unc 130	$276.71	
FB-182	Hanna Mountain Lion Cesspooch, Randlett, Utah 84063.	Unc 32	$4.04	4.04
FB-183	Nelson R. Cesspooch, Randlett, Utah 84063	do	$1.33	1.33
FB-184	John R. Cesspooch, Randlett, Utah 84063	do	$1.33	1.33
FB-186	Ramon Cesspooch, Randlett, Utah 84063	do	$12.02	12.02
FB-225	Florence A. Chegup, Neola, Utah 84053	Unc 173	$96.34	96.34
FB-230	Bernice P. Cesspooch, Randlett, Utah 84063	Unc 289	$104.19	116.75
		Unc 310	$12.56	
FB-250	Gertrude Q. C. Naranjo, Post Office Box 12, Whiterocks, UT 84085.	U and W 482	$26.99	30.47
		Unc 552	$3.48	
FB-252	David Colorow, Whiterocks, Utah 84085	Unc 32	$2.04	2.04
FB-274	Rosella M. Conetah, Myton, Utah 84052	Unc 44	$40.00	165.87
		Unc 72	$125.87	
FB-273	Fred Conetah, Myton, Utah 84052	Unc 172	$5.00	5.00
FB-280	Edward Conetah (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$4.93	62.95
		Unc 138	$58.02	
FB-287	Burton Cornpeach, Whiterocks, Utah 84085	U and W 74	$15.00; $1.25	24.37
		U and W 77	$7.50; $0.62	
FB-290	Cecelia V. Cornpeach Ridley, Whiterocks, Utah 84085.	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-291	Stanford D. Cornpeach, Whiterocks, Utah 84085	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-292	John Cornpeach, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-293	Albert Cornpeach, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-294	Paul Cornpeach, Whiterocks, Utah 84085	U and W 74	$15.00; $1.25	385.59
		U and W 77	$7.50; $0.63	
		U and W 362	$361.21	
FB-295	Leon Cornpeach, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$1.25	1.87
		U and W 77	$0.62	
FB-302	Elinor Ankerpont (estate), Unitah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$2.71; $1.36	4.07
FB-304	William Cotonuts, Ouray, Utah 84059	do	$1.36	5.43
		do	$4.07	
FB-307	Alex Lee Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.18; $0.36	.54
FB-309	Rose Mart Cuch, Post Office Box 3, Whiterocks, UT 84085.	U and W 40	$6.67	6.67
FB-310	Rueben Cuch, Post Office Box 3, Whiterocks, UT 84085.	do	$2.67	2.67
FB-311	Rosemary Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.66	2.66
FB-312	Joan Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.66	2.66
FB-314	Charley Cuch, Whiterocks, Utah 84085	do	$20.00	20.00
FB-321	Chauncey Cuch, Post Office Box 131, Tridell, UT 84076.	U and W 120	$2.95	2.95
FB-338	Rebecca A. Cuch, Post Office Box 23, Fort Duchesne, UT 84026.	U and W 41	$80.00	80.00
FB-339	Henry T. Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-340	Jasper W. Cuch, Jr., Box 23, Fort Duchesne, UT 84026.	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-341	Mildred L. Cuch, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-342	Alice Cuch Dushane, Fort Duchesne, Utah 84026.	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-343	Jason Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.49	22.49
		U and W 41	$20.00	
FB-358	Russell Cuch, Fort Duchesne, Utah 84026	U and W 47	$177.19	177.19
FB-363	Vincent Cuch, Fort Duchesne, Utah 84026	U and W 40	$2.49	22.49
		U and W 41	$20.00	
FB-372	Wilbur Cuch, Post Office Box 23, Fort Duchesne, Utah 84026.	U and W 40	$2.49	22.49
		U and W 41	$20.00	
FB-379	Cleo D. Flores, 12527 Alameda St., Compton, CA 90220.	Unc 120	$1.37; $0.76; $0.76	2.89
FB-412	Ernest Gardner, 4382 Sunnyside Dr., Riverside, CA 92506.	U and W 658	$15.99	15.99
FB-419	Estina G. Jarvis, 326 8th Ave., South, Great Falls, MT 59401.	do	$2.37	2.37
FB-420	Willard M. Gardner, Route 1, Roosevelt, Utah 84066.	do	$2.37	2.37
FB-421	Yvonne G. Curry, Roosevelt, Utah 84066	do	$2.37	2.37
FB-422	Victor Gardner, Jr. (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.37	2.37
FB-423	Gilbert J. Gardner, Route 1, Roosevelt, Utah 84066.	do	$2.37	2.37
FB-424	Jonathan Gardner, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.37	2.37
FB-425	Isabelle B. Large, Roosevelt, Utah 84066	do	$2.37	2.37
FB-427	Emma Lou J. Cuch, Whiterocks, Utah 84085	U and W 74	$1.25	1.87
		U and W 77	$0.62	
FB-443	Nonie Q. Green, 317 26th St., Apartment No. 5, Ogden, UT 84400.	U and W 40	$1.49	1.49
FB-444	Juanita A. Groves (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$3.70	119.94
		Unc 138	$43.52	
		Unc 163	$72.72	
FB-451	Janie Nick Hamilton, Myton, Utah 84052	U and W 2	$50.10	1,365.51
		U and W 783	$1,315.41	
FB-454	Della Marie Ice Tom (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 43	$312.42	312.42
FB-455	Michael Mart Ice, Unitah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-456	Diana May Gardner, Fort Duchesne, Utah 84026.	U and W 658	$10.62	10.62
EB-459	Carl Pawwinnee Ignacio, Post Office Box 108, Fort Duchesne, UT 84026.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-464	Winnie Arrum Sireech, Lapoint, Utah 84039	U and W 40	$4.00	316.42
		U and W 43	$312.42	
FB-501	Annette Jenkins Cesspooch, Randlett, Utah 84063.	Unc 32	$5.34	5.34
FB-502	Waldo Jenkins, Ouray, Utah 84059	do	$5.34	5.34
EB-504	Ronald Boyd Jenkins, Ouray, Utah 84059	do	$5.34	5.34
EB-505	Glen Jenks, Route 1, Roosevelt, Utah 84066	Unc 464	$3.33	3.33
FB-506	Lorna J. S. Jenks, Route 1, Roosevelt, Utah 84066.	Unc 32	$8.14	8.14
FB-508	Hazel J. Black, Randlett, Utah 84063	U and W 241	$0.30	.45
		do	$0.15	
FB-511	Hugh Jenks, Ouray, Utah 84059	Unc 464	$3.33	3.33
FB-519	Mary Jenks, Ouray, Utah 84059	U and W 241	$0.30	.45
		do	$0.15	
FB-520	Roger Jenks, Ouray, Utah 84059	do	$0.30; $0.15	.45
FB-521	Ernest B. Jenks, Ouray, Utah 84059	do	$0.30; $0.15	.45
FB-522	Raymond Jenks, Ouray, Utah 84059	do	$0.30; $0.15	.45
FB-523	Violet Jenks, Ouray, Utah 84059	do	$0.29; $0.15	.44
FB-524	Jason Jenks, Ouray, Utah 84059	do	$0.29; $0.15	.44
FB-525	Percy Jenks, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.29; $0.15	.44
FB-526	Tom Jenks, Ouray, Utah 84059	Unc 464	$6.66	6.66
FB-528	Cecelia Jenks, 620 North 2d Ave., Phoenix, AZ 85003.	do	$3.33	3.33
FB-529	Dorothy Jenks, 620 North 2d Ave., Phoenix, AZ 85003.	do	$3.33	3.33
FB-530	Richard Jenks, Fort Duchesne, Utah 84026	U and W 241	$0.30	.45
		do	$0.15	
FB-543	Myton Johnson, Whiterocks, Utah 84085	U and W 74	$5.00	1,148.50
		U and W 77	$2.50	
		U and W 389	$1,141.00	
FB-546	Velman T. Johnson, Whiterocks, Utah 84085	U and W 120	$5.89	12.96
		U and W 297	$7.07	
FB-550	Gladys C. Johnson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 84	$142.51	5,903.63
		Unc 120	$66.57	
		Unc 206	$778.00	
		Unc 207	$2,863.12	
		Unc 536	$1,326.03	
		Unc 537	$106.76	
		Unc 294	$55.08	
		Unc 301	$565.56	

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-554	Helen A. J. Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 40	$531.99	633.19
		Unc 560	$101.20	
FB-558	Antonio J. Kanip, 4405 West Nevada Pl., Denver, CO 80219.	Unc 32	$1.33	1.33
FB-559	Geneva Kanip, 3737 South Centinela Ave., Apartment D, Los Angeles, CA 90066.	do	$1.33	1.33
FB-580	Thomas LaRose, Jr., Whiterocks, Utah 84085	U and W 241	$0.25	.25
FB-582	Eugene LaRose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.07	.07
FB-583	Hank L. LaRose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.07	.07
FB-589	Fred Lonebear, Randlett, Utah 84063	Unc 32	$2.71	2.71
FB-592	Paul Lonebear, Myton, Utah 84052	Unc 172	$5.00	5.00
FB-595	Inez Ice Loney (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$81.65	172.71
		Unc 219	$91.06	
FB-596	Gene Loney, Fort Duchesne, Utah 84026	Unc 217	$40.82	86.35
		Unc 219	$45.53	
FB-597	Drusilla Loney Cotonuts, Fort Duchesne, Utah 84026.	Unc 32	$2.04	88.39
		Unc 217	$40.82	
		Unc 219	$45.53	
FB-598	Lyman Loney, Post Office Box 43, Goshen, UT 84633.	Unc 217	$40.82	86.35
		Unc 219	$45.53	
FB-599	Glenn Loney, Fort Duchesne, Utah 84026	Unc 217	$244.92	604.47
		do	$40.82	
		Unc 219	$273.19; $45.54	
FB-601	Carmelita Longhair Patterson, Whiterocks, Utah 84085.	Unc 217	$18.13; $9.06; $18.15	60.46
		Unc 218	$6.05	
		do	$6.05; $3.02	
FB-602	Alvin Longhair, Route 1, Roosevelt, Utah 84066	Unc 217	$18.13; $9.06; $18.14	60.44
		Unc 218	$6.04; $6.05; $3.02	
FB-603	Alta Mae Longhair Tindore, Post Office Box 18, Fort Hall, ID 83203.	Unc 217	$81.64	108.85
		Unc 218	$27.21	
FB-604	Clayson Longhair (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$18.13; $9.04; $18.14	60.41
		Unc 218	$6.04; $6.04; $3.02	
FB-607	Clarice Cuch Lopez, Towaoc, Colorado 81334	U and W 40	$2.67	2.67
FB-609	Margaret Q. L. Rios, Post Office Box 394, Peoria, AZ 85345.	do	$1.48	1.48
FB-612	Albert Manning, Post Office Box 15, Whiterocks, UT 84085.	U and W 241	$0.75	.75
FB-613	Ferdinand Manning Jr., Whiterocks, Utah 84085.	do	$0.75	.75
FB-617	Anna I. C. Manning, Whiterocks, Utah 84085	U and W 74	$12.00	18.00
		U and W 77	$6.00	
FB-623	Nellie Jolean Mart, Whiterocks, Utah 84085	U and W 482	$26.98	26.98
FB-628	Gerald Martinez, Post Office Box 653, Roosevelt, UT 84066.	U and W 126	$0.64	5.49
		Unc 395	$4.85	
FB-629	Matilda Martinez, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$1.91	16.47
		Unc 395	$14.56	
FB-630	Madeline M. Brock, Lapoint, Utah 84039	U and W 126	$0.64	5.49
		Unc 395	$4.85	
FB-633	Ethel Tom, Fort Duchesne, Utah 84026	Unc 74	$47.68	155.95
		Unc 76	$40.23	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-635	Franklin McCook, Randlett, Utah 84063	Unc 120	$34.77	34.77
FB-641	Ouray McCook, Fort Duchesne, Utah 84026	do	$34.77	34.77
FB-651	Larry McCook, Post Office Box 614, Bernalillo, NM 87004.	do	$2.89	2.89
FB-656	Charlie McKewan, Randlett, Utah 84063	U and W 241	$2.23	937.94
		Unc 74	$286.04	
		Unc 76	$241.33	
		Unc 77	$220.22	
		Unc 78	$188.12	
FB-657	Jackie McKewan Brock, Lapoint, Utah 84039	U and W 241	$6.68	46.06
		Unc 189	$21.54	
		Unc 190	$17.84	
FB-659	Dick McKewan, Randlett, Utah 84063	U and W 241	$2.23	2.23
FB-670	Harvey Mianna, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 267	$1,521.64	1,958.96
		Unc 242	$397.98	
		Unc 247	$39.34	
FB-672	Marguerita F. C. Mills Weeks, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.45	407.43
		Unc 113	$390.96	
		Unc 32	$12.02	
FB-677	Marion Miller, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$153.49	1,275.91
		Unc 135	$1,122.42	
FB-681	Carrie M. Yump, Fort Duchesne, Utah 84026	Unc 163	$129.24	129.24
FB-689	Arthur Mountain Lion, General Delivery, Roosevelt, Utah 84066.	Unc 120	$1.85	23.62
		Unc 138	$21.77	
FB-697	Dorothy C. Mountain Lion, Whiterocks, Utah 84085.	U and W 40	$2.67	2.67
FB-692	Lester Mountain Lion, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.85	23.62
		Unc 138	$21.77	
FB-698	Flora Mountain Lion Taveapont, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$22.96	22.96
FB-699	Pete Mountain Sheep, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$27.74	745.98
		Unc 138	$718.24	
FB-718	Frank Myore, Randlett, Utah 84063	Unc 44	$40.00	543.47
		Unc 72	$125.87; $377.60	
FB-724	Eliza A. Myore, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 70	$445.06	445.06
FB-725	Eva M. Arrats, Route 1, Roosevelt, Utah 84066	do	$222.53	222.53
FB-727	Rosita M. A. Zamora, Bridgeland, Utah 84012	do	$222.52	222.52
FB-728	Kline Myore, Bridgeland, Utah 84012	do	$222.53	222.53
FB-729	Zoe T. Myore, 465 22d St., Apartment No. 1, Ogden, UT 84410.	Unc 32	$5.35	5.35
FB-730	Dannie Kay Myore, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$5.34	5.34
FB-734	William B. Myore, Randlett, Utah 84063	Unc 44	$40.00	543.48
		Unc 72	$125.87; $377.61	
FB-748	Mary Sue Serawop, Fort Duchesne, Utah 84026	Unc 120	$1.37; $0.76; $0.76	2.89
FB-752	Sarah N. Mann, Post Office Box 31, Tooele, UT 84074.	Unc 31	$20.79	145.00
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-753	Maggie N. Blackwater, Randlett, Utah 84063	Unc 31	$20.79	145.00
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-754	Violet M. N. Miller, Route 1, Box 78, Tooele, UT 84074.	Unc 31	$20.78	144.99
		Unc 146	$72.67	
		Unc 149	$51.54	
FB-755	Sandra Mae Natchees, Randlett, Utah 84063	Unc 31	$20.78	144.98
		Unc 146	$72.66	
		Unc 149	$51.54	
FB-756	Harvey Natchees, Fort Duchesne, Utah 84026	Unc 31	$20.79	145.01
		Unc 146	$72.67	
		Unc 149	$51.55	
FB-762	Leon Navanick, Randlett, Utah 84063	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-763	Donna N. Queacut, 367½ East 6th South, Salt Lake City, UT 84102.	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-764	Blake Navanick, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$0.48	4.12
		Unc 395	$3.64	
FB-765	Lorraine Navanick, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$0.48	4.11
		Unc 395	$3.63	
FB-775	Fernando Nephi, Post Office Box 343, Roosevelt, UT 84066.	U and W 311	$0.37; $0.38; $1.14; $0.64	2.53
FB-776	Darlene P. Nephi, Post Office Box 343, Roosevelt, UT 84066.	U c 84	$21.11; $14.08	107.99
		Unc 87	$5.16; $3.44	
		Unc 294	$8.16; $5.44	
		Unc 560	$50.60	
FB-782	Laura N. Chegup, Whiterocks, Utah 84085	U and W 311	$0.38; $0.38; $1.14; $0.64	2.54
FB-792	Ruth Pauline N. N. Pawwinnee, 188 C St., Salt Lake City, UT 84103.	do	$0.38; $0.38; $1.14; $0.63	2.53
FB-795	Nevet Nez, Duchesne, Utah 84021	Unc 120	$0.92	11.80
		Unc 138	$10.88	
FB-801	John Harper Nick, Myton, Utah 84052	Unc 479	$91.18	91.18
FB-807	Nettie Flora B. Oarum, Whiterocks, Utah 84085.	U and W 120	$3.92	160.19
		U and W 297	$4.72	
		Unc 84	$77.41	
		Unc 87	$18.92	
		Unc 294	$29.92	
		Unc 560	$25.30	
FB-809	Walter Oarum, Whiterocks, Utah 84085	U and W 120	$2.61	5.75
		U and W 297	$3.14	
FB-813	Leo Panowitz, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 754	$109.64	109.64
FB-815	Delbert Pargeets, Whiterocks, Utah 84085	U and W 74	$1.25	1.88
		U and W 77	$0.63	
FB-816	Christine Pargeets, Whiterocks, Utah 84085	U and W 74	$1.25	1.87
		U and W 77	$0.62	
FB-817	Alfred Parriette, Post Office Box 52, Fort Duchesne, UT 84026.	U and W 186	$451.69	451.69
FB-820	Wilford E. Parriette, 4735 Catalpa St., No. 32, Los Angeles, CA 90032.	do	$451.69	451.69
FB-829	Clarice H. Pawwinnee Ignacio, Ouray, Utah 84059.	Unc 82	$2,448.10	2,448.10

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-830	Linda Kay Pawwinnee, Ouray, Utah 84059	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-832	Charlene P. Nephi, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$104.19	116.75
		Unc 301	$12.56	
FB-834	Betty M. Pawwinnee, Randlett, Utah 84063	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-835	Zelda P. Cesspooch, Randlett, Utah 84063	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-836	Eph Pawwinnee, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-838	Elise Pawwinnee, Ouray, Utah 84085	Unc 289	$520.95	2,456.82
		Unc 302	$1,307.46	
		Unc 301	$565.56; $62.85	
FB-839	Louise P. Cuch, Fort Duchesne, Utah 84026	Unc 289	$104.19	116.75
		Unc 301	$12.56	
FB-840	Nancy Pawwinnee, 157 South 7th East, Salt Lake City, UT 84102.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-841	Vernon Pawwinnee, 188 C St., Salt Lake City, UT 84103.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-842	Sally P. Box, 109 Larch Dr., Security, CO 80911.	Unc 289	$104.19	116.76
		Unc 301	$12.57	
FB-843	Esther A. Pegaroose, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$22.96	22.96
FB-845	Nettie M. Perank, Myton, Utah 84052	Unc 70	$222.53	222.53
FB-862	Fredrick Pinnecoose, Route 1, Ignacio, Colo. 81137.	Unc 306	$59.99	64.93
		Unc 307	$2.50	
		Unc 546	$2.44	
FB-863	Guy Pinnecoose, Randlett, Utah 84063	Unc 306	$59.99	64.93
		Unc 307	$2.50	
		Unc 540	$2.44	
FB-886	Josie T. Pope, Myton, Utah 84052	Unc 55	$1,159.95	1,424.13
		Unc 84	$142.52	
		Unc 294	$55.08	
		Unc 120	$66.58	
FB-890	Henry Provo, 79 West 2d South, Salt Lake City, UT 84101.	U & W 580	$121.38	121.38
FB-894	Charles E. Queacut, 2216 Lincoln Ave., Ogden, UT 84400.	U & W 40	$6.67	6.67
FB-896	Charles E. Queacut, Jr., 450 South 3d East, Salt Lake City, UT 84111.	do	$1.48	1.48
FB-897	Ethelyn Q. Mendez, 2216 Lincoln Ave., Ogden, UT 84400.	do	$1.48	1.48
FB-898	Douglas M. Queacut, Vernal, Utah 84078	do	$1.48	1.48
FB-899	Jason Queacut, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.48	1.48
FB-900	Linda D. Q. Lindsy, Route 2, Box 8, Vernal, UT 84078.	do	$1.48	1.48
FB-901	Jody Queacut, 2216 Lincoln Ave., Ogden UT 84400.	do	$1.48	1.48
FB-902	Elizabeth Q. Chunestudey, Route 2, Box 8, Vernal, UT 84078.	do	$1.48	1.48
FB-906	Charlene N. Poulsen, 542 East 3d South, Salt Lake City, UT 84102.	U and W 482	$20.24; $26.99	47.23
FB-907	Phyllis N. Heavy Runner, Post Office Box 192, Heart Butte, MT 59448.	do	$20.24; 26.99	47.23
FB-908	May Lee N. Mountain, Route 1, Roosevelt, Utah 84066.	do	$20.23; $26.98	47.21
FB-909	Jean C. Noble, Route 1, Roosevelt, Utah 84066	do	$20.23; $26.98	47.21
FB-916	Helen A. A. Burson, Roosevelt, Utah 84066	U and W 658	$14.31	14.31
FB-917	Douglas S. Redfoot, Towaoc, Colo. 81334	do	$7.15	7.15
FB-921	Charles Redfoot, Whiterocks, Utah 84085	U and W 120	$5.88	12.95
		U and W 297	$7.07	
FB-932	Perfelia R. Tapoof (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 658	$14.30	14.30
FB-940	Steven Ridley, Whiterocks, Utah 84085	U and W 480	$171.09	171.09
FB-948	Doris U. S. Ridley, Post Office Box 14, Whiterocks, UT 84085.	Unc 120	$1.85	23.62
		Unc 138	$21.77	
FB-968	Eva A. Saknikent, Whiterocks, Utah 84085	U and W 311	$5.69; $1.89	7.58
FB-971	Rachel C. Saknikent (estate), Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$4.01	316.43
		U and W 43	$312.42	
FB-977	Hanna S. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.74	.74
FB-978	Ina L. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
FB-979	Veronica Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09
FB-980	Dan T. Santio, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09
FB-983	Nema M. S. Appawoo, Randlett, Utah 84063	Unc 44	$40.00	165.87
		Unc 72	$125.87	
FB-992	Frances C. Secakuku, Fort Duchesne, Utah 84026.	U and W 40	$2.50	22.50
		U and W 41	$20.00	
FB-994	Archie Serawop, Randlett, Utah 84063	U and W 241	$1.48	13.69
		Unc 32	$12.21	
FB-996	Charles Serawop, Randlett, Utah 84063	do	$2.04	2.04
FB-997	Lena C. Serawop, Randlett, Utah 84063	do	$1.33	1.33
FB-1000	David Serawop, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$12.21	52.90
		Unc 120	$40.69	
FB-1004	James Serawop, Fort Duchesne, Utah 84026	Unc 32	$12.21	12.21
FB-1006	Keith D. Serawop, General Delivery, Towaoc, Colo. 81334.	U and W 241	$0.74	.74
FB-1020	Vera Shavanaux, Randlett, Utah 84063	Unc 120	$7.54; $4.18; $4.18	15.90
FB-1021	Dru Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $0.76; $0.76	2.89
FB-1023	Dale Shavanaux, Randlett, Utah 84063	do	$1.37; $4.52; $0.76; *0.76; $12.54.	19.95
FB-1024	Darrell Shavanaux Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; *4.52; $0.76; $0.76; $12.54.	19.95
FB-1025	Edmond Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.95
FB-1026	Corrine Shavanaux, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.37; $4.52; $0.76; $0.76; $12.54.	19.95
FB-1028	Lottie L. Shoyo, Post Office Box 36, Fort Washakie, WY 82541.	Unc 217	$81.64; $81.64; $40.84	272.14
		Unc 218	$13.61	
		Unc 218	$27.21; $27.20	
FB-1030	Rose R. S. Sibello, Randlett, Utah 84063	U and W 126	$3.83	314.89
		Unc 32	$4.07	
		Unc 120	$306.99	
FB-1033	Stanford Bert Sibello, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$3.83	3.83
FB-1044	Emma M. Sireech, Post Office Box 67, Fort Duchesne, UT 84026.	Unc 120	$17.26	17.26
FB-1046	Edith C. Sireech, Randlett, Utah 84063	Unc 32	$1.14	103.78
		Unc 111	$102.64	
FB-1051	Tommy Sowsonicut, Post Office Box 8, Whiterocks, UT 84085.	Unc 74	$286.04	935.71
		Unc 76	$241.33	
		Unc 77	$220.22	
		Unc 78	$188.12	
FB-1059	James Starr, Neola, Utah 84053	U and W 512	$12.17; $12.17	24.34
FB-1060	Estelle B. Starr, Neola, Utah 84053	Unc 84	$443.37	723.06
		Unc 87	$108.36	
		Unc 294	$171.33	
FB-1064	Rufus Starr, Post Office Box 33, Fort Duchesne, UT 84026.	U and W 658	$7.15	7.15
FB-1073	Wallace Tabbee, Randlett, Utah 84063	Unc 120	$16.43; $35.55	51.98
FB-1074	Arlyne M. Tabbee, Randlett, Utah 84063	Unc 44	$40.00	165.87
		Unc 72	$125.87	
FB-1082	Tahrah Tabbee, Ouray, Utah 84059	Unc 120	$16.44	16.44
FB-1084	Katie W. Tabbee, Ouray, Utah 84059	Unc 32	$32.13	119.12
		Unc 244	$86.99	
FB-1086	Wilbur Tabbee, Roosevelt, Utah 84066	Unc 464	$120.01	120.01
FB-1095	Tom Tahgapoots, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 307	$5.00	9.88
		Unc 546	$4.88	
FB-1101	Adelbert K. C. Tapoof, Whiterocks, Utah 84085	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-1102	Vernita T. Copperfield, Whiterocks, Utah 84085	U and W 74	$2.00	3.00
		U and W 77	$1.00	
FB-1106	Allen Tahguv, Ouray, Utah 84059	U and W 241	$0.74	.74
FB-1107	Ray Taveapont, Whiterocks, Utah 84085	Unc 552	$10.97	10.97
FB-1121	Victoria W. Taylor, South Browning Avenue, Ignacio, Colo. 81137.	Unc 120	$4.93	62.95
		Unc 138	$58.02	
FB-1129	Tommy Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$11.64	11.64
FB-1131	Willard Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.89	2.89
FB-1132	Gloria T. Arrowgarp, c/o Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.89	2.89
FB-1134	Thomas K. Thompson, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$2.89	2.89
FB-1135	Willis Thompson, Route 1, Roosevelt, Utah 84066.	Unc 464	$100.01	100.01
FB-1137	Etta W. Tofpi, Post Office Box 241, Carnegie, OK 73015.	Unc 119	$724.00	724.00

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
FB-1140	Glenn Tom, Post Office Box 29, Whiterocks, UT 84085.	Unc 74	$47.67	155.93
		Unc 76	$40.22	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-1141	Mary Jane Ice, 371 West South Temple St., Salt Lake City, UT 84100.	U and W 40	$4.00	316.41
		U and W 43	$312.41	
FB-1143	Ignacio Tom, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$95.36	311.89
		Unc 76	$80.45	
		Unc 77	$73.40	
		Unc 78	$62.68	
FB-1146	Orson Tom, Post Office Box 38, Whiterocks, UT 84085.	Unc 74	$47.67	155.93
		Unc 76	$40.22	
		Unc 77	$36.70	
		Unc 78	$31.34	
FB-1153	Eva B. Tonegats, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 346	$4.38	4.38
FB-1160	Lucille T. Kurip, Post Office Box 21, Whiterocks, UT 84085.	U and W 77	$30.00	39.10
		Unc 552	$9.10	
FB-1161	Letitia T. C. Bow, Post Office Box 384, Cedar City, UT 84720.	U and W 77	$30.00	39.10
		Unc 552	$9.10	
FB-1166	Charma Toponotes, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 117	$109.82	109.82
FB-1171	Mary Ann Perank, Fort Duchesne, Utah 84026	Unc 32	$32.26	32.26
FB-1184	Donaciana Unca Sam, Fort Duchesne, Utah 84026.	Unc 402	$178.88	178.88
FB-1199	Hugh T. Unca Sam, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$4.00	6.00
		U and W 77	$2.00	
FB-1205	Clarence Uncopiuke, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$12.02	778.22
		Unc 112	$766.20	
FB-1206	Phyliss M. Burson, Post Office Box 74, % Nettie Eker, Carlin, NV 89822.	U and W 126	$0.64	5.49
		Unc 395	$4.85	
FB-1209	Nema C. U. Whitetail, Post Office Box 10, Whiterocks, UT 84085.	U and W 40	$20.00	20.00
FB-1210	Howell Ungaska, Ouray, Utah 84059	Unc 189	$64.63	118.15
		Unc 190	$53.52	
FB-1213	Edith C. Upchego, Whiterocks, Utah 84085	U and W 74	$15.00; $1.25	24.38
		U and W 77	$7.50; $0.63	
FB-1223	Rachel Serawop Wanna, Randlett, Utah 84063	Unc 32	$12.21	12.21
FB-1229	Lorraine C. Wash, Route No. 2, Roosevelt, Utah, 84066.	do	$1.14	103.78
		Unc 111	$102.64	
FB-1240	Grace G. Washington, Whiterocks, Utah 84085	U and W 410	$160.00	160.00
FB-1241	Lorna J. W. Diaz, Post Office Box 112, Tooele, UT 84074.	do	$160.00	160.00
FB-1256	Helen G. White, 354A 2d Ave., San Francisco, CA 94118.	Unc 172	$5.00	5.00
FB-1263	Angelena S. Wissiup, Post Office Box 209, Roosevelt, UT 84066.	U and W 126	$1.28	1.28
FB-1271	John Wopsock, Whiterocks, Utah 84085	U and W 250	$7.64	7.64
FB-1290	Winifred Wyasket, Bridgeland, Utah 84012	Unc 120	$1.85	33.49
		Unc 138	$21.76	
		Unc 307	$5.00	
		Unc 546	$4.88	
FB-1292	Ramona W. John, Duchesne, Utah 84021	Unc 120	$5.55	70.84
		Unc 138	$65.29	
FB-1293	William Wyasket, Whiterocks, Utah 84085	Unc 120	$0.92	11.80
		Unc 138	$10.88	
FB-1294	Lydia O. W. Watts, General Delivery, Towaoc, Colo. 81334.	U and W 120	$2.62	5.76
		U and W 297	$3.14	
FB-1298	Molly W. Brown, Ouray, Utah 84059	Unc 32	$32.26	32.26
FB-1310	Jack Yump, Myton, Utah 84052	Unc 163	$129.24	129.24
FB-1312	Oscar Yump, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$129.24	129.24
FB-1314	Everett Yump, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.45	56.01
		U and W 246	$51.56	
FB-1326	Alverda Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.18; $0.36	.54
FB-1327	Belinda Cotonuts, Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.68	.68

REIMBURSEMENT TO MINORS OF UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH

FB-1332	Jolene Jenks, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.29; $0.15	.44
FB-1337	Thomasina LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.06	.06
FB-1349	Cheryle Jean Pawwinnee, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-1356	Ann Santio, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
FB-1362	Danny Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.76; $0.76	2.89
FB-1363	Clara Ann Sowsonicut, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$153.49	1,275.92
		Unc 135	$1,122.43	
FB-1367	Rosina Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1368	Valneva T. Dalton, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$23.83	78.01
		Unc 76	$20.11	
		Unc 77	$18.36	
		Unc 78	$15.71	
FB-1371	Theodore Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1378	Lavern Ice, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$2.01	158.22
		U and W 43	$156.21	
FB-1381	Judy Fay Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1382	Oliver Collin Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1383	Theron Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1384	Guy Lee Gardner, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 658	$2.37	2.37
FB-1405	Lucus Toponotes, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 117	$109.83	109.83
FB-1409	Joan Leslie Ice, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$2.01	158.22
		U and W 43	$156.21	
FB-1423	Oliver Ray Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1424	Richardine Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 74	$23.83	78.00
		Unc 76	$20.11	
		Unc 77	$18.35	
		Unc 78	$15.71	
FB-1450	Ferron Wyasket, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.31	3.94
		Unc 138	$3.63	
FB-1476	Leona Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.18; $0.36	.54
FB-1481	Venice Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.76; $0.76	2.89
FB-1486	Rose Black, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.44	56.00
		U and W 246	$51.56	
FB-1497	Sandra Yump, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$4.44	56.00
		U and W 246	$51.56	
FB-1506	Tammy J. Gardner, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 658	$2.37	2.37
FB-1533	Felecita LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1536	Glen Earl Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.68	.68
FB-1559	Fredric Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1560	Clarrissa Mae Tom, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 40	$0.80	.80
FB-1566	Bennett J. Shavanaux, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.37; $0.75; $0.75	2.87
FB-1597	Persingula LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1604	Kursh Bailey Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.68	.68
FB-1642	Bruce Cotonuts, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.18; $0.36	.54
FB-1654	Gwenita Pawwinnee, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 289	$34.73	38.92
		Unc 301	$4.19	
FB-1680	Georgina M. Cesspooch, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 32	$0.57	51.96
		Unc 111	$51.39	
FB-1688	Kassley LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1728	Lance Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$2.89	2.89
FB-1837	Marita Jo Sibello, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 126	$1.27	1.27
FB-1844	Rosita R. Sibello, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$1.28	1.28
FB-1855	Paul M. LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 241	$0.06	.06
FB-1856	Ruby T. LaRose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.06	.06

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	OTHER REIMBURSEMENTS			
	Ute Indian Tribe, Fort Duchesne, Utah 84026	U and W 339	$46.62	46.62
	REIMBURSEMENT TO INDIVIDUALS NOT ENROLLED IN UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
	Diane Atwine, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 391	$199.91	413.91
		Unc 32	$9.50	
		Unc 103	$204.50	
	Lanell Capoose, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 217	$27.25; $13.64; $27.22	90.79
		Unc 218	$9.07; $9.07; $4.54	
	Laura Lee Johnson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$0.62	.93
		U and W 77	$0.31	
	Sherrie A. Johnson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 74	$0.63	.95
		U and W 77	$0.32	
	Madeline L. Kroll, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Ben D. LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Charles LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Juanita LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.26	40.03
		Unc 138	$14.49	
		Unc 163	$24.28	
	Linda LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Patsy L. LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.41
		Unc 138	$4.14	
		Unc 163	$6.92	
	Raymond LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.42
		Unc 138	$4.15	
		Unc 163	$6.92	
	Thomas LaJuan, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$0.35	11.41
		Unc 138	$4.14	
		Unc 163	$6.92	
	Clarence Lucero, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	Unc 120	$1.66	20.99
		Unc 138	$19.33	
	Salvador Maez, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 658	$15.99	15.99
	Bennett Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
	Lucy C. Thompson, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$0.09	.09
	Andrea Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 410	$32.00	32.00
	Janice Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Kenneth B. Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Larry Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Yolanda Trujillo, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	do	$32.00	32.00
	Rose T. P. Van, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 186	$451.70	451.70
	Ben Vigil, care of Unitah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 391	$299.87	620.86
		Unc 32	$14.24	
		Unc 103	$306.75	
	Irene T. Weaver, care of Uintah and Ouray Agency, Fort Duchesne, Utah 84026.	U and W 286	$0.09	.09
	Agnes Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.46	9.46
	David Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Dorothy Burch Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 84	$285.03	395.19
		Unc 294	$110.16	
	Edward Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.45	9.45
	Ellen Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Fritz Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Mary Box, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$9.46	9.46
	Dallas Basil Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 289	$29.99	32.46
		Unc 307	$1.25	
		Unc 546	$1.22	
	Deborah Janice Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$14.99	16.22
		Unc 307	$0.62	
		Unc 546	$0.61	
	Leonora Ruth Brown, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$15.00	16.24
		Unc 307	$0.63	
		Unc 546	$0.61	
	Bradley Eagle, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$30.00	32.47
		Unc 307	$1.25	
		Unc 546	$1.22	
	John Eagle, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 306	$30.00	32.47
		Unc 307	$1.25	
		Unc 546	$1.22	
	Jeanette Wing Eyetooth, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.96	5.96
	Bridget Wing Jacket, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.97	5.97
	Marjorie Box Janis, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 552	$9.46	9.46
	Albert Wing, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 546	$1.62	1.62
	Glen Wing, care of Southern Ute Agency, Ignacio, Colo. 81137.	do	$5.97	5.97
	Harry Shad, care of Southern Ute Agency, Ignacio, Colo. 81137.	Unc 173	$96.35	96.35
	REIMBURSEMENT TO FORMER MIXED BLOOD MEMBERS OF THE UTE TRIBE, UINTAH AND OURAY RESERVATION, UTAH			
MB-3	Lorena Reed Antonio, 638 South 7th West, Brigham City, UT 84302.	U and W 439	$5.36	5.36
MB-25	Weldon Nephi Burson, Route 1, Roosevelt, Utah 84066.	U and W 126	$1.91	29.07
		U and W 187	$12.60	
		Unc 395	$14.56	
MB-57	Alice O. Copperfield, Fort Duchesne, Utah 84026.	U and W 120	$2.62	5.76
		U and W 297	$3.14	
MB-61	Reginald O. Curry, Roosevelt, Utah 84066	U and W 781	$1,685.70	1,685.70
MB-66	Richard Henry Curry, Roosevelt, Utah 84066	Unc 502	$183.03	183.03
MB-188	Doris R. Jenks, Fort Duchesne, Utah 84026	Unc 120	$33.29; $51.78	6,044.18
		Unc 138	$1,175.30	
		Unc 140	$3,399.20	
		Unc 142	$1,018.54	
		Unc 502	$366.07	
MB-199	Oreane C. J. Garcia, 501 West Green St., Gallup, NM 87301.	Unc 502	$183.03	183.03
MB-253	Barbarita L. Lee, 1604 Stanley Ave., Long Beach, CA 90801.	Unc 120	$0.54	6.99
		Unc 138	$6.45	
MB-254	Bernard Lucero, Mojave Valley Post Office, Needle, Ariz. 86440.	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-255	Eileen Marie Lucero, Roosevelt, Utah 84066	Unc 120	$0.54	6.98
		Unc 138	$6.44	
MB-256	Fred Lucero, Whiterocks, Utah 84085	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-257	Juanita Lucero Tabbee, care of Eileen Marie Lucero, Roosevelt, Utah 84066.	Unc 120	$0.54	6.99
		Unc 138	$6.45	
MB-258	Pete R. Lucero, 1604 Stanley Ave., Long Beach, CA 90801.	Unc 120	$0.55	7.00
		Unc 138	$6.45	
MB-281	Joseph Montes, 652 East 1225 North, Ogden, UT 84401.	U and W 546	$515.49	515.49
MB-468	Henry Wopsock, Neola, Utah 84053	U and W 250	$7.64	7.64
MB-479	Bud Wyasket, Trust Department, 1st South Main St., Salt Lake City, Utah 84111.	Unc 120	$0.93	11.81
		Unc 138	$10.88	
MB-480	Christine S. W. Shepard, Jiggs, Nev. 89827	Unc 120	$1.37; $0.76; $0.76	2.89
MB-4	Phillip Arkansas (estate), First Security Bank, Roosevelt, Utah 84066.	U and W 340	$124.51	360.89
		U and W 341	$160.17	
		U and W 342	$76.21	
MB-30	Elizabeth Bumgarner Poowegup (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 502	$183.03	183.03
MB-59	Oran Curry (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 32	$96.60	435.27
		Unc 150	$155.64	
		Unc 502	$183.03	
MB-205	Berhemia Kanapatch (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 32	$42.92	42.92
MB-312	Howard Mountain Lion (estate), First Security Bank, Roosevelt, Utah 84066.	Unc 163	$48.42	48.42

Roll No.	Name and address	Allotment number of land sold	Amount received for each allotment	Total refund
	REIMBURSEMENT TO NON-INDIANS			
	Francis Harrison Horrocks (estate), Delbert Horrocks, Administrator, Route 1, Roosevelt, Utah 84066.	Unc 546	$19.57	19.57

[FR Doc.72-5886 Filed 4-20-72;8:45 am]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Florida Telephone Corp.
(3) No change.
(4) No change.

This amendment is made as of April 10, 1972.

Dated: April 10, 1972.

HOWARD A. BECK.

[FR Doc.72-6070 Filed 4-20-72;8:46 am]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of March 27, 1972.

Dated: March 27, 1972.

JAMES A. BROADDUS.

[FR Doc.72-6071 Filed 4-20-72;8:46 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 7, 1972.

Dated: April 7, 1972.

E. F. TIMME.

[FR Doc.72-6072 Filed 4-20-72;8:46 am]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications and Supersedeas Decisions; New Determinations

There is set forth below general Area Wage Determination Decision No. 6723 of the Secretary of Labor. This decision specifies, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the locality specified therein. The decision is applicable to Federal and federally assisted construction in the described locality situated within the State of Colorado.

The determinations in this decision of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12-71 and 15-71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal or 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.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

This wage determination is effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and is to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modification issued subsequent to this date during this 120-day period, shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above States are set forth below:

MODIFICATION AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modification and/or supersedeas decisions to area wage determination decisions for specified localities in Alabama, Arizona, Connecticut, Louisiana, Maryland, Mississippi, New Jersey, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Washington, D.C.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM-1591, AM-1593 (9693)	Aug. 6, 1971
AM-1708, AM-1713	Aug. 11, 1971
AM-445, AM-490, AM-499, AM-502, AM-503, AM-1856, AM-1859, AM-1866	Aug. 20, 1971
AM-2529 (6721), AM-2530 (6722)	Sept. 3, 1971
AM-7717 (11,414), AM-7717 (11,415)	Nov. 19, 1971
AM-9682, AM-9683	Mar. 3, 1972
AM-9690	Mar. 24, 1972
AM-11,410	Mar. 31, 1972

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 modification 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 modification 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 determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, 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. The modification and/or supersedeas decisions to the area wage determination decisions listed above are set forth below.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. section 553 is set forth in the document being modified.

Signed at Washington, D.C., this 14th day of April 1972.

HORACE E. MENASCO,
Administrator, Employment Standards Administration.

State: Colorado; counties: Denver, Elbert, Douglas, Arapahoe, Adams, Clear Creek, Gilpin, Jefferson, and Boulder.
Decision No. AM-6,723; date: Apr. 21, 1972.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including 4 stories.

NEW DECISIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H. & W.	Pensions	Vacation	App. Tr.	Others
Bricklayers	$7.50					
Carpenters	6.00	$0.20	$0.20	$0.20	$0.015	
Cementmasons	5.80					
Electricians	7.22	.20+.02	1%		2/10%	
Laborers	3.45					
Painters, brush	4.84					
Plumbers	7.10	.40	.35	.40	$0.05	
Roofers:						
Shinglers	5.10					
All others	6.30					
Sheet metal workers	4.50					
Soft-floor layers	6.00	.25	.30	.25	.03	
Power equipment operators:						
Bulldozers	5.50					
Backhoe	5.50					
Front-end loader	4.75					
Rollers	5.50					

MODIFICATIONS

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-445—36 F.R. 16356 (Aug. 20, 1971); Calhoun, Etowah, St. Clair, Shelby, Talladega, Tuscaloosa, and Walker Counties, Ala. Modification No. 2						
OMIT:						
Ethoun County.						
WD No. AM-1,591—36 F.R. 14552, Aug. 6, 1971; Litchfield County, Conn. Modification No. 3						
OMIT:						
Building, heavy, and highway construction: Painters: Spray: New Milford	$5.85					
CHANGE:						
Building, heavy, and highway construction:						
Bricklayers, cementmasons-finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (building only):						
Thomaston, Watertown, Woodbury	8.05	$0.25	$0.40			
Bridgewater, Kent, New Milford, Roxbury	7.50	.25	.40			
Bricklayers, cementmasons-finishers, stonemasons (heavy and highway):						
West of Housatonic River	7.65	.40	.25			
East of Housatonic River	7.60	.40	.25			
Carpenters, soft-floor layers, piledrivermen (building only): Northfield, Thomaston, Watertown, Morris	8.75	.35	.20	g	$0.02	
Electricians: Remainder of county	7.80	.25	1%+.20		½of1%	
Lathers: Remainder of county	8.75		$0.15		$0.01	
Leadburners	7.40	.30		c	.01	
Painters:						
Brush: New Milford	6.20	.20				
Structural steel: New Milford	7.20	.20				
Waterproofers: Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.50	.60	.30			
Footnote:						
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled workdays immediately preceding and following the holiday.						
WD No. AM-11,410—37 F.R. 6614, Mar. 31, 1972; St. Bernard, Plaquemines, Orleans, and Jefferson Parishes, La. Modification No. 1						
CHANGE:						
Lathers	5.88	.20	.15		.05	
WD No. AM-490—36 F.R. 16484 (Aug. 20, 1971); Hinds County, Miss. Modification No. 7						
CHANGE:						
Building construction: Carpenters:						
Carpenters working creosoted and freshly painted (wet) material	5.85	.20			.02	
Carpenters working glass fiber insulation and like materials	5.75	.20			.02	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-1,708—36 F.R. 14821, Aug. 11, 1971; Burlington County, N.J. Modification No. 5						
CHANGE:						
Asbestos workers: Townships of Bordentown, Burlington, Chesterfield, East Hampton, Florence, Mansfield, Mount Holly, New Hanover, Pembertown, Roebling, Springfield, Wrightstown, Woodlawn, and North Hanover	8.50	.25	.20			
WD No. AM-1,713—36 F.R. 14848, Aug. 11, 1971; Mercer County, N.J. Modification No. 6						
Asbestos workers	8.50	.25	.20			
WD No. AM-1,856—36 F.R. 16285 (Aug. 20, 1971); Lawrence County, Pa., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	9.11	.20	.25			
Electricians	8.75	.25	1%		.01	
Elevator constructors	8.45	.195	$0.20	2%+b&c	.005	
Elevator constructors' helpers	70% JR	.195	.20	2%+b&c	.005	
Elevator constructors' helpers (probationary)	50% JR					
Ironworkers, structural	$8.87	.35	.10		.03	
Ironworkers, ornamental	8.87	.35	.10		.03	
Ironworkers, reinforcing	8.87	.35	.10		.03	
Plumbers and steamfitters: remainder of county	7.88	.15			.03	
WD No. AM-1,859—36 F.R. 16299 (Aug. 20, 1971); Mercer County, Pa., Modification No. 3						
CHANGE:						
Building construction:						
Asbestos workers	9.11	.20	.25			
Ironworkers, structural	8.87	.35	.10		.03	
Ironworkers, ornamental	8.87	.35	.10		.03	
Ironworkers, reinforcing	8.87	.35	.10		.03	
Marble, tile and terrazzo workers	7.815					
Marble, tile and terrazzo helpers	5.015					
WD No. AM-1,866—36 F.R. 16335, Aug. 20, 1971; 29 eastern counties, Pennsylvania. Modification No. 3						
CHANGE:						
Carpenters and piledrivermen	6.56	.20	.25			
WD No. AM-499—36 F.R. 16476 (Aug. 20, 1971); Roane and Anderson Counties, Tenn. Modification No. 5						
CHANGE:						
Marble setters	7.07				.02	
Millwrights	6.475				.02	
Painters:						
Commercial	5.65		.20		.02	
Industrial	6.00		.20		.02	
Stack, tower, bridges and tanks over 50 ft. high	6.35		.20		.02	
Piledrivermen	6.30				.02	
Plumbers and steamfitters	6.95	.25	.45	.30+e	.05	
ADD:						
Footnote:						
e. $0.05 holiday pay.						
WD No. AM-502—36 F.R. 16486 (Aug. 20, 1971); Knox County, Tenn. Modification No. 5						
CHANGE:						
Truckdrivers:						
3 tons, and including 4 yd., dump truck	4.24		d		.01	
3 to 5 tons, and including 6 yd., dump truck	4.44		d		.01	
5 tons and over, including dump truck over 6 yd., ready-mix concrete truck, tank trucks, floats and lowboys, winch truck and semitrailer	4.59		d		.01	
ADD:						
Footnote:						
e. $0.05 holiday pay.						
WD No. AM-503—36 F.R. 16489 (Aug. 20, 1971); Shelby County, Tenn. Modification No. 4						
CHANGE:						
Asbestos workers	7.425	.25	$0.25			
Lead burners	6.90	.30		c	.01	
Marble setters	5.75	.20				
Millwrights	6.84	.25			.06	
Roofers:						
Composition	5.40		.15			
Slate, tile, asbestos and precast tile	5.65		.15			
Terrazzo workers	5.75	.20				
Tile setters	5.75	.20				
Tile, marble and terrazzo workers' helpers	3.15					
Footnote:						
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday; and the regular scheduled workdays immediately preceding and following the holiday.						
WD No. AM-9,682—37 F.R. 4472 Mar. 3, 1972; Washington, D.C. Modification No. 2						
CHANGE:						
Roofers:						
Composition	6.65	.35	.20			
Slate, tile mopmen, waterproofers, sprayers, spandrel and ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Plasterers' tenders	6.07	.32	.20		.03	
WD No. AM-9,683—37 F.R. 4470, Mar. 3, 1972; Montgomery and Prince Georges Counties, Md.; City of Alexandria, Va.; Arlington County, Va.; and Dulles International Airport. Modification No. 1						
CHANGE:						
Roofers:						
Composition	6.65	.35	.20			
Slate, tile, mopmen, waterproofers, sprayers, spandrel and ironite	7.15	.35	.20			
Helpers	4.85	.35	.20			
Plasterers' tenders	6.07	.32	.20		.03	

MODIFICATIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
WD No. AM-9,690—87 F.R. 6140 (Mar. 24, 1972); statewide, West Virginia. Modification No. 2						
CHANGE:						
Carpenters, A counties only	6.58	.20	.25			

SUPERSEDEAS DECISIONS

State: Arizona; county: Maricopa.
Decision No. AM-6,721; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-2,529, dated Sept. 3, 1971, in 36 F.R. 17683.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), and heavy construction.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.93	$0.35	$0.40		$0.02	
Boilermakers	7.20	.30	.70	$0.45	.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons: From city hall of Phoenix:						
Zone A (0-25 miles)	8.35	.35	.30		.03	
Zone B (25-40 miles)	9.10	.35	.30		.03	
Zone C (40-70 miles)	9.44	.35	.30		.03	
Zone D (70-100 miles)	9.77	.35	.30		.03	
Carpenters:						
Carpenters	7.45	.30	.45		.025	
Millwrights	7.825	.30	.45		.025	
Piledrivermen	7.70	.30	.45		.025	
Cementmasons	7.285	.30	.50		.025	
Drywall installers: From courthouse in Phoenix, Mesa, including Williams AFB and Luke AFB:						
tapers:						
Zone A (0-40 miles)	6.00	.225				
Zone B (40-60 miles)	7.00	.225				
Zone C (60 miles and over)	7.25	.225				
Texture spraymen:						
Zone A	6.10	.225				
Zone B	7.10	.225				
Zone C	7.35	.225				
Electricians:						
Zone A (Power Road on east from Hunt Highway on south to 1 mile south of Pinnacle Peak Road on the north; 1 mile south of Pinnacle Peak to Cotton Lane on the west; Cotton Lane to Pecos Road on the south; Pecos Road to Price Road to Hunt Highway on the south; Hunt Highway to Power Road on the east and including Luke AFB)	6.35	.20	1%		½%	
Zone B (from outside edge of zone A through 16 roadmiles from outside edge of zone A and including Williams (AFB)	7.00	.20	1%		½%	
Zone C (commence at 16 roadmiles from outside edge of zone A and extends to outside limits of Union jurisdiction)	7.75	.20	1%		½%	
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helper	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (probationary)	70%JR					
Ironworkers:						
Ornamental; structural	$8.58	.43	.425		$0.04	
Reinforcing	8.58	.43	.425		.04	
Lathers:						
Zone I (up to 35 miles from Phoenix)	5.60	.175			.04	
Zone II (15 miles beyond zone I)	5.93	.175			.04	
Zone III (20 miles beyond zone II)	6.26	.175			.04	
Zone IV (area outside zone III)	6.60	.175			.04	
Marble setters: From Phoenix:						
Zone I-VI (0-40 miles)	5.84	.25	.20		.01	
Zone VII (40-60 miles)	6.965	.25	.20		.01	
Zone VIII (60-80 miles)	6.965	.25	.20		.01	
Zone IX (over 80 miles)	7.465	.25	.20		.01	
Painters:						
(Cities of Gila Bend and Sentinel):						
Brush	5.93	.24				
Steel and bridge, brush	7.13	.24				
Spray	7.03	.24				
(Remainder of county):						
Zone A (0-40 miles from courthouse in Phoenix; Williams AFB and Luke AFB):						
Brush; soft-floor layers	6.25	.275	.20	$0.15	.02	
Steel and bridge, brush	6.60	.275	.20	.15	.02	
Spray	6.50	.275	.20	.15	.02	
Spray (steel and bridge)	6.80	.275	.20	.15	.02	
Zone B (41-60 miles from courthouse in Phoenix only):						
Brush; soft-floor layers	7.25	.275	.20	.15	.02	
Steel and bridge, brush	7.60	.275	.20	.15	.02	
Spray	7.50	.275	.20	.15	.02	
Spray (steel and bridge)	7.80	.275	.20	.15	.02	
Zone C (61 miles and over from courthouse in Phoenix):						
Brush; soft-floor layers	7.75	.275	.20	.15	.02	
Steel and bridge, brush	8.10	.275	.20	.15	.02	
Spray	8.00	.275	.20	.15	.02	
Spray (steel and bridge)	8.30	.275	.20	.15	.02	
Plasterers:						
City of Sentinel and portion of county south thereof	9.12	.30	.45			
Remainder of county:						
Zone A (0-40 miles from Phoenix)	5.81	.20	.30		.035	
Zone B (40-60 miles from Phoenix)	6.06	.20	.30		.035	
Zone C (60-80 miles from Phoenix)	6.31	.20	.30		.035	
Zone D (80 miles and over from Phoenix)	6.685	.20	.30		.035	
Plumbers: (Zone base: Phoenix):						
Zone I (0-15 miles)	7.74	.45	.70		.06	
Zone II (15-30 miles)	8.04	.45	.70		.06	
Zone III (30-45 miles)	8.39	.45	.70		.06	
Zone IV (45 miles and beyond)	9.49	.45	.70		.06	
Roofers:						
Roofer and waterproofer	6.10	.30	.20		.02	
Pitch and enamelers	6.60	.30	.20		.02	
Sheet metal workers: Zone bases; Phoenix:						
Zone I (0-25 miles)	7.59	.27	.32		.02	
Zone II (25-50 miles)	8.22	.27	.32		.02	
Zone III (50 miles and over)	9.56	.27	.32		.02	
Sprinkler fitters	7.95	.25	.40		.05	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Terrazzo and mosaic workers: Zone bases: Phoenix:						
Zone I–VI (0–40 miles)	6.21					
Zone VII (40–60 miles)	7.335					
Zone VIII (60–80 miles)	7.335					
Zone IX (Over 80 miles)	7.835					
Line construction: Zone bases; Phoenix:						
Zone 1 (0–30 miles):						
Cable splicer	7.66	.23	1%+4%		½%	
Linemen	7.40	.23	1%+4%		½%	
Equipment operators	6.96	.23	1%+4%		½%	
Groundman	6.04	.23	1%+4%		½%	
Zone 2 (other areas):						
Cable splicer	8.81	.23	1%+4%		½%	
Linemen	8.55	.23	1%+4%		½%	
Equipment operators	8.11	.23	1%+4%		½%	
Groundmen	7.21	.23	1%+4%		½%	
Laborers:						
Group I: All helpers not herein separately classified; cesspool diggers and installers; chatbox man; checker, tool dispatcher; concrete dumpman—belt, pipe and/or hoseman; dumpman and/or spotter; fence builder, guardrail builder—highway; form strippers; labor, general or construction; landscape gardener and nurseryman; packing rod steel and pans; riprap stoneman	5.23	.30	$0.45		$0.05	
Group II: Cement finisher tender; concrete curer (impervious membrane); cutting torch operator; fine grader (highway, engineering and sewer work only); kettleman-tarman; power type concrete buggy	5.34	.30	.45		.05	
Group III: Bander; chucktender (except tunnel); creosote tieman; guinea chaser; powderman helper; riprap stone paver; sandblaster (pot tender); spikers and wrenchers	5.45	.30	.45		.05	
Group IV: Cement dumpers (skip-type mixer or handling bulk cement); chain saw machines (on clearing and grubbing); concrete vibrating machines; gribber and shorer (except tunnel); floor sanders—concrete; hydraulic jacks, and similar mechanical tools not separately herein classified; operators and tenders of pneumatic and electric tools; pipe caulker and/or backup man (pipeline); pipe wrapper; pneumatic gopher; rigger/signalman (pipeline)	5.53	.30	.45		.05	
Group V: Air and water washout nozzleman; asphalt rakers and ironers; driller; grade setter (pipeline); hand-guided trencher and similar operated equipment; jackhammer and/or pavement breakers; pipelayer (including but not limited to nonmetallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); rock slinger; scaler (using bos'ns chair or safety belt); tampers (mechanical—all types)	5.67	.30	.45		.05	
Group VI: Concrete cutting torch; concrete saw (hand guided); driller (core, diamond, wagon or air track); drill doctor and/or air tool repairman; gunman and mixerman (Gunite); sandblaster (nozzleman)	5.975	.30	.45		.05	
Group VII:						
Concrete road form setter; Gunite nozzleman or rodman; drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; powderman; scaler (drillers); welders and/or pipelayers installing process piping	6.485	.30	.45		.05	
Mason tenders	5.835	.30	.45		.05	
Plasterers' tenders	6.15	.30	.45		.05	
Employees working underground shall receive 20 cents per hour additional above the regular rate, except where herein specifically covered.						
Laborers employed where they may have a free fall over 30 feet or on construction scaffolds above 30 feet or bos'n chair above 30 feet, or where gas masks are necessary, shall receive 50 cents per hour in addition to their regular rate, except where inherent in classifications.						
Tunneland shaft w orkers:						
Group I: Bull gang, muckers, trackman; dumpmen; concrete crew (includes rodders and spreaders); grout crew; swamper (brakeman and switchmen on tunnel work)	5.425	.30	.45		.05	
Group II: Nipper, chucktender, cabletender; vibratorman, jackhammer, pneumatic tools (except driller)	5.56	.30	.45		.05	
Group III: Grout gunman	5.66	.30	.45		.05	
Group IV: Timberman, retimberman—wood or steel blaster, driller powderman; cherry pickerman; powderman—primer house; steel form raiser and setter; Kemper and other pneumatic concrete placer operator miner-finisher	5.76	.30	.45		.05	
Group IV–A: Miners—tunnel (hand or machine)	5.96	.30	.45		.05	
Group V: Diamond drill	6.095	.30	.45		.05	
Group V–A: Shaft and raise miner welder	6.295	.30	.45		.05	
Power equipment operators:						
Group I: Air compressor operator; field equipment-servicemen helper; heavy duty repair helper; heavy duty welder helper; oiler; pump operator	5.98	.40	.50		.02	
Group II: Conveyor operator; generator operator—portable; power grizzly operator; self-propelled; chip spreading machine-conveyor operator; watch fireman; welding machine operator—gasoline and diesel power	6.28	.40	.50		.02	
Group III: Concrete mixer operator—skip type; dinky operator (under 20 tons); Driver-moto paver, Slurry Seal machine, and similar type equipment; motor crane driver; power sweeper operator—Self-propelled; Ross carrier or forklift operator; skip loader operator—all types with rated capacity 1½ cu. yd. or less; wheel type tractor operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, posthole auger, mower, etc., excluding compacting equipment	6.68	.40	.50		.02	
Group IV: A-frame boom truck or winch truck operator; asphalt plant firemen; elevator hoist operator (including Tuskey hoist or similar types); grade checker (excluding civil engineer); multiple power concrete saw operator; pavement breaker, mechanical compactor operator, power propelled; roller operator—all types except as otherwise classified; screed operator; self-propelled chip spreading machine operator (including Slurry Seal machine operator) stationary pipe-wrapping and cleaning machine operator; tugger operator	7.12	.40	.50		.02	
Group V: Aggregate plant operator (including crushing screening and sand plants, etc.); asphalt laydown machine operator; asphalt plant mixer operator; beltcrete machine; boring machine operator; concrete mechanical tamping, spreading or finishing machine (including Clary, Johnson, or similar types); concrete pump operator; concrete batch plant operator, all types and sizes; conductor, brakeman, or handler; elevating grader operator—all types and sizes (except as otherwise classified); field equipment serviceman; highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48 in. or over; locomotive engineer (including dinky—20 tons weight and over); Moto-paver and similar type equipment operator; operating engineer rigger; pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment) up to and including 12 cu. yd.; Power Jumbo form setter operator; pressure grout machine operator (as used in heavy engineering construction); road oil mixing machine operator; roller operator—on all types asphalt pavement; self-propelled compactor, with blade; skip loader operator—all types with rated capacity over 1½ but less than 4 cu. yd.; slip form operator (power driven lifting device for concrete forms); soil cement road mixing machine operator—single pass type; stationary central generating plant operator—rated 300 kw. or more; surface heater and planer operator; traveling pipewrapping machine operator	7.56	.40	.50		.20	
Group V–A: Heavy duty mechanic and/or welder; pneumatic tired scraper, all sizes and types over 12 cu. yd. up to and including 45 cu. yd. MRC (Turnapull, Euclid, Cat D–W Hancock, and similar equipment); tractor operator (pusher, bulldozer, scraper) up to 400 net horsepower rating; trenching machine operator	7.82	.40	.50		.02	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Group VI: Auto-Grade machine (CMI and similar equipment); boring machine operator (including Mole, Badger and similar type); concrete mixer operator—paving type, and mobile mixer; concrete pump operator with boom attachment (truck mounted); crane operator—crawler and pneumatic type, under 100-ton capacity MRC; crawler type tractor operator—with boom attachment, derrick operator; forklift operator for hoisting personnel; Grade-all operator; helicopter hoist; highline cableway operator (less than 20 tons rated capacity); mass excavator operator (150 Bucyrus Erie and similar types); mechanical hoist operator (2 or more drums); motor grade operator—any type power blade; motor grader operator with elevating grader attachment; mucking machine operator; overhead crane operator; piledriver engineer (portable, stationary or skid rig); pneumatic-tired scraper operator—all sizes and types (Turnapull, Euclid, Cat, D–W, Hancock and similar equipment over 45 cu. yd. MRC) power driven ditch lining or ditch trimming machine operator; skip loader operator—all types with rated capacity 4 cu. yd. but less than 8 cu. yd.; slip form paving machine operator (including Gunnert, Zimmerman and similar types); specialized power digger operator—attached to wheel-type tractor; tower crane (or similar type) operator; tractor operator (pusher, bulldozer, scraper) 400 net horsepower and over; tugger operator (2 or more); universal equipment operator—shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yd	48.10	.40	.50		.02	
Group VII: Crane operator—pneumatic or crawler (100 ton hoisting capacity and over MRC rating); helicopter pilot—FAA qualified when used in construction work; highline cableway operator, over 20-ton rated capacity and using traveling head and tail tower; remote control earth-moving equipment operator; skip loader operator—all types with rated capacity of 8 cu. yd. or more; universal equipment—shovel, backhoe, dragline, clamshell, etc., 8 cu yd. and over	8.60	.40	.50		.02	
Multiple-unit earth-moving equipment:						
Tractor operator—pneumatic-tired or track type, 2 units—50 cents per hour more than the base single-unit rate established in Group V, Group V–A, or Group VI, and $1 per hour for each additional unit.						
All operators, oiler, and motor crane drivers on equipment with booms of 80 and over, including jib shall receive .0075 cent per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for 2 men.						
Truckdrivers:						
Group I: Pickup; station wagon; teamsters	5.37	.30	.45		.02	
Group II: Buggymobile, 1 cu. yd. or less; bulk cement spreader (2- or 3-axle); bus driver; dump (2- or 3-axle); flatrack (2- or 3-axle); water (under 2,500 gal.)	5.48	.30	.45		.02	
Group III: Bulk cement spreader (4-axle); dump (4-axle); Dumptor or Dumpster, less than 7 cu. yd.; flatrack (4-axle); water (2,500 gal. but less than 4,000 gal.)	5.64	.30	.45		.02	
Group IV: Bulk cement spreader (5-axle); dump (5-axle); Dumptor or Dumpster, 7 cu. yd. but less than 16 cu. yd.; Flaherty spreader or similar type equipment or leverman; flatrack (5-axle); slurry-type equipment or leverman; transit mix, 8 cu. yd. or less mixer capacity	5.93	.30	.45		.02	
Group V: Bulk cement spreader (6-axle); dump (6-axle); flatrack (6-axle); rock truck (Dart, Euclid, and other similar type end dumps, single-unit) less than 16 cu. yd	6.06	.30	.45		.02	
Group V–A: Oil tanker or spreader truck driver and/or bootman, retortman or leverman	6.20	.30	.45		.02	
Group VI: Bulk cement spreader (7-axle); concrete pump truckdriver (when integral part of transit mix truck); dump (7-axle); flatrack (7-axle); Hydro lift, Swedish crane, Iowa 300 and similar types; Ross carrier fork lift or lifttruck; transit mix, over 10.5 cu. yd. but less than 14 cu. yd. mixer capacity	6.31	.30	.45		.02	
Group VII: Bulk cement spreader (8-axle) dump (8-axle) flatrack (8-axle)	6.65	.30	.45		.02	
Group VIII: Off-highway equipment driver (2- or 4-wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; bulk cement spreader (9-axle); dump (9-axle); dumpter or dumpster, 16 cu. yd. and over; Eject-alls; flatrack (9-axle); rock truck (Dart, Euclid, or other similar end dump types) 16 cu. yd. and over	7.065	.30	.45		.02	
Heavy duty mechanic/welder	7.94	.30	.45		.02	
Heavy duty mechanic/welder helper	6.10	.30	.45		.02	
Field equipment serviceman or fuel truckdriver	7.68	.30	.45		.02	
Combination man—30 cents over the highest rated work.						
Multiple-unit equipment driver—2 units 50 cents per hour more than the base single-unit rate established in Group VIII above and $1 per hour for each additional unit.						

State: Arizona; county: Pima.
Decision No. AM–6,722; date of decision: Apr. 21, 1972. Supersedes Decision No. AM–2,530, dated Sept. 3, 1971, in 36 F.R. 17680.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), and heavy construction.

Classification	Basic hourly rates	Fringe benefits payments: H. & W.	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$7.93	$0.35	$0.40			
Boilermakers	7.20	.30	.70	$0.45	$0.02	
Boilermakers' helpers	6.90	.30	.70	.45	.02	
Bricklayers; stonemasons:						
Zone A (Tucson City limits through 10 miles)	7.175	.40	.30	.25	.02	
Zone B (Tucson City limits 10–25 miles)	7.55	.40	.30	.25	.02	
Zone C (Tucson City limits 25–40 miles)	7.925	.40	.30	.25	.02	
Zone D (Tucson City limits over 40 miles)	8.675	.40	.30	.25	.02	
Carpenters:						
Carpenters	7.45	.30	.45		.025	
Millwrights	7.825	.30	.45		.025	
Piledrivermen	7.70	.30	.45		.025	
Cementmasons	7.285	.30	.45		.025	
Electricians:						
Zone A (within 16 miles of city hall, Tucson)	7.25	.30	1%		1%	
Zone B (from 16–32 miles from city hall)	7.75	.30	1%		1%	
Zone C (from 32–48 miles from city hall)	8.25	.30	1%		1%	
Zone D (48 miles and over)	8.75	.30	1%		1%	
Elevator constructors	7.58	.185	$0.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Elevator constructors' helpers (prob. 6 mo.)	50%JR					
Ironworkers:						
Structural and ornamental	$8.58	.43	.425		$0.04	
Reinforcing	8.58	.43	.425		.04	
Lathers:						
Zone A (area to 30 miles from Tucson)	7.66	.20				
Zone B (area 30–40 miles from Tucson)	8.16	.20				
Zone C (area 40–50 miles from Tucson)	8.41	.20				
Zone D (area outside Zone C)	9.16	.20				

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Painters, brush:						
Zone A (1–30 miles from Tucson Post Office)	4.93	.24				
Zone B (31–40 miles from Tucson Post Office)	5.43	.24				
Zone C (41–50 miles from Tucson Post Office)	5.68	.24				
Zone D (51 miles and over)	5.93	.24				
Painters, structural steel, brush:						
Zone A (1–30 miles from Tucson Post Office)	6.13	.24				
Zone B (31–40 miles from Tucson Post Office)	6.63	.24				
Zone C (41–50 miles from Tucson Post Office)	6.88	.24				
Zone D (51 miles and over)	7.13	.24				
Plasterers:						
Zone A (0–30 miles from Tucson Post Office)	7.62	.30	.45			
Zone B (30–40 miles from Tucson Post Office)	8.12	.30	.45			
Zone C (40–50 miles from Tucson Post Office)	8.37	.30	.45			
Zone D (over 50 miles from Tucson Post Office)	9.12	.30	.45			
Plumbers; steamfitters:						
Zone I (0–15 miles from Tucson)	7.74	.45	.70	$0.75	.06	
Zone II (15–30 miles from Tucson)	8.04	.45	.70	.75	.06	
Zone III (30–45 miles from Tucson)	8.39	.45	.70	.75	.06	
Zone IV (45 miles and beyond Tucson)	9.49	.45	.70	.75	.06	
Sheet metal workers:						
Zone A (0–17 miles from Tucson)	6.83	.38	.75		.01	
Zone B (18–23 miles from Tucson)	7.28	.38	.75		.01	
Zone C (24–31 miles from Tucson)	7.73	.38	.75		.01	
Zone D (32–43 miles from Tucson)	8.33	.38	.75		.01	
Zone E (44 miles and over from Tucson)	8.78	.38	.75		.01	
Sprinkler fitters	7.95	.25	.40		.05	
Line construction:						
Zone 1 (Tucson and 30 miles radius):						
Linemen	7.40	.23	1%+4%b		½%	
Cable splicers	7.66	.23	1%+4%b		½%	
Equipment operators	6.96	.23	1%+4%b		½%	
Groundman	6.04	.23	1%+4%b		½%	
Zone 2 (other areas):						
Linemen	8.55	.23	1%+4%b		½%	
Cable splicer	8.81	.23	1%+4%b		½%	
Equipment operators	8.11	.23	1%+4%b		½%	
Groundman	7.21	.23	1%+4%b		½%	

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to vacation fund. 6 paid holidays: A through F.

b. Of gross labor payroll, employer contributes 1% to NEBF and 4% to management pension fund.

Laborers:						
Group I: All helpers not herein separately classified; cesspool diggers and installers; chat boxman; checker, tool dispatcher; concrete dumpman—belt, pipe and/or hoseman; dumpman and/or spotter; fence builder, guardrail builder, highway; form strippers; labor, general or construction; landscape gardener and nurseryman; packing rod steel and pans; riprap stoneman	5.23	.30	$0.45		$0.05	
Group II: Cement finisher tender; concrete curer (impervious membrane); cutting torch operator; fine grader (highway, engineering and sewer work only); kettleman—tarman; power type concrete buggy	5.34	.30	.45		.05	
Group III: Bander; chucktender (except tunnel); creosote tieman; guinea chaser; powderman helper; riprap stone paver; sandblaster (pot tender); spikers and wrenchers	5.45	.30	.45		.05	
Group IV: Cement dumpers (skip-type mixer or handling bulk cement); chain saw machines (on clearing and grubbing); concrete vibrating machines; cribber and shorer (except tunnel); floor sanders—concrete; hydraulic jacks, and similar mechanical tools not separately herein classified; operators and tenders of pneumatic and electric tools; pipe caulker and/or backup man (pipeline); pipe wrapper; pneumatic gopher; rigger/signalman (pipeline)	5.53	.30	.45		.05	
Group V: Air and water washout nozzleman; asphalt rakers and ironers; driller; grade setter (pipeline); hand guided trencher and similar operated equipment; jackhammer and/or pavement breakers; pipelayer (including but not limited to nonmetallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); rock slinger; scaler (using bos'ns chair or safety belt); tampers (mechanical—all types)	5.67	.30	.45		.05	
Group VI: Concrete cutting torch; concrete saw (hand guided); driller (core, diamond, wagon, or air track); drill doctor and/or air tool repairman, gunman and mixerman (Gunite); sandblaster (nozzleman)	5.975	.30	.45		.05	
Group VII: Concrete road form setter; Gunite nozzleman or rodman; drillers, Joy Mustang, PR 143, 2200 Gardner-Denver, Hydrasonic; powderman; scaler (drillers); welders and/or pipelayers installing process piping	6.485	.30	.45		.05	
Mason tenders	5.835	.30	.45		.05	
Plasterers' tenders	6.15	.30	.45		.05	

Employees working underground shall receive 20¢ per hour additional above the regular rate, except where herein specifically covered.

Laborers employed where they may have a free fall over 30 ft. or on construction scaffolds above 30 ft. or bos'n chair above 30 ft., or where gas masks are necessary, shall receive 50¢ per hour in addition to their regular rate, except where inherent in classifications.

Tunnel and shaft workers:						
Group I: Bull gang, muckers, trackman; dumpmen, concrete crew (includes rodders and spreaders); grout crew; swamper (brakeman and switchmen on tunnel work)	5.425	.30	.45		.05	
Group II: Nipper; chucktender, cabletender; vibratorman, jackhammer, pneumatic tools (except driller)	5.56	.30	.45		.05	
Group III: Grout gunman	5.66	.30	.45		.05	
Group IV: Timberman, retimberman—wood or steel blaster, driller powderman; cherry pickerman; powderman—primer house; steel form raiser and setter; Kemper and other pneumatic concrete placer operator; miner—finisher	5.76	.30	.45		.05	
Group IV–A: Miners—tunnel (hand or machine)	5.96	.30	.45		.05	
Group V: Diamond drill	6.095	.30	.45		.05	
Group V–A: Shaft and raise miner welder	6.295	.30	.45		.05	
Power equipment operators:						
Group I: Air compressor operator; field equip—servicemen helper; heavy-duty repair helper; heavy-duty welder helper; oiler; pump operator	5.98	.40	.50		.02	
Group II: Conveyor operator; generator operator—portable; power grizzly operator; self-propelled chip spreading machine—conveyor operator; watch fireman; welding machine operator—gasoline and diesel power	6.28	.40	.50		.02	
Group III: Concrete mixer operator—skip type; dinky operator (under 20 tons weight); driver—moto paver, slurry seal machine, and similar type equipment; motor crane driver; power sweeper operator—self-propelled; Ross carrier or fork lift operator; skip loader operator—all types with rated capacity 1½ cu. yd. or less; wheel type tractor operator (Ford-Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	6.68	.40	.50		.02	

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group IV: A-frame boom truck or winch truck operator; asphalt plant firemen; elevator hoist operator (including Tuskey hoist or similar types); grade checker (excluding civil engineer); multiple power concrete saw operator; pavement breaker, mechanical compactor operator, power propelled; roller operator—all types except as otherwise classified; screed operator; self-propelled chip spreading machine operator (including slurry seal machine operator) stationary pipe-wrapping and cleaning machine operator; tugger operator	7.12	.40	.50		.02	
Group V: Aggregate plant operator (including crushing, screening, and sand plants, etc.); asphalt laydown machine operator; asphalt plant mixer operator; beltcrete machine; boring machine operator; concrete mechanical tamping, spreading or finishing machine (including Clary, Johnson, or similar types); concrete pump operator; concrete batch plant operator, all types and sizes; conductor, brakeman, or handler; elevating grader operator—all types and sizes (except as otherwise classified); field equipment serviceman; highline cableway signalman; Kolman belt loader operator or similar type, w/belt width 48 in. or over; locomotive engineer (including dinky—20 tons weight and over); moto-paver and similar type equipment operator; operating engineer rigger; pneumatic-tired scraper operator (Turnapull, Euclid, Cat, D–W, Hancock, and similar equipment) up to and including 12 cu. yd.; power jumbo form setter operator; pressure grout machine operator (as used in heavy engineering construction); road oil mixing machine operator; roller operator—on all types asphalt pavement; self-propelled compactor, with blade; skip loader operator—all types with rated capacity over 1½ but less than 4 cu. yd.; slip form operator (power driven lifting device for concrete forms); soil cement road mixing machine operator—single pass type; stationary central generating plant operator—rated 300 kw. or more; surface heater and planer operator; traveling pipewrapping machine operator	7.56	.40	.50		.02	
Group V–A: Heavy-duty mechanic and/or welder; pneumatic-tired scraper, all sizes and types over 12 cu. yd. up to and including 45 cu. yd. MRC (Turnapull, Euclid, Cat, D–W, Hancock, and similar equipment); tractor operator (pusher, bulldozer, scraper) up to 400 net horsepower rating; trenching machine operator	7.82	.40	.50		.02	
Group VI: Auto-grade machine (OMI and similar equipment); boring machine operator (including Mole, Badger, and similar type); concrete mixer operator—paving type, and mobile mixer; concrete pump operator with boom attachment (truck mounted); crane operator—crawler and pneumatic type, under 100 ton capacity MRC; crawler-type tractor operator—with boom attachment; derrick operator; forklift operator for hoisting personnel; Gradall operator; helicopter hoist; highline cableway operator (less than 20 tons rated capacity); mass excavator operator (150 Bucyrus Erie and similar types); mechanical hoist operator (2 or more drums); motor grade operator—any type power blade; motor grader operator with elevating grader attachment; mucking machine operator; overhead crane operator; piledriver engineer (portable, stationary or skid rig); pneumatic-tired scraper operator — all sizes and types (Turnapull, Euclid, Cat, D–W, Hancock and similar equipment over 45 cu. yd. MRC); power driven ditch lining or ditch trimming machine operator; skip loader operator—all types with rated capacity 4 cu. yd. but less than 8 cu. yd.; slip form paving machine operator (including Gunnert, Zimmerman, and similar types); specialized power digger operator—attached to wheel-type tractor; tower crane (or similar type) operator; tractor operator (pusher, bulldozer, scraper) 400 net horsepower and over; tugger operator (2 or more); Universal equipment operator—shovel, backhoe, dragline, clamshell, etc., up to 8 cu. yd.	8.10	.40	.50		.02	
Group VII: Crane operator—pneumatic or crawler (100 ton hoisting capacity and over MRC rating); helicopter pilot—FAA qualified when used in construction work; high-line cableway operator, over 20-ton rated capacity and using traveling head and tail tower; remote control earth moving equipment operator; skip loader operator—all types with rated capacity of 8 cu. yd. or more; Universal equipment—shovel, backhoe, dragline clamshell, etc., 8 cu. yd. and over	8.60	.40	.50		.02	
Multiple-unit earth moving equipment: Tractor operator—pneumatic-tired or track type, 2 units—50 cents per hour more than the base single-unit rate established in Group V, Group V–A, or Group VI, and $1 per hour for each additional unit.						
All operators, oiler, and motor crane drivers on equipment with booms of 80 and over, including jib shall receive .0075 cent per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, Gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for 2 men.						
Truck drivers:						
Group I: Pickup; station wagon; teamsters	5.37	.30	.45		.02	
Group II: Buggymobile, 1 cu. yd. or less; bulk cement spreader (2- or 3-axle); bus driver; dump (2- or 3-axle); flatrack (2- or 3-axle); water (under 2,500 gal.)	5.48	.30	.45		.02	
Group III: bulk cement spreader (4-axle); dump (4-axle); dumptor or dumpster, less than 7 cu. yd. flatrack (4-axle); water (2,500 gal. but less than 4,000 gal.)	5.64	.30	.45		.02	
Group IV: Bulk cement spreader (5-axle); dump (5-axle); dumptor or dumpster, 7 cu. yd. but less than 16 cu. yd.; Flaherty spreader or similar type equipment or leverman; flatrack (5-axle); slurry-type equipment or leverman; transit mix, 8 cu. yd. or less mixer capacity	5.93	.30	.45		.02	
Group V: Bulk cement spreader (6-axle); dump (6-axle); flatrack (6-axle); rock truck (Dart, Euclid, and other similar type end dumps, single unit) less than 16 cu. yd	6.06	.30	.45		.02	
Group V–A: Oil tanker or spreader truckdriver and/or bootman, retortman, or leverman	6.20	.30	.45		.02	
Group VI: Bulk cement spreader (7-axle); concrete pump truckdriver (when integral part of transit mix truck); dump (7-axle); flatrack (7-axle); Hydro Lift, Swedish Crane, Iowa 300, and similar types; Ross carrier forklift or lift truck; transit mix, over 10.5 cu. yd. but less than 14 cu. yd. mixer capacity	6.31	.30	.45		.02	
Group VII: Bulk cement spreader (8-axle); dump (8-axle); flatrack (8-axle)	6.65	.30	.45		.02	
Group VIII: Off-highway equipment driver (2- or 4-wheel power unit, i.e. Cat, DW, series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other teamsters classifications; bulk cement spreader (9-axle); dump (9-axle); dumptor or dumpster, 16 cu. yd. and over; eject-alls; flatrack (9-axle); rock truck (Dart, Euclid, or other similar end dump types) 16 cu. yd. and over	7.065	.30	.45		.02	
Heavy-duty mechanic/welder	7.94	.30	.45		.02	
Heavy-duty mechanic/welder helper	6.10	.30	.45		.02	
Field equipment serviceman or fuel truckdriver	7.68	.30	.45		.02	
Combination man—30 cents over the highest rated work.						
Multiple-unit equipment driver—2 units 50 cents per hour more than the base single unit rate established in Group VIII above; and $1 per hour for each additional unit.						

SUPERSEDEAS DECISIONS—Continued

State: Connecticut; county: New Haven.
Decision No. AM-9693; date: Apr. 21, 1972. Supersedes Decision No. AM-1,593 dated Aug. 6, 1971, in 36 F.R. 14560.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories), heavy and highway construction and dredging.

Classification	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building, heavy, and highway construction:						
Asbestos workers	$8.365	$0.37	$0.23			
Boilermakers	7.25	.40	10%		$0.01	
Bricklayers, cementmasons—finishers, marble setters, plasterers, stonemasons, terrazzo workers, tile setters (Building only):						
Milford and Devon	8.47	.20	$0.40			
Ansonia and Derby	7.60	.35	.25			
Meriden	8.50	.15	.40			
Beacon Falls, Middlebury, Mixville, Naugatuck, Prospect, Waterbury, and Wolcott	8.05	.25	.40			
Remainder of county	6.35	.14	.15			
Bricklayers, cementmasons, finishers, stonemasons (heavy and highway only):						
Milford	7.65	.40	.25	j		
Remainder of county	7.60	.40	.25	j		
Carpenters, soft floor layers, piledrivermen (building only):						
Ansonia, Seymour, Derby, and Orange	7.75	.35	.20	k		
Milford	8.15	.20	.35	g		
Wallingford and Meriden	8.12	.35	.20			
Cheshire, Middlebury, Prospect, Southbury, Waterbury, Wolcott, Beacon Falls, and Naugatuck	8.75	.35	.20	h	.01	
Remainder of county	7.45	.35	.20			
Carpenters, piledrivermen (heavy and highway only)	8.30	.35	.20	j	.03	
Electricians:						
Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott	7.80	.25	1%+.20		½ of 1%	
Milford	7.75	.23	1%+.20		¼ of 1%	
Remainder of county	7.75	.30	1%+.20		.5%	
Elevator constructors	8.02	.195	$0.20	½%+a&b	$0.005	
Elevator constructors' helpers	5.61	.195	.20	½%+a&b	.005	
Elevator constructors' helpers (prob.)	4.01					
Glaziers	5.30	.125	.125			
Glaziers (Wallingford):						
Inside:						
Glazing coordinator	4.36					
Plate cutter	3.14					
Outside	7.21	.31	.28			
Ironworkers: Structural, ornamental, and reinforcing	9.30	.40	.44		.04	
Laborers (building only):						
Laborers, pneumatic-gas-electric tool operator, concrete saw, mason tenders, mortar mixers, pipelayers (concrete and clay), plasterers tenders, power buggy, wrecker: Milford and Devon	6.85	.15	.15			
Remainder of county:						
Laborers, carpenters' tenders, wrecking laborers	6.00	.30	.25		.05	
Jackhammer operator, mason tenders, mortar mixer, pipelayers, plasterers' tenders, and power buggy	6.25	.30	.25		.05	
Air track operators, wagon drill operators, and sand blasters	6.50	.30	.25		.05	
Open air caisson, cylindrical work and boring crew:						
Bottomman	6.50	.30	.25		.05	
Topman	6.00	.30	.25		.05	
Laborers (heavy and highway only):						
Laborers	6.00	.30	.25		.05	
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw operator, chain saw operator, fence and guardrail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill operator, tree trimmers, tree toppers, mulchers, chippers, stumpers, and all operations connected	6.25	.30	.25		.05	
Air track operators and block pavers, rammers, curb setters	6.50	.30	.25		.05	
Powdermen and blasters	6.75	.30	.25		.05	
Lathers:						
Beacon Falls, Bethany, Cheshire, Meriden, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, and Wolcott	8.75		.15		.01	
Remainder of county	8.52	.14	.20		.01	
Lead burners	7.40	.30		c	.01	
Line construction:						
Milford:						
Linemen, cable splicers, dynamitemen	6.11	.15	1%	d		
Digger, equipment operators	5.21	.15	1%	d		
Truckdrivers	4.99	.15	1%	d		
Cable splicers' helpers	4.85	.15	1%	d		
Groundmen	4.39	.15	1%	d		
Beacon Falls, Middlebury, Naugatuck, Oxford, Prospect, Seymour, Southbury, Waterbury, and Wolcott:						
Lineman, dynamiteman	5.18	.15	1%	e	¼ of 1%	
Equipment operator	4.37	.15	1%	e	¼ of 1%	
Groundman, experienced	3.41	.15	1%	e	¼ of 1%	
Groundman, inexperienced	2.98	.15	1%	e	¼ of 1%	
Remainder of county:						
Linemen, dynamiteman	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truckdriver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.17	$0.15			
Painters:						
Brush:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	4.75	.12		f		
Milford (remainder of township)	7.00	.20	.25	f		
Cheshire, Guilford, Madison, Meriden, and Wallingford	7.25	.50	.20			
Milford (up to Gulf Street)	6.40	.20	.25			
Remainder of county	6.40	.20	.25			
Structural steel:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	5.75	.12		f		
Milford	8.00	.20	.25	f		
Spray:						
Ansonia, Beacon Falls, Derby, Oxford, and Seymour	5.75	.12		f		
Cheshire, Guilford, Madison, Meriden, and Wallingford	10.875	.50	.20			
Milford (up to Gulf Street)	9.15	.20	.25			
Remainder of county	9.15	.20	.25			
Commercial and industrial: Middlebury, Naugatuck, Prospect, Roxbury, Southbury, Waterbury, and Wolcott	6.00	.20	.25			
Bridge: Cheshire, Guilford, Madison, Meriden, and Wallingford	8.50	.50	.20			

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Plumbers and steamfitters:						
Milford	8.60	.20	.20		$0.01	
Ansonia, Beacon Falls, Bethany, Naugatuck, Oxford, Prospect, and Seymour	9.15	.35	.30	2%	.02	
Middlebury, Southbury, Waterbury, Wolcott, and South Britain	6.60	.30	.30		.02	
Cheshire, Meriden, and Wallingford	6.00	.15	.20			
Remainder of county	6.35	.20	.20			
Roofers:						
Cheshire, Meriden, Prospect, Wallingford, and Wolcott:						
Composition	7.55	.325	.35	$0.30		
Composition, helpers, class A	6.975	.325	.35	.30		
Composition, helpers, class B	3.50	.325	.35	.30		
Slate and tile	8.05	.325	.35	.30		
Remainder of county:						
Composition, kettlemen	8.50	.60	.30			
Slate—tile	8.75	.60	.30			
Precast slab	8.00	.60	.30			
Precast slab helper	8.25	.60	.30			
Precast slate helpers	7.75	.60	.30			
Sheet metal workers	8.45	.50	.36		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Waterproofers:						
Cheshire, Meriden, Prospect, Wallingford, and Wolcott	7.55	.325	.35	.30		
Remainder of county	8.50	.60	.30			

Welders—Receive rate prescribed for craft performing operation to which welding is incidental.

Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. Paid holidays: A through F.
c. Paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the holiday.
d. Paid holidays: A and D through F and Good Friday, provided the employee is available for work the days preceding and following the holiday.
e. Paid holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
f. Paid holidays: C and D; providing the employee works the day before and the day after the holiday.
g. Paid holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.
h. Paid holidays: B through E.
j. Paid holidays: A through F plus Good Friday.
k. Paid holidays: C, D, and E.

SW-CONN-1-P:

Power equipment operators, building construction:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, piledriver, lighter derrick, stiff leg and guy derrick	7.50	.20	.15+a	b	
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (7 yd. or over) forklift (over 4 ft. lift)	7.40	.20	.15+a	b	
Maintenance engineer	7.30	.20	.15+a	b	
Boiler (portable—high pressure), hammer (vibratory), front end load (3-7 yd.), Coleman loader and screening plant or similar equipment, drill (joy—heavy weight champion or equivalent), mucking machine, pumperete, rock and earth boring machine, compressor (battery operated) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.15	.20	.15+a	b	
Bulldozer	7.50	.20	.15+a	b	
Grader, scraperpan, carryall operator	6.95	.20	.15+a	b	
Combination hoe and loader	6.95	.20	.15+a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yd.), powerstone spreader	6.90	.20	.15+a	b	
Compressor, generator, pump and well point operator, welding machine, air steam valve operators	6.88	.20	.15+a	b	
Steam Jenny, forklift (not over 4 ft.), mechanical heater operators	6.80	.20	.15+a	b	
Roller operators	6.75	.20	.15+a	b	
Dinky machine operator, firemen (high pressure), power pavement breaker	6.60	.20	.15+a	b	
Oiler	6.30	.20	.15+a	b	

Crane with boom, 150 ft. Additional $0.25 per hour.
Crane with boom, 200 ft. Additional $0.50 per hour.

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F and Decoration Day and Good Friday.

SW-CONN-2-3-T:

Power equipment operators, heavy and highway construction:					
Erecting and handling structural steel	$7.50	.20	.15+a	b	
Front end loader (7 yd. or over), piledriver, crane shovel, dragline, Gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooper)	7.44	.20	.15+a	b	
Drill (Joy heavy weight champion or equivalent) side boom, loader (Euclid), mucking machine, pumperete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe and loader (over ¼ yd.)	7.15	.20	.15+a	b	
Asphalt spreader	7.00	.20	.15+a	b	
Front end loader (3 yd. or over), grader power stone spreader	6.90	.20	.15+a	b	
Well point system, combination hoe and loader	6.88	.20	.15+a	b	
Asphalt roller, bulldozer, carryall, maintenance engineer	6.75	.20	.15+a	b	
Front end loader (under 3 yd.), roller power chipper forklift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60	.20	.15+a	b	
Compressor, pump	6.52	.20	.15+a	b	
Batch plant, bulk cement plant, oiler	6.25	.20	.15+a	b	

Crane with 150 ft. boom—additional $0.25 per hour.
Crane with 200 ft. boom—additional $0.50 per hour.

Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

Footnotes:

a. Employer contributes $0.15 to supplemental unemployment fund.
b. 7 paid holidays: A and C through F and Decoration Day and Good Friday.

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
1-TD-SW-CONN-1-2-3-E:						
Building, heavy, and highway construction:						
Truck drivers:						
2-axle trucks	4.70	a	b	c		
3-axle trucks	4.80	a	b	c		
4-axle trucks	4.90	a	b	c		
2-axle ready-mix	4.80	a	b	c		
3-axle ready-mix	4.85	a	b	c		
4-axle ready-mix	4.95	a	b	c		
Heavy-duty trailer—to 40 tons	4.85	a	b	c		
Heavy-duty trailer—over 40 tons	5.00	a	b	c		
Helpers	4.70	a	b	c		
Specialized earth moving equipment	4.95	a	b	c		
Paid holidays (where applicable): A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas.						
Footnotes:						
a. $11 per week for employee employed over 16 hours and $0.2675 per hour for employed less than 16 hours during the week.						
b. $14 per week for employees empolyed over 24 hours and $0.30 per hour for employees employed less than 24 hours during the week.						
c. 7 holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.						
Dredge 1-Atlantic-U:						
Dredging:						
Dipper and clamshell dredges:						
Operators	6.02	$0.25	$0.15	a+5%		
Cranemen	5.78	.25	.15	a+5%		
Maintenance engineers	5.66	.25	.15	a+5%		
Welders	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, welders' helpers	4.54	.25	.15	a+5%		
Deckhands	4.35	.25	.15	a+5%		
Seowmen	4.28	.25	.15	a+5%		
Engineer	5.95	.25	.15	a+5%		
Hydraulic dredges:						
Levermen	5.86	.25	.15	a+5%		
Engineer and derrick operators	5.78	.25	.15	a+5%		
Maintenance engineer	5.66	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders and boilermen	5.54	.25	.15	a+5%		
Mates	5.14	.25	.15	a+5%		
Oilers, firemen, carpenter's helper, welder's helper and blacksmith helper	4.54	.25	.15	a+5%		
Deckhands and shoremen	4.28	.25	.15	a+5%		
Tug engineer	5.20	.25	.15	a+5%		
Tug deckhand	4.35	.25	.15	a+5%		
Drill boats:						
Engineer	7.1575	.25	.15	b		
Blaster	7.2575	.25	.15	b		
Driller, welder, machinist	7.1587	.25	.15	b		
Firemen	6.88	.25	.15	b		
Oiler	6.7387	.25	.15	b		
Drill helper	6.7387	.25	.15	b		
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. Holidays: A through F; Washington's Birthday and Veteran's Day.						
b. Holidays: A through F; Washington's Birthday and Veteran's Day, 6½ days of vacation with pay for 104 days of service; 1 additional day of vacation with pay for each additional 21⅔ days of service, all in 1 calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in 1 calendar year.						

State: Texas; counties: Jefferson and Orange. Decision No. AM-11,414; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-7,717, dated Nov. 19, 1971, in 36 F.R. 22124.
Description of work: Building construction (excluding single-family homes and garden-type apartments up to and including 4 stories).

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers (Jefferson County)	$6.32	$0.275	$0.30			
Asbestos workers (Orange County)	7.125	.325	.10			
Boilermakers	6.50	.30	.40		.01	
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	.275	.30		.04	
Carpenters:						
Carpenters	6.825				.05	
Millwrights	6.58					
Piledrivermen	6.255					
Cementmasons	6.40					
Electricians	7.625	.17	1%		½%	
Elevator constructors	4.53	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70% JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50% JR					
Ironworkers: structural; ornamental; reinforcing	6.52	.25	.40		$0.05	
Laborers:						
Common laborer; asphalt ironer and raker	4.50	.13	.10		.02	
Carpenter tender	4.60	.13	.10		.02	
Cementmasons tender; air tool operator (jackhammer—vibrator)	4.60	.13	.10		.02	
Mortar mixers, hod carriers and mason tender; plaster and lather tender; pipelayers, nonmetallic pipe, including handling and laying pumpcrete pipe	4.70	.13	.10		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.50	.13	.10		.02	
Machine man and nozzleman, for gunniting 1½ in. and over	4.935	.13	.10		.02	
Lathers	6.575	.20			.01	
Painters:						
Southern half of Jefferson County and all of Orange County:						
Spray	6.375					
Brush, steel, wood, wall, paperhanger, and glazier	6.05					
Sand blasters, power cleaning; brush, hot paint or creosote; all time spent rigging	6.375					

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App Tr.	Other
A premium of $0.325 for brush and $0.25 per hour for spray and other classifications for work from stage, chair, window jack, or window ledge.						
Northern half of Jefferson County:						
Brush and glaziers	6.175					
Canvas and paperhangers	6.425					
Brush, steel	6.35					
Spray	6.60					
Pipefitters	6.93	.30	.52		.06	
Plasterers	6.525	.27	.30		.02	
Plumbers	7.46				.03	
Roofers:						
Waterproofer and builtup	4.90					
Mop or roilman	4.70					
Kettleman	4.45					
Sheet metal workers	6.575				.025	
Sprinkler fitters	7.60	.25	.40		.05	
Truckdrivers:						
Under 1½-ton and wash, grease, tiremen, fuel pump operators when used on construction	4.40					
1½ tons through 2½ tons, dump truck less than 7 yd., town driver	4.69					
Over 2½ tons, farm tractors (when used to transport personnel or material), forklifts (where used in warehouses storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen—material checker	4.965					
Welder—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% of basic hourly rate.						
b. Paid holidays—A through F.						
5-Texas-LC-1:						
Line construction:						
Linemen	7.625	.17	1%		½%	
Groundmen	73%JR	.17	1%		½%	
17-Texas-PEO-1 j:						
Power equipment operators:						
Heavy equipment operators: Heavy-duty mechanic; blade grader, self-propelled; bull clam; back filler, derrick—power operated, all types; draglines; Push Cat operator; bull dozer and all type of Cat tractors; cable-way; back-hoe; shovel; crane—power operated, all types; elevating grader, self-propelled; hoist—motor driven, 2 drums or more; mix mobile; winch truck; locomotive crane; mixer, 14 cu. ft. or more; paving mixer, all sizes; piledrivers; scraper—heavy type, over 3 cu. yd.; trench machine, all sizes; Gradall; high-lift; foundation boring machines; gasoline or diesel driven welding machines—7 to 12 machines; pumpcrete machine; drill operator—water well; DW-10, Euclid; turnapulls; asphalt plants; crushing machines and batch-plants; scoopmobiles; fingerlift operator	7.005					
Light equipment operators: Air compressor; blade grade—Towed; flex plane; form grader; mixer—less than 14 cu. ft.; pump; pulsometer; truck crane driver; gasoline or diesel driven welding machines, 3 to 6 machines; hoist—single drum; scraper, 3 cu. yd. or less; conveyors—power operated	6.22					
Fireman	5.77					
Oiler	5.63					

State: Texas; counties: Jefferson and Orange.
Decision No. AM-11,415; date of decision: Apr. 21, 1972. Supersedes Decision No. AM-7,717, dated Nov. 19, 1971, in 36 F.R. 22124.
Description of work: Residential construction consisting of single-family homes and garden-type apartments up to and including 4 stories.

Classification	Basic hourly rates	Fringe benefits payments: H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers (Jefferson County)	$6.32	$0.275	$0.30			
Asbestos workers (Orange County)	7.125	.325	.10			
Boilermakers	.50	.30	.40		$0.01	
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	.275	.30		.04	
Carpenters:						
Carpenters	6.825				.05	
Millwrights	6.58					
Piledrivermen	6.255					
Cementmasons	6.40					
Electricians	7.625	.17	1%		½%	
Elevator constructors	4.53	.175	$0.20	2%+a+b		
Elevator constructors' helpers	70%JR	.175	.20	2%+a+b		
Elevator constructors' helpers (prob.)	50%JR					
Ironworkers: Structural; ornamental; reinforcing	$6.52	.25	.40		$0.05	
Laborers:						
Common laborer; asphalt ironer and raker	4.50	.13	.10		.02	
Carpenter tender	4.60	.13	.10		.02	
Cementmasons tender; air tool operator (jackhammer—vibrator)	4.60	.13	.10		.02	
Mortar mixers, hod carriers and mason tender; plaster and lather tender; pipelayers, nonmetallic pipe, including handling and laying pumperete pipe	4.70	.13	.10		.02	
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.50	.13	.10		.02	
Machine man and nozzleman, for gunniting 1½ in. and over	4.935	.13	.10		.02	
Lathers	6.575	.20			.01	
Painters:						
Southern half of Jefferson County and all of Orange County:						
Spray	6.375					
Brush, steel, wood, wall, paperhanger, and glazier	6.05					
Sand blasters, power cleaning; brush, hot paint or creosote; all time spent rigging	6.375					
A premium of $0.325 for brush and $0.25 per hour for spray and other classifications for work from stage, chair, window jack or window ledge.						
Northern half of Jefferson County:						
Brush and glazier	5.925					
Canvas and paperhangers	6.175					
Spray	6.35					

SUPERSEDEAS DECISIONS—Continued

Classifications	Basic hourly rates	Fringe benefits payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Pipefitters	6.93	.30	.52		.06	
Plasterers	6.525	.27	.30		.02	
Plumbers	7.46				.03	
Roofers:						
Waterproofer and bulltup	4.90					
Mop or rollman	4.70					
Kettleman	4.45					
Sheet metal workers	6.575				.025	
Sprinkler fitters	7.60	.25	.40		.05	
Truck drivers:						
Under 1½ ton and wash, grease, tiremen, fuel pump operators when used on construction	4.40					
1½ tons through 2½ tons, dump truck less than 7 yd., town driver	4.69					
Over 2½ tons, farm tractors (when used to transport personnel or material), forklifts (when used in warehouses storage yards, and where used to transport material), floats, hydraulic tail gate lifts	4.85					
Euclids (not self-loading)	4.95					
Warehousemen—material checker	4.965					
Welder—receive rate prescribed for craft performing operation to which welding is incidental.						
Paid holidays: A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.						
Footnotes:						
a. 1st 6 mo.—none; 6 mo. to 5 yr.—2%; over 5 yr.—4% o. basic hourly rate.						
b. Paid holidays—A through F.						
17-Texas-PEO-1:]						
Power equipment operators:						
Heavy equipment operators: Heavy-duty mechanic; blade grader, self-propelled; bull clam; back filler, derrick—power operated, all types; draglines; Push Cat operator; bull dozer and all type of Cat tractors; cable-Way; back-hoe; shovel; crane—power operated, all types; elevating grader, self-propelled; hoist—motor driven, 2 drums or more; mix mobile; winch truck; locomotive crane; mixer, 14 cu. ft. or more; paving mixer, all sizes; piledrivers; scraper—heavy type, over 3 cu. yd.; trench machine, all sizes; Gradall; highlift; foundation boring machines; gasoline or diesel driven welding machines—7 to 12 machines; pumpcrete machine; drill operator—water well; DW-10, Euclid, Turnapulls; asphalt plants; crushing machines and batch-plants; scoopmobiles; fingerlift operator	7.005					
Light equipment operators: Air compressor; blade grade—towed; flex plane; form grader; mixer—less than 14 cu. ft.; pump; pulsometer; truck crane driver; gasoline or diesel driven welding machines, 3 to 6 machines; hoist—single drum; scraper, 3 cu. yd. or less; conveyors—power operated	6.22					
Fireman	5.77					
Oiler	5.63					

[FR Doc.72-5917 Filed 4-20-72;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF CERTAIN TANKERS

Computation of Foreign Cost; Notice of Intent

Notice is hereby given of the intent of the Maritime Subsidy Board to recompute the estimated foreign costs of the construction of tankers of about 225,000 d.w.t. pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on May 2, 1972, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, DC 20235.

Dated: April 19, 1972.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.72-6233 Filed 4-20-72;8:53 am]

ST. LOUIS UNION TRUST CO.

Approval as Trustee

Notice is hereby given that St. Louis Union Trust Co. with offices at 510 Locust Street, St. Louis, MO, has been approved as trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: April 11, 1972.

BURT KYLE,
Chief,
Office of Domestic Shipping.

[FR Doc.72-6234 Filed 4-20-72;8:53 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-72-168]

AREA DIRECTOR, KANSAS CITY, KANS., AREA OFFICE, ET AL.

Designations to Serve as Area Director, St. Louis Area Office

The listed officials are designated to serve as Acting Area Director, St. Louis Area Office, in the order named, during the vacancy in that office, with all the powers, functions, and duties redelegated or assigned to the Area Directors: *Provided*, That no official here listed is authorized to serve as Acting Area Director unless and until all the officials listed before him in this designation are unavailable to act by reason of absence or vacancy in the position of Area Director, St. Louis:

1. William R. Southerland, Area Director, Kansas City, Kans., Area Office.
2. Morris Hatchett, Deputy Director.
3. Kenneth Molitor, Director, Operations Division.
4. Donald F. Flint, Area Counsel.

(The authority for this designation is set forth in 36 F.R. 3389, Feb. 23, 1971, sec. B. 2; sec. 7(d), Departmetn of Housing and Urban Development Act, 42 U.S.C. 3535(d))

Effective date. This designation shall be effective as of March 6, 1972.

ELMER E. SMITH,
Regional Administrator,
Region VII, Kansas City.

[FR Doc.72-6093 Filed 4-20-72;8:48 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR CARRIER DISTRICT OFFICE NO. 31

Notice of Relocation

Effective on or about May 22, 1972, the Air Carrier District Office at 3166 Des Plaines Avenue will be relocated. Services to the public formerly provided by this office, will be provided by the Air Carrier District Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on April 11, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-6085 Filed 4-20-72;8:48 am]

ENGINEERING AND MANUFACTURING DISTRICT OFFICE NO. 46

Notice of Relocation

Effective on or about May 22, 1972, the Engineering and Manufacturing Office at 3166 Des Plaines Avenue will be relocated. Services to the public formerly provided by this office, will be provided by the Engineering and Manufacturing Office at 2300 East Devon Avenue, Des Plaines, IL 60018. This information will be reflected in the FAA Organization Statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on April 11, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-6084 Filed 4-20-72;8:48 am]

ATOMIC ENERGY COMMISSION

LIQUID METAL FAST BREEDER REACTOR (LMFBR) DEMONSTRATION PLANT

Notice of Availability of the General Manager's Final Environmental Statement

Notice is hereby given that the final environmental statement on the Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Plant, issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969, is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545.

The statement will also be in the Commission's Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; and the New York Public Document Room, 376 Hudson Street, New York, NY 10014.

The final environmental statement will be furnished upon request addressed to the Assistant General Manager for Environment and Safety, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-6061 Filed 4-20-72;8:46 am]

[Docket No. 50-298]

NEBRASKA PUBLIC POWER DISTRICT

Notice of Availability of Applicant's Supplemental Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Applicant's Supplement to the Environmental Report—Operating License Stage—Cooper Nuclear Station" submitted by the Nebraska Public Power District has been placed in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Auburn Public Library, 1118 15th Street, Auburn, NE 68305. The report is also being made available at the State Office of Planning and Programming, State Capitol, Box 94601, Lincoln, NE 68509, and the Southeastern Nebraska Joint Planning Commission, Humboldt, Nebr. 68570.

This report discusses environmental considerations related to the proposed operation of the Cooper Nuclear Station located near the village of Brownville, Nemaha County, Nebr. Notice of availability of report entitled "Applicants Environmental Report—Operating License Stage," was published in the FEDERAL REGISTER on December 7, 1971 (36 F.R. 23264).

After the report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft environmental statement. The summary notice will request comments from interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments thereon by Federal agencies and State and local officials will be available when received.

Dated at Bethesda, Md., this 14th day of April 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Division of Reactor Licensing.

[FR Doc.72-6060 Filed 4-20-72;8:45 am]

[Docket No. 50-408]

NEW YORK UNIVERSITY

Notice of Receipt of Application

The New York University, pursuant to section 104.c of the Atomic Energy Act of 1954, as amended, has filed an application for licenses to construct and operate a TRIGA Mark I reactor facility on the University's campus located in Bronx, N.Y. The proposed reactor would be operated at steady-state power levels up to 250 kilowatts (thermal).

A copy of the application is available for public inspection in the Atomic Energy Commission's Public Document Room at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 11th day of April 1972.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.72-6074 Filed 4-20-72;8:47 am]

[Docket No. PRM-30-51]

PACKARD INSTRUMENT CO., INC.

Withdrawal of Petition

Notice is hereby given that the Packard Instrument Co., Inc., 2200 Warrenville Road, Downers Grove, IL, by letter dated March 23, 1972, has withdrawn petition for rule making PRM-30-51 dated November 17, 1971. The petition filed by Packard Instrument Co. had requested that the Commission amend its regulation 10 CFR Part 30 to increase the license exempt quantity of iodine 129 set out in § 30.71, Schedule B of Part 30, from one-tenth of a microcurie to 1 microcurie.

Notice of filing of said petition was published in the FEDERAL REGISTER on December 29, 1971 (36 F.R. 25177).

Dated at Germantown, Md., this 17th day of April 1972.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.72-6059 Filed 4-20-72;8:45 am]

STATE OF NEVADA

Proposed Agreement for Assumption of Certain AEC Regulatory Authority.

Notice is hereby given that the U.S. Atomic Energy Commission is publishing for public comment, prior to action thereon, a proposed agreement received from the Governor of the State of Nevada for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended.

A narrative, prepared by the State of Nevada and describing the State's proposed program for control over sources of radiation, is set forth below as an appendix to this notice. A copy of the program narrative, including the referenced appendices, appropriate State legislation and Nevada regulations, is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, or may be obtained by writing to the Director, Division of State and Licensee Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. All interested persons desiring to submit comments and suggestions for the consideration of the Commission in connection with the proposed agreement should send them, in triplicate, to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Public Proceedings Branch, within

30 days after initial publication of this notice in the FEDERAL REGISTER.

Exemptions from the Commission's regulatory authority which would implement this proposed agreement, have been published in the FEDERAL REGISTER and codified as Part 150 of the Commission's regulations in Title 10 of the Code of Federal Regulations.

Dated at Germantown, Md., this 27th day of March 1972.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

PROPOSED AGREEMENT BETWEEN THE UNITED STATES ATOMIC ENERGY COMMISSION AND THE STATE OF NEVADA FOR DISCONTINUANCE OF CERTAIN COMMISSION REGULATORY AUTHORITY AND RESPONSIBILITY WITHIN THE STATE PURSUANT TO SECTION 274 OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

Whereas, the U.S. Atomic Energy Commission (hereinafter referred to as the Commission) is authorized under Section 274 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as the Act), to enter into agreements with the Governor of any State providing for discontinuance of the regulatory authority of the Commission within the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to byproduct materials, source materials, and special nuclear materials in quantities not sufficient to form a critical mass; and

Whereas, the Governor of the State of Nevada is authorized under Nevada Revised Statutes 459.080 to enter into this Agreement with the Commission; and

Whereas, the Governor of the State of Nevada certified on March 9, 1972, that the State of Nevada (hereinafter referred to as the State) has a program for the control of radiation hazards adequate to protect the public health and safety with respect to the materials within the State covered by this Agreement, and that the State desires to assume regulatory responsibility for such materials; and

Whereas, the Commission found on ---------- that the program of the State for the regulation of the materials covered by this Agreement is compatible with the Commission's program for the regulation of such materials and is adequate to protect the public health and safety; and

Whereas, the State and the Commission recognize the desirability and importance of cooperation between the Commission and the State in the formulation of standards for protection against hazards of radiation and in assuring that State and Commission programs for protection against hazards of radiation will be coordinated and compatible; and

Whereas, the Commission and the State recognize the desirability of reciprocal recognition of licenses and exemptions from licensing of those materials subject to this Agreement; and

Whereas, this Agreement is entered into pursuant to the provisions of the Atomic Energy Act of 1954, as amended;

Now, therefore, it is hereby agreed between the Commission and the Governor of the State, acting in behalf of the State, as follows:

ARTICLE I

Subject to the exceptions provided in Articles II, III, and IV, the Commission shall discontinue, as of the effective date of this Agreement, the regulatory authority of the Commission in the State under Chapters 6, 7, and 8, and Section 161 of the Act with respect to the following materials:

A. Byproduct materials;

B. Source materials; and

C. Special nuclear materials in quantities not sufficient to form a critical mass.

ARTICLE II

This Agreement does not provide for discontinuance of any authority and the Commission shall retain authority and responsibility with respect to regulation of:

A. The construction and operation of any production or utilization facility;

B. The export from or import into the United States of byproduct, source, or special nuclear material, or of any production or utilization facility;

C. The disposal into the ocean or sea of byproduct, source, or special nuclear waste materials as defined in regulations or orders of the Commission;

D. The disposal of such other byproduct, source, or special nuclear material as the Commission from time to time determines by regulation or order should, because of the hazards or potential hazards thereof, not be so disposed of without a license from the Commission.

ARTICLE III

Notwithstanding this Agreement, the Commission may from time to time by rule, regulation, or order, require that the manufacturer, processor, or producer of any equipment, device, commodity, or other product containing source, byproduct, or special nuclear material shall not transfer possession or control of such product except pursuant to a license or an exemption from licensing issued by the Commission.

ARTICLE IV

This Agreement shall not affect the authority of the Commission under subsection 161 b. or i. of the Act to issue rules, regulations, or orders to protect the common defense and security, to protect restricted data or to guard against the loss or diversion of special nuclear material.

ARTICLE V

The Commission will use its best efforts to cooperate with the State and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that State and Commission programs for protection against hazards of radiation will be coordinated and compatible. The State will use its best efforts to cooperate with the Commission and other agreement States in the formulation of standards and regulatory programs of the State and the Commission for protection against hazards of radiation and to assure that the State's program will continue to be compatible with the program of the Commission for the regulation of like materials. The State and the Commission will use their best efforts to keep each other informed of proposed changes in their respective rules and regulations and licensing, inspection and enforcement policies and criteria, and to obtain the comments and assistance of the other party thereon.

ARTICLE VI

The Commission and the State agree that it is desirable to provide for reciprocal recognition of licenses for the materials listed in Article I licensed by the other party or by any agreement State. Accordingly, the Commission and the State agree to use their best efforts to develop appropriate rules, regulations, and procedures by which such reciprocity will be accorded.

ARTICLE VII

The Commission, upon its own initiative after reasonable notice and opportunity for hearing to the State, or upon request of the Governor of the State, may terminate or suspend this Agreement and reassert the licensing and regulatory authority vested in it under the Act if the Commission finds that such termination or suspension is required to protect the public health and safety.

ARTICLE VIII

This Agreement shall become effective on July 1, 1972, and shall remain in effect unless and until such time as it is terminated pursuant to Article VII.

Done at ----------, State of Nevada, in triplicate, this ------ day of ----------, 1972.

For the U.S. Atomic Energy Commission.

For the State of Nevada.

MIKE O'CALLAGHAN, *Governor.*

FOREWORD

The State of Nevada, while recognizing that the scientific, medical, and industrial usages of atomic energy can be beneficial to its citizens, is also cognizant of the hazards inherent to ionizing radiation. With these hazards in mind, and considering that the State is ever committed to the protection of public health and safety, the Nevada State Legislature enacted the Nuclear Affairs Act.

This Act, and supplemental legislation, provides the legal structure for a comprehensive radiological health and regulatory program compatible with that of the U.S. Atomic Energy Commission and that of those States who have entered into agreement with the Commission.

The Act authorizes the Governor, on behalf of the State, to enter into an agreement with the Federal Government providing for discontinuance of certain responsibilities of the Federal Government relating to ionizing radiation and the assumption of such responsibilities by the State. The Act also designates the Nevada State Board of Health as the radiation control agency for the State.

The following narrative relates the history, current practices, proposed activities, capabilities, and resources of the State in the field of radiological health.

HISTORY

1931 The State Legislature passed a law prohibiting the use of X-rays for the treatment of the scalp or for the removal of surplus hair by cosmetologists (NRS 644.470).

1959–60 One State employee attended a U.S. Atomic Energy Commission sponsored Health Physics Course at Oak Ridge, Tenn.

A laboratory radiation counter was purchased for the purpose of determining background levels from selected stations within the State.

A course for Radiological Defense Instructors was given to personnel from State, county, and city organizations by State Health Division personnel.

A law was passed in 1960 preventing the operation or maintenance of any shoe-fitting device using fluoroscopic or radiation principles (NRS 202.245).

1961–62 During this period, a medical and dental X-ray survey of diagnostic X-ray machines in the State was conducted. This survey, which was voluntary and performed only in those installations requesting it, was accomplished by teams composed of U.S. Public Health Service and State Health Division personnel. The primary objectives of the

survey were to check collimation and filtration of the X-ray units and make recommendations where necessary.

Regulations governing the manufacture, use, storage, handling, transportation and disposal of ionizing radiation producing devices and materials were prepared for and adopted by the Nevada State Board of Health in January 1962. The regulations provided standards to assure minimum exposure to personnel handling or working with ionizing radiation producing devices and materials and to the general public.

Acquisition of Federal land near Beatty, Nev. was authorized for lease to Nuclear Engineering Co. as a low-level, solid radioactive waste burial site.

The first phase of a program to establish a Radiological Defense Organization for the Nevada Civil Defense Agency was also completed during this period. This phase entailed training of Highway Department and Highway Patrol personnel as radiation monitors in the event of nuclear war. All Highway Maintenance Stations, Highway District Headquarters, Highway Patrol Stations, and approximately half of the Highway Patrol vehicles were supplied with radiation monitoring instruments.

1963–64 During this period, training and refresher courses for radiological monitors for the Civil Defense Agency were continued. Most of this training was directed at State employees. Establishment of 167 radiological fallout monitoring stations provided with 1,000 radiation detection instruments was completed. Maintenance of the radiation detection instruments was improved by the acquisition of Federal funds for a maintenance shop and technicians' salaries.

In 1963, the State Radiation Control Act was adopted for the control of ionizing radiation within the State, and enabling the State to enter into an agreement with the Federal Government to assume responsibilities relating to sources of ionizing radiation previously the responsibility of the Federal Government (NRS 459.010 to 459.160, inclusive).

Two employees attended a U.S. Atomic Energy Commission orientation class for agreement States and two employees attended a U.S. Public Health Service course on gamma spectroscopy during this period.

A voluntary resurvey of medical diagnostic X-ray units was made during June and July, 1964 by U.S. Public Health Service teams.

1965–66 State personnel surveyed all new or relocated X-ray machines. In the 2-year period, 123 new or relocated X-ray tubes in medical and dental facilities were inspected.

Participation in U.S. Public Health Service environmental programs included collecting representative portions of meals served at the State Children's Home in Carson City for analysis by the Southwest Radiological Health Laboratory at Las Vegas. Analysis for fission product residue was performed to determine the contribution of diets to radionuclide body burden for the general public. All of the milk sheds in the State were sampled monthly for a similar analysis.

1969–70 In 1969, the text of the Western Interstate Nuclear Compact was enacted into law (NRS 459.200 to 459.240, inclusive). The Compact provides for a cooperative effort in nuclear and related fields to enhance the economy of the West and contribute to the individual and community well-being of the region's people.

The State Superintendent of Public Instruction and all county supervisors were apprized of the hazards involved due to the use of cold cathode gas discharge tubes.

State personnel accompanied U.S. Atomic Energy Commission compliance inspectors on inspections of AEC-licensed facilities within the State during this biennium, as they have on many previous occasions.

1971 In 1971, legislation was passed controlling air pollution and water pollution (respectively, NRS 445.401 to 445.601, inclusive; and NRS 445.130 to 445.385, inclusive). The Commission of Environmental Protection was created by this legislation as the controlling agency for air and water pollution.

PRESENT PROGRAM

Two full-time radiation control specialists were hired by the State in September, 1971, to implement the radiation control program. Their major efforts up to this time have been the preparation of radiation control regulations, activities to enable the State to become an agreement State with the U.S. Atomic Energy Commission, participation in several lengthy training courses sponsored by the U.S. Atomic Energy Commission and the Environmental Protection Agency, and on-the-job training.

SCOPE OF ACTIVITIES

The radiation control program encompasses the regulatory program associated with licensing of radioactive materials and registration of radiation producing machines, environmental surveillance, and response to emergency situations involving sources of radiation.

Within the State of Nevada, there are an estimated 388 X-ray machines: 188 dental units; 200 medical units, fluoroscopic and diagnostic; and six reported for industrial radiography. The number of U.S. Atomic Energy Commission Licenses within the State of Nevada in effect January 1, 1972, was 44. The number of radium sources is not known; but the number of facilities reported using radium sources is eight: Four medical, three industrial and one institutional. There are an estimated five particle accelerators being used, with two accelerators to begin routine operation in the latter part of 1972.

There are few installations which may necessitate environmental surveillance activities. A research reactor is operable at the University of Nevada, Reno; a commercial burial site for low-level radioactive waste is located at Beatty, Nev.; and the Nevada Test Site.

STATUTORY AUTHORITY

The following Nevada Revised Statutes (NRS) provide for the Governor to enter into an agreement with the U.S. Atomic Energy Commission, administrative procedures, authority to promulgate regulations, enforcement of regulations, administration of public health, special prohibited uses of ionizing radiation, and mutual aid in the event of nuclear incident.

NRS 459.010–459.160, inclusive, "State Radiation Control." This statute provides for Federal-State agreements concerning the responsibility for control of sources of ionizing radiation, designates the State Board of Health as the State radiation control agency, and provides the basis for radiation control.

NRS 459.200. "Western Interstate Nuclear Compact." Article VI of this statute provides for mutual aid between party States in the event of a nuclear incident.

NRS 233B. "Nevada Administrative Procedures Act." This Act establishes minimum procedural requirements for regulation-making and adjudication procedures of all agencies of the executive department of the State government and for judicial review of both functions. The provisions of the law are intended to supplement statutes applicable to specific agencies.

NRS 439. "Administration of Public Health." 439.130 requires the State Health Officer to enforce all laws and regulations pertaining to public health and empowers him to enter upon and inspect any public or private property in the State in the course of his work, and authorizes subordinates to act in his place and stead.

439.150 declares that the State Board of Health be supreme in all health matters except administrative matters and that it shall have supervision over the work of the State Health Officer.

439.200 declares that the State Board of Health shall have the power to adopt, promulgate, amend and enforce reasonable rules and regulations consistent with law and that such rules and regulations shall have the force and effect of law and shall supersede all local ordinances and regulations enacted inconsistent therewith.

NRS 202.245, states that no person may operate or maintain any shoe-fitting device or shoe-fitting machine which uses fluoroscopic, X-ray, or radiation principles.

NRS 644.470, prohibits the use of any X-ray machine by cosmetologists in the treatment of the scalp or in the removal of surplus hair.

NRS 445.130 to 445.385, inclusive, provides for the control of water pollution within the State.

NRS 445.401 to 445.601, inclusive, provides for the control of air pollution within the State.

PROCEDURES AND POLICIES

LICENSING AND REGISTRATION

The Bureau of Environmental Health, Division of Health, is charged with the responsibility of operating the radiation control program for the Nevada State Board of Health. The program shall regulate and control the usage of all sources of ionizing radiation within the State including radium and accelerator produced nuclides, X-ray generating machines, and particle accelerators. Registration is required for the use of X-ray machines and particle accelerators, and licensing is required for the use of radioactive materials.

The licensing program shall be essentially the same as that presently utilized by the U.S. Atomic Energy Commission and shall use criteria established by the U.S. Atomic Energy Commission. The Chief of the Bureau of Environmental Health and key staff members will evaluate each radioactive material license application, and perform prelicensing visits if deemed necessary. The U.S. Atomic Energy Commission shall be consulted concerning the nonroutine medical uses of radioactive material, and for any circumstance which indicates that advice and guidance concerning the application of radiation or radioactive material is required. Upon approval, specific licenses shall be endorsed by the State Health Officer or his duly authorized representatives for the Nevada State Board of Health.

INSPECTION

Qualified staff personnel shall conduct inspections of licensees' and registrants' facilities to assure compliance with the regulations and to evaluate the adequacy of radiation protection programs. Inspection shall be either by pre-arrangement or on an unscheduled basis during working hours.

Licensees' and registrants' facilities shall be inspected on a priority basis determined by the classification of use, degree of hazard, previous violations, training, and experience of the user and other relevant factors. The initial planned inspection frequencies are as follows:

Category	Anticipated inspection frequency (months)
Industrial radiography	12
Operations involving waste disposal	6
Broad licenses, industrial, medical, or academic	12
Other specific licenses, industrial, medical or academic	12–24
X-ray, medical, industrial, or academic	12–24

The above inspection frequencies are subject to change due to circumstances and experience. At the start of an inspection, personal contact at management level will be made whenever possible. At the completion of each inspection, the inspector will confer with licensee management to discuss the results of his inspection, presenting oral recommendations or suggestions as required and answering questions concerning the regulatory program.

A comprehensive written report concerning each inspection shall be prepared by the inspector and reviewed by qualified Bureau of Environmental Health personnel.

COMPLIANCE AND ENFORCEMENT

The status of compliance with regulations, registration, or license conditions shall be determined through inspections and evaluations of inspection reports. Licensees and registrants shall be informed of the results of all inspections, orally at the time of inspection and by letter or notice from the Agency.

When items of minor noncompliance are found and the licensee or registrant agrees at the time of inspection to correct them promptly, no further action shall be taken by the inspection Agency, except that the licensee or registrant shall receive a letter from the Agency stating the items of noncompliance, and that these items shall be checked at the next scheduled inspection.

When items of major noncompliance are found, the licensee or registrant shall be informed orally at the time of inspection and subsequently by letter of the items of noncompliance and he shall be required to reply in writing within a stated time as to the corrective action taken and the completion date or anticipated completion date of the corrective action. Assurance that the corrective action has been taken shall be determined by a followup inspection or at the time of the next regularly scheduled inspection, as circumstances warrant.

A license, upon request of a licensee, may be amended to be consistent with the Act or regulations or to meet changing conditions in operations. The Agency may amend, suspend, or revoke a license in the event of continual refusal of the licensee to comply with the terms and conditions of the license, the Act, or regulations, or failure to take adequate action concerning items of noncompliance. Prior to such action, the Agency shall notify the licensee of its intent to amend, suspend, or revoke the license and provide the opportunity for a hearing.

Whenever the Agency finds that an emergency exists requiring immediate action to protect the public health, safety, or general welfare, it may without notice or hearing issue a regulation or order noting the existence of such emergency and require that such action be taken as is necessary to meet the emergency. The Agency, in the event of an emergency, is empowered to impound or order the impounding of sources of ionizing radiation upon finding that the possessor is unable to observe or is not willing to observe the provisions of the Act or regulations issued thereunder. After these actions, the licensee has a right to a hearing.

A court order directing a person to comply, or enjoining such practices in violation of the Act or regulations, may be sought by the Attorney General in the appropriate court upon request of the Agency, after notice to such persons and ample opportunity to comply has been offered.

The Agency shall endeavor to gain compliance by cooperative and educational methods. Only in instances of repeated noncompliance, willful violation, or where serious potential hazards exist, shall the full weight of legal procedure normally be employed.

EFFECTIVE DATE OF LICENSE TRANSFER AND RECIPROCITY

Any person who, on the effective date of the agreement with the U.S. Atomic Energy Commission, possesses a license issued by the U.S. Atomic Energy Commission shall be deemed to possess a like license issued by the Agency which shall expire either 90 days after the receipt from the Agency of a notice of expiration of such a license or on the date of expiration specified in the Federal license, whichever is earlier. The Nuclear Affairs Act enacted by the Nevada Legislature and the Rules and Regulations promulgated by the Nevada State Board of Health pursuant to the above legislation provides for recognition of licenses issued by the U.S. Atomic Energy Commission or agreement States.

RADIOLOGICAL EMERGENCY CAPABILITY

The State of Nevada Emergency Procedures Manual and Nevada Revised Statute 459.120 designates the Department of Health, Welfare, and Rehabilitation and the Nevada State Board of Health, respectively, as the responsible agencies in the event of an accident involving radioactive materials. It will be the responsibility of the Bureau of Environmental Health to respond for these agencies in such an emergency.

Notification of an emergency may be by a State licensee or by the Nevada State Highway Patrol, local enforcement agencies, or local fire departments through the Atomic Energy Commission. Nevada State Highway Patrol, local enforcement agencies, and local fire departments have, during various training courses, received cards and posters listing the telephone numbers of the Atomic Energy Commission.

Bureau of Environmental Health personnel shall respond either as the emergency response team or as the agency responsible for public health and safety. The nature of the response may vary from an office evaluation and advisement of controls to on-the-site evaluation, radiation, and radioactivity measurements, establishment of controls, and coordination of support agencies.

Upon request, the State Civil Defense and Disaster Agency shall coordinate the transportation of Bureau personnel to the site of the incident, the installation of a communication network, and the supply of any power and heavy duty equipment needed. For any transportation or communications not provided, the Bureau will depend on commercial and other State organizations.

The State of Nevada is a member of the Western Interstate Nuclear Compact. Should circumstances warrant during the course of a radiological incident, member States of the Compact shall be requested to provide assistance to the State according to the mutual aid feature of the Compact.

The Bureau of Environmental Health will make a request to the Environmental Protection Agency, Western Environmental Research Laboratory, for any radioanalysis required beyond the capability of the Bureau's laboratory instrumenation.

Future plans for emergency situations include a review and revision of existing radiological emergency procedures reflecting the enlarged staff, the acquisition of any special radiation detection instrumentation which may be required, the formation of a radiological emergency team and the preparation of radiological emergency kits which will be available for immediate use.

ORGANIZATION AND STAFF

The State Board of Health is designated as the radiation control agency for the State by the Radiation Control Act and is authorized to carry out the provisions of the Act. The State Division of Health is responsible for the radiation control program for the Board of Health, with implementation of the program performed by the Bureau of Environmental Health. The State Health Officer functions as the head of the Division of Health, and as Secretary to the Board of Health. The Radiological Control Section is under the Chief, Bureau of Environmental Health, who reports to the State Health Officer. These relationships are illustrated in Chart 1 of the Appendix.

The two radiation control specialists in the Radiological Control Section shall devote full time to the radiation control program for licensing and registration functions, inspection of licensed and registered facilities, response to emergency situations, and to all other radiation control activities within the State over which the State Board of Health has authority. This section shall maintain all records pertinent to the radiation control program including those which will permit the U.S. Atomic Energy Commission to evaluate the status of the program with regard to its compatibility with those of other agreement States, and that of the Commission. The Chief and the Assistant Chief of the Bureau shall participate in licensing and registration functions to provide greater manpower depth to the small Radiological Control Section.

The Commission of Environmental Protection is the agency responsible for the control of air and water pollution within the State. However, the regulations promulgated by the Commission will not conflict with those of the Board of Health for radiation control. The Bureau of Environmental Health is designated as the advisory and implementing agency for the Commission, and the Chief, Bureau of Environmental Health is the Control Officer for the Commission. The relationship between the Board and the Commission is illustrated in Chart 2 of the Appendix.

Position titles, education, and experience of Bureau of Environmental Health personnel directly involved in the activities of the radiological health program are listed below. Replacements for these personnel, if required, shall be recruited as soon as possible. The level of experience, education, and training shall be that required by the position descriptions contained in the Appendix.

ERNEST G. GREGORY—*Chief, Bureau of Environmental Health*

Education

University of Nevada—B.S. Civil Engineering; 1951.

Other Training

USPHS—Basic Radiological Health; 2 weeks.
USPHS—Gamma Spectroscopy; 2 weeks.

Experience

1965–Present Chief, Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1956–65 Public Health Engineer, Bureau of Environmental Health, Nevada State Health Division. Principal area of responsibility was in water pollution control. From 1958 to 1963 served as the Civil Defense

Radiological Office for the State, which included the training of Civil Defense radiation monitors and radiation monitor instructors. Held a byproduct material license for Civil Defense Model CDV-784-786 radioactive sources.

1952-56 Right-of-way Agent, Nevada State Highway Department.

1951-52 Hydrologist, U.S. Bureau of Reclamation.

Miscellaneous

Registered Professional Engineer:

Wendell D. McCurry—Assistant Chief, Bureau of Environmental Health.

Education

Murray State Agricultural College—A.S. Engineering; 1959-61.

Oklahoma State University—B.S. Civil Engineering; 1963.

Oklahoma State University—M.S. Public Health and Sanitary Engineering; 1965.

University of Florida—Post Graduate work in Environmental Engineering and Radiological Health; 1964-66.

Other Training

USPHS—Occupational Health Course; 2 weeks.

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

USPHS—Medical X-ray Protection; 2 weeks.

Experience

1970-Present Assistant Chief, Bureau of Environmental Health, Nevada State Health Division (see job describtion in the Appendix).

1966-70 Public Health Engineer II, Nevada State Health Division. Duties very similar to present position.

Miscellaneous

Registered Professional Engineer:

William C. Horton—Radiation Control Specialist III.

Education

University of New Mexico—B.S. Geology; 1953.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

EPA—Medical X-ray Protection; 2 weeks.

USPHS—Basic Radiological Health; 2 weeks.

Picker X-ray Corp.—Isotopes and X-rays for Industrial Radiography; 1 week.

Defense Atomic Support Agency and Reynolds Electrical and Engineering Company—Emergency Radiation Team Training; 1 week each course.

AEC—Ten-week Health Physics course beginning April 3, 1972.

Experience

1971-Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1967-71 Supervisor of Environmental Monitoring, Battelle Northwest, Richland, Washington. Primarily responsible for implementing the overall environmental surveillance program at Hanford. Supervised radiation monitors taking samples and performing radiation and contamination surveys in the environs. Assisted in program planning, analytical result evaluation, and program coordination. Provided liaison with analytical laboratories.

1959-67 Engineer, ACFI, Inc., Albuquerque, New Mexico. Had primary responsibility for all radiological protection in a manufacturing plant possessing numerous X-ray devices and sealed radioactive sources. Provided shielding design for radiographic facilities and radiological protection requirements for a U 235-loaded graphite testing facility. Prepared formal operating procedures governing non-destructive testing and radiological protection practices.

1953-57 Seismologist and Party Chief, Continental Oil Company, Ponca City, Oklahoma. Primary responsibility was for operation of geophysical field crew exploring for oil, and interpretation of geophysical and geological data.

Richard W. Reynolds—Radiation Control Specialist II.

Education

University of Nevada—B.S. Zoology; 1966.

University of Nevada—M.S. Nuclear Engineering; 1971.

Other Training

AEC—Orientation Course in Regulatory Practices and Procedures; 3 weeks.

EPA—Medical X-ray Protection; 2 weeks.

Reynolds Electrical & Engineering Co.—Basic Radiological Monitoring.

Experience

1971—Present Radiation Control Specialist with the Bureau of Environmental Health, Nevada State Health Division (see job description in the Appendix).

1968-71 Graduate Research Fellow, Department of Nuclear Engineering, University of Nevada, Reno, Nev.

1966-68 Health Physicist, Health Physics Branch, Mare Island Naval Shipyard, Vallejo, Calif. Primary responsibility was the supervision of field surveillance of storage and usage of sources of ionizing radiation in medical, nondestructive test, instrument calibration, supply, and nuclear propulsion programs.

1964 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary duty assignment was gamma spectral analysis of filter systems used for aerosol surveillance during nuclear device testing.

1962-63 Nuclear Powerman, U.S. Army, Walter Reed Army Medical Center, Washington, D.C. Primary duty assignment was radiochemical analysis of coolant, effluent and environmental samples from research reactor areas at this installation.

1960-61 Radiochemistry Laboratory Technician, Reynolds Electric & Engineering Co., Nevada Test Site, Mercury, Nev. Primary assignment was the radiochemical analysis of environmental and bioassay samples, collected as part of the surveillance program for GNOME, PLUTO, NERVA, and other projects.

BUDGET FOR THE RADIOLOGICAL HEALTH SECTION

Fiscal year 1971-72	
Personnel	$26,295.71
Travel (in-State)	3,332.00
Travel (out-of-State)	
Operating expenses	2,386.00
Capital equipment	3,000.00
Total	34,943.71
Fiscal year 1972-73	
Personnel	27,381.74
Travel (in-State)	3,500.00
Travel (out-of-State)	
Operating expenses	2,464.00
Capital equipment	
Total	33,345.74

NOTE: For the capital equipment budget for fiscal year 1971-72, it is anticipated that matching funds for procurement of radiation detection and measurement equipment will be obtained from the Federal Office of Civil Defense, Department of the Army.

INSTRUMENTATION

Listed below is the field and laboratory instrumentation and radioactive sources which the Bureau of Environmental Health will utilize for the detection and measurement of radiation during routine inspections and emergencies for the identification and measurement of radioactive materials during periodic environmental surveillance and for the standardization of instrumentation, respectively.

Field Instrumentation—Survey

Alpha	*Range*
1 Eberline Alpha Counter, scintillation type, Model Pac-4^8.	0-2 x 10^6 c.p.m.
Neutron	
1 Nuclear Chicago Portable Survey Meter, Model 2671.	0-2.5 x 10^4 n/cm.^{2}/sec.
Beta, X-rays, and Gamma	
1 Eberline Beta-Gamma Counter, GM Type, Model E-250.	0-2 R/hr. 0-2000 K c.p.m.
2 Victoreen Survey Meters, ion chamber type, Model 470.	0-300 mR/hr. and R/hr.

Calibration and Standard Measurements

2 Victoreen Condensor R-meters, Model 570.
2 Victoreen R-meter chambers, Model 130, 0-250 mR, 30-500 keV.
2 Victoreen R-meter chambers, Model 227, 0-1R, 30-500 keV.
1 Victoreen R-meter chamber, Model 552, 0-2.5R, 400-1300 keV.
2 Victoreen R-meter chambers, Model 70-5, 0-25R, 30-250 keV.
1 Victoreen R-meter chamber, Model 326, 0-10R, 30-350 keV.

Sources

1 set of Tracerlab Gamma Spectrometer Sources, Model R-35.
1 set of Eberline Pu^{239} Calibration Sources, Model S94-1
1 Tracerlab C^{13} source, Model R210.

LABORATORY INSTRUMENTATION

Gamma Spectroscopy

1 Tracerlab Model SC-76S single channel analyzer interconnected with a Tracerlab Model SC-71 scaler, Model SC-87B Auto-Printer, and SC-57A well scintillation detector, which houses a 2-inch x 1⅞-inch NaI well crystal.

Alpha, Beta, and Gamma Measurements

1 Tracerlab Model SC-71 scaler connected with a Model SC-87B Auto-Primer and FD-2 Flow Detector, used both as a geiger and proportional counter, and a SC-57A well scintillation detector.

[FR Doc.72-4877 Filed 3-30-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24358, etc.; Order 72-4-80]

AIRLIFT INTERNATIONAL, INC.

Order of Suspension Regarding Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By tariff revision[1] bearing the issue date of March 15 and marked to become effective April 18, 1972, Airlift International, Inc. (Airlift), proposes, inter alia, to reduce the rates on shipments of 1,000 pounds or more on office machines, radio

[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB 141.

and television sets, and cameras,[2] from Los Angeles and San Francisco to New York and Newark to the level of rates for shipments of 10,000 pounds and over. Both the current and proposed rates are applicable only on shipments originating at points other than in the continental United States or Canada for which transportation was supplied by an ocean vessel[3] and destined to points in Europe or Africa. The export movements must be (1) on a through air waybill, or (2) by ocean carrier, in which case the air waybill must clearly show the mode of transport beyond New York/Newark. The proposed, as well as the current, rates are scheduled to expire July 1, 1972.

Complaints variously requesting rejection or in the alternative, suspension pending investigation, have been filed by American Airlines, Inc. (American), and the Flying Tiger Line, Inc. (Tiger). The complainants assert, inter alia, that the proposed rates are below competitive truck rates, and are below the carrier's costs including the operation of efficient terminal service. It is asserted that the increased out-of-pocket cost per 100 pounds for 1,000-pound shipments for extra functions will diminish or wipe out any revenue contributions that might be received from 10,000-pound shipments moving at the 10,000-pound rate. In addition, the complaints challenge the contention that such reductions are needed to meet competition from Canadian carriers and allege that the proposed rates would result in significant diversion of traffic from them, or dilution of yield from existing traffic if they are forced to reduce their rates.

In support of its proposal and in answer to the complaints, Airlift asserts that the Canadian rates[4] with which its 10,000 pound import/export rate was originally filed to compete are subject, not to a minimum weight per shipment, but to a yearly minimum of 50,000 pounds, and the traffic consists largely of 1,000- to 5,000-pound shipments. Airlift submits that data on its traffic volume, while not conclusive, show substantial growth and significant traffic volume moving under the 10,000-pound rates.

The rates proposed by Airlift come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and the lawfulness of these rates will be determined in that proceeding. The issue now before us is whether to suspend the proposed rates or to permit them to become effective, during the effective period of the tariff.

Upon consideration of the complaints and other relevant matters, the Board finds that the proposed rates should be suspended.

By order 71–6–81, the Board dismissed a complaint by Tiger and permitted Airlift to place into effect a rate of $7.52 per 100 pounds on 10,000-pound shipments of the same commodities effective July 1, 1971. In that order the Board concluded that the resultant airport-to-airport rates, after deducting the cost of import services, were not out of line with rates on other domestic movements in the same markets, that the issue of traffic generation as compared to revenue dilution could be best determined on the basis of actual experience, and that in these circumstances Airlift should not be precluded from meeting the competition of Canadian carriers.

Airlift's current proposal, $7.52 per 100 pounds, for shipments of 1,000 pounds and over, however, would effect reductions between 29 and 61 percent below currently applicable rates. They would result in significantly lower net returns to the carrier after deducting the costs of the import services to cover the line-haul movements. This is due chiefly to the significantly higher unit pickup charges for smaller shipments. Thus, while the net returns from the rates for 10,000-pound shipments are estimated to range between $5.60 and $6 per 100 pounds, the net returns for 1,000-pound shipments in the San Francisco-New York market would be, according to complainants, from $3.92 to $4.10 per 100 pounds. For 5,000-pound shipments, the net returns would range from $5.26 to $5.44 per 100 pounds. The yields per ton-mile would range between 3 and 4.2 cents per ton-mile. These returns and yields would be lower than for the rates in effect on any other commodities in this market, and a similar situation exists from Los Angeles.

In view of the suspension ordered herein, the Board does not reach the request for rejection filed by Tiger.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the rates from Los Angeles, Calif., to New York, N.Y.-Newark, N.J., for item Nos. 1, 2, and 6, bearing the reference "EC," subject to minimum weights of 1,000 pounds, 2,000 pounds, 3,000 pounds, and 5,000 pounds and the cancellation of the rates from Los Angeles, Calif., to New York, N.Y.-Newark, N.J., for item Nos. 1 and 2 subject to the minimum weight of 500 pounds, appearing on 18th Revised Page 24–A of Airline Tariff Publishers, Inc., agent's CAB No. 141, are suspended and their use deferred to and including July 16, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints of American Airlines, Inc., in Docket 24358, and of the Flying Tiger Line, Inc., in Docket 24368, are dismissed; and

3. Copies of this order shall be filed with the tariff and served upon Airlift International, Inc., American Airlines, Inc., and the Flying Tiger Line, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[1]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72–6131 Filed 4–20–72;8:52 am]

[Docket No. 22398; Order 72–4–77]

COMMONWEALTH OF PUERTO RICO ET AL.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of April 1972.

This matter is before the Board on a motion by the Commonwealth of Puerto Rico for review of the decision of the Director, Bureau of Enforcement, declining to institute a formal enforcement proceeding with respect to the Commonwealth's complaint charging various violations of the Federal Aviation Act of 1958 (Act) by Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan Am).[1]

The Commonwealth's complaint rests upon the following circumstances: Both Eastern and Pan Am have published and maintained in effect at all times relevant hereto tariffs showing three classes of nonstop service in the Miami-San Juan markets, which are first class (F), economy class (Y), and thrift class (K).[2] These services have been provided on dually-configured jet aircraft which can provide either F and Y or F and K services, depending upon which services are "designated" in the carrier's general

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[2] The commodities included are in the following groups:

No. 1—Calculators, or parts thereof, n.e.s.: (a) Machines, office, namely: Card-punch, sorting, tabulating, or computing machines and parts thereof; (b) Alcohol (when in mixed shipments with articles listed in (a) above); office machines, or parts thereof, n.e.s.; and typewriters.

No. 2—Radios, receiving or transmitting sets, other than console, and radio tubes, transistors, or parts thereof; record players or phonographs; recording machines, tape or wire, or parts thereof; and television receivers or parts thereof.

No. 6—Cameras or camera parts, cinema or photographic.

[3] The rates would also apply to shipments stored at port of entry for a period not exceeding 18 months from the date the vessel was registered at the customs house at the point of entry. The rates proposed cover the following services or expenses in addition to airport-to-airport transportation at no additional charge: Initial custom house entry, wharfage fees, handling, loading, and cartage services within the origin airport city.

[4] Rates apply from Vancouver to Montreal, and are thus available for traffic originating in the Far East and terminating in Europe.

[1] Members Minetti and Murphy included a dissenting statement, filed as part of the original document.

[1] The Commonwealth of Puerto Rico filed a complaint on July 28, 1970. Answers by Eastern and Pan Am were filed on Aug. 19, 1970, and the Director's decision was entered on Apr. 23, 1971. The Commonwealth's Motion for Review of Staff Action, filed May 24, 1971, was answered by Eastern on June 3, 1971, and by Pan Am on June 4, 1971.

[2] The currently-published fares applicable to the Y and K services, exclusive of taxes, are $63 and $56 one way, respectively. F class service is not at issue herein.

schedules for each particular flight.[3] All economy class (Y) nonstop service was discontinued by the carriers by June, 1964 in favor of the less expensive and simpler thrift class (K) service, pursuant to the "designation" provisions of their applicable tariffs, and the schedules of both carriers indicate that only F/K nonstop jet services were provided in the Miami-San Juan market from June, 1964 until April 25, 1970. Then, effective April 26, 1970, Eastern and Pan Am discontinued thrift (K) service and reinstituted economy (Y) service in lieu thereof on their flights, by appropriately "designating" their flights in their official General Schedules.

It is the cessation of thrift (K) service and the substitution therefor of economy (Y) service, resulting in an increase of $7 one way in the lowest fare generally available in the Miami-San Juan market, which forms the basis of the Commonwealth's complaint. It views this action as a fare increase for which no tariffs have been filed, and alleges a number of different violations of the Act.[4]

[3] The filed tariffs of both carriers provide that Y and K services in the Miami-San Juan market are applicable only on flights appropriately designated in their official General Schedules filed with the Board. See Eastern Air Lines, Inc., CAB No. 326, 4th Rev. p. 10, and IATT Corp., CAB No. 404, 1st Rev. p. 10. Moreover, the "seating configuration" tariffs of both carriers show that K and Y services are provided in identical configurations. See Air Line Tariff Publishers, CAB No. 65, 43d Rev. p. 15 and 34th Rev. p. 15–A, both effective Nov. 28, 1969, and IATT Corp., CAB No. 191, 50th Rev. p. 14, effective Apr. 29, 1970. The difference between Y and K classes appears to consist of the quality of the meal service, as reflected in the carrier's schedules.

[4] The Commonwealth's complaint alleges that:

(1) Eastern and Pan Am violated section 403(c) of the Act by "raising fares" in the Miami-San Juan market without filing tariffs to effectuate that change. (The complaint also alleges that the tariffs admittedly on file in that market by both carriers showing both economy and thrift class fares violate § 221.38(a) (1), (2), (3), and (4) of the Board's economic regulations and section 403(a) of the Act by failing to adequately distinguish the respective services to which the fares are applicable, in that they do not reflect the differences in meal service which are allegedly their sole distinction.);

(2) The named carriers are failing to provide "adequate service" within the meaning of section 404(a) of the Act inasmuch as thrift service has become the legal standard of adequacy in the Miami-San Juan market by virtue of the past custom and practice of the carriers in providing such service and the preference of the traveling public for that service over first- and economy-class service;

(3) Section 404(b) of the Act is being violated since passengers from interior points or to beyond points using the Miami-San Juan route are subjected to unjust discrimination or undue or unreasonable preference or disadvantage with respect to those passengers similarly situated using the New York-San Juan route, over which thrift class service is still being provided;

(4) Eastern and Pan Am are and have been engaging in unfair or deceptive trade practices or unfair methods of competition within the meaning of section 411 of the Act by the "holding out" of economy nonstop service in the carriers' tariffs and schedules prior to April 26, 1970, and thrift nonstop service subsequent to that date, without in fact providing such services before or after that date, respectively; and that section 411 has been additionally violated in that the purported change in the class of service was not in fact accompanied by a change in the incidents of service; and

(5) That the carriers mutually "agreed" to the change in fare level without obtaining Board approval of this "agreement," thereby violating section 412 of the Act.

Eastern and Pan Am, on the other hand, assert that this is a different service for which lawful tariffs have been and are on file with the Board, rather than a "fare increase," and that they are therefore within the Act and the Board's regulations in instituting the change in service.

The Director, Bureau of Enforcement, dismissed the Commonwealth's complaint "without prejudice to any future proceeding brought under Rules 500 et seq. or 700 et seq. of the Board's rules of practice," on the grounds that the allegations concerning violations of sections 403 and 404(b) were attacks on the tariffs per se and should therefore be resolved in a fare investigation pursuant to Rules 500 et seq. of the Board's rules of practice and section 1002(d) of the Act rather than through an enforcement proceeding under section 1002(a).[5] By the same token, the Director determined that the exclusive remedy for the allegations of failure to provide adequate service within the meaning of section 404(a) of the Act rests in the provisions of Rule 700 et seq. of the Board's rules of practice rather than within the framework of enforcement proceedings.

With respect to the Commonwealth's other allegations, the Director dismissed the section 412 complaint on grounds of insufficient evidence. He also concluded that the Bureau "would have difficulty in questioning" the practice of the carriers, alleged to violate section 411 of the Act, of keeping on file tariffs for classes of service not in fact being offered (as in the case of economy class service before April 26, 1970, and thrift class service thereafter). This conclusion was reached in light of the Board's action in Order 71–2–120 (February 26, 1971) refusing to suspend, pursuant to complaint by the Commonwealth of Puerto Rico raising this issue, unused coach fares proposed by Trans Caribbean Airways, Inc., in other East Coast-San Juan markets on the ground that "* * * other carriers in the market presently publish fares for service which is not now provided."

The Commonwealth characterizes its motion for Board review of the Director's decision as basically an appeal to the Board "to affirm the availability of an enforcement approach on each of the 403, 404, and 411 issues." The Commonwealth asserts that the denial of an enforcement remedy in the face of "unilateral carrier action to increase fares to the public and to deprive the public of a class of service heavily utilized by the public" amounts to an abdication by the Bureau of the Board's jurisdiction "to deal with problems of such importance to the Commonwealth and to the preservation of the integrity of [the Board's] tariff structure * * *[, which] may be the most significant issue before the Board in this complaint."

Upon consideration of the circumstances of this case and the matters presented, the Board agrees with the decision of the Director and is of the opinion that the complaint does not state facts warranting an enforcement investigation, or, at this time, any formal investigation of the carriers' tariffs. The Commonwealth does not allege that Eastern and Pan Am are offering services or collecting fares not provided for by tariffs. Rather, it is clear that the ultimate thrust of the Commonwealth's sections 403 and 404(b) allegations goes to the lawfulness of the tariffs applicable to the services and fares here involved. However, these tariffs have been in effect for a number of years and at no time has the Board "rejected" these tariffs pursuant to section 403(a) of the Act, nor has it otherwise found them to be unlawful, although their lawfulness has been under consideration on a number of occasions.[6] Accordingly, currently effective and legal second-class tariffs exist, and any attack thereon should initially proceed by means other than an enforcement action.[7]

We reach the same conclusion with respect to the Commonwealth's other allegations. As noted previously, the filed tariffs of both carriers provide that economy and thrift-class fares in the Miami-San Juan market are applicable only on flights appropriately designated in their official General Schedules filed with the Board. Thus, the carriers' tariff "holding out" to the public is circumscribed by the schedules required to be filed with the Board, and the Commonwealth's allegations with respect to unfair or deceptive practices within the meaning of section 411 of the Act is in essence an attack upon the carriers' tariff

[5] The Director's conclusion was based on his finding that Eastern and Pan Am had in fact introduced a different service to the market pursuant to tariffs already on file with the Board, which tariffs had been reviewed and approved by the Board in the following orders: Reopened Puerto Rico Passenger-Fare Investigation (First- and Second-Class Fares) 39 CAB 238 (1963); Reopened Puerto Rico Third-Class Passenger-Fare Investigation, 39 CAB 244 (1963); Order 69–2–148 (Feb. 28, 1969); and Order 69–12–112 (Dec. 24, 1969).

[6] See cases cited in footnote 5 at 3, supra.

[7] We do not hold that enforcement remedies cannot be applied to violations of sections 403 and 404(b) of the Act; we simply find that, in the circumstances of this case, conduct violative of those sections of the Act and subject to enforcement proceedings cannot be established unless and until tariffs under which the carriers are purporting to act have been rejected or determined to be unlawful.

rules providing for the "designation" of flights before a class of service becomes available to the public. This is not a matter for an enforcement proceeding. Nor is the Board prepared to apply enforcement remedies on this record to the allegations of section 404(a) and section 412 violations. The Commonwealth has provided no factual support as to the latter.[5] With respect to the former, the Board has never imposed a duty upon these carriers to provide thrift service in the Miami-San Juan market, and until it does so, it cannot be maintained that Eastern and Pan Am are failing to provide "adequate service" within the meaning of section 404(a) by the cessation of thrift-class service.

Notwithstanding our denial of the enforcement relief sought by the Commonwealth, the Board is concerned by what has taken place here. Eastern and Pan Am have totally eliminated the apparently popular thrift service from the Miami-San Juan market and have resurrected the long-dormant economy service, increasing the lowest generally available fare in that market by a substantial amount. It appears that this change, which conforms to the carriers' filed and effective tariffs, has affected a large segment of the passengers traveling between these two points, and, the Commonwealth alleges, may have a significant impact upon the communities involved. Yet, it was effectuated simply by a schedule filing, which is unreviewable, cannot be suspended by the Board, and provides only 10 days' notice to the public. Moreover, a member of the traveling public desiring to avail himself of the thrift fare cannot do so simply because the carriers have "designated" that fare out of existence, at their sole discretion.

The Board believes that the implementation of such major changes should be accomplished through the filing of appropriate tariffs in order that the Board may have an opportunity to investigate such changes prior to the time that they take effect, and that the public may be given notice and an opportunity to request or participate in such investigation. This is, we believe, the intent of section 403(c) of the Act.

The problem would appear to be in the Board's Economic Regulations, Part 221, which contains no express prohibition against the publication of dormant tariffs, permits carriers to file tariffs subject to schedule "designation" without any limitations, and does not otherwise circumscribe the carriers' discretion to add or drop service when such tariffs are on file. Absent this apparent deficiency in the Board's regulations, any carrier action of the scope and potential impact evidenced herein would in the usual case be accomplished through the cancellation of the old tariffs and the filing of new ones, and would thus be subject to prior Board review.

While the existing Board regulations have not caused any great difficulties in this regard up to this time, we feel that they require strengthening. Since the problem of tariffs for classes of services subject to unlimited schedule designation appears to be a general one, the Board believes that prospective action in the nature of rulemaking, applicable equally to all carriers, is in order. To this end, we have this day issued an advance notice of proposed rule making, EDR–224, Docket 24415, April 14, 1972, calling for comments by interested persons.

Accordingly, it is ordered, That:

The motion of the Commonwealth of Puerto Rico, dated May 24, 1971, requesting that the Board overrule a decision of the Director, Bureau of Enforcement, refusing to docket a petition for enforcement pursuant to a complaint filed by the Commonwealth of Puerto Rico on July 28, 1970, be and it hereby is denied, and the Commonwealth's complaint be and it hereby is dismissed.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6132 Filed 4-20-72;8:52 am]

[Docket No. 24418; Order 72-4-88]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By tariff revisions[1] marked to become effective May 1, 1972, Eastern Air Lines, Inc. (Eastern), proposes to establish local affinity youth group tour basing fares for students under 22 years of age from Atlanta, Boston, and New York to Washington[2] and return. The proposed fares apply to groups of 25 or more class members of a full-time public or private educational institution, accompanied by one adult (tour conductor, teacher, advisor, or parent) for each 25 persons; the maximum stay is restricted to 3 days in addition to the date of departure (no minimum); and the fares must be used in conjunction with a packaged tour including one sightseeing tour and one meal, with a $6.50 minimum add-on. Application for travel, reservations and payment in full must be made at least 2 weeks prior to the date of departure, with a 25-percent cancellation charge applicable thereafter.

Fares in the Atlanta/Boston-Washington markets provide discounts of 65 percent off regular round-trip coach fares for elementary school children (grade 7 and under) and 35 percent for junior/senior high school and college groups. The discount from New York is 50 percent for all groups, regardless of academic level.[3] The proposed fares apply at any time except on air shuttle flights on which travel is blacked out between the hours of 1:05 p.m. and 6:55 p.m. Monday through Friday, and between 12:05 p.m. and midnight Sunday. The fares are marked to expire June 30, 1972. United Air Lines, Inc. (United), has filed to match Eastern in the Atlanta-Washington market.

In justification of its proposal, Eastern alleges that its objective is to provide an impetus for class trips to the Washington area, most of which currently moves via surface transportation. The carrier alleges that the dual pricing structure is necessary inasmuch as the older groups have a greater propensity to travel than their younger counterparts, thereby requiring a greater discount for grade 7 and below passengers. Eastern alleges that the New York-Washington market is treated separately (50 percent discount for all) due to competition from surface modes.

Eastern alleges that diversion should be nonexistent, in that most of the traffic currently moves via surface modes; that the blackout of peak hours on air shuttle flights will greatly reduce the risk of displacing full-fare passengers; and that the advance application process will enable Eastern to place the groups on low-load factor flights, which is particularly important in connection with shuttle operations. Eastern estimates that 1,000 passengers will use the fares during the May/June experimental period, resulting in a net contribution of $16,000.

National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), have filed complaints against Eastern's proposal requesting that it be suspended and investigated.[4] In summary, one or both of the complainants allege that the proposed fares are unjustly discriminatory; that the restrictions proposed by Eastern merely emphasize the unjust discrimination involved; and that the Board has previously found student fares to be unjustly discriminatory (Capitol Group Student Fares, 25 C.A.B. 280 (1957)).

National also alleges that Eastern's contention that there will be no diversion is contrary to its own experience; that blocking space for groups of 25 and more to and from the Nation's capital at least 2 weeks in advance will inevitably lead to loss of higher rated traffic, or, in the case of the shuttle, extra sections; that either way, some percentage of used capacity costs must be assigned to these fares; and that even a marginal contingency allowance will render them uneconomic.

Eastern has answered the complaints stating that the fares are not unjustly discriminatory; and that since Capitol's

[5] We are not persuaded that the mere fact of contemporaneous, although not simultaneous, action on the part of both carriers in changing the class of service offered justifies, without more, an inference of prior agreement.

[1] Eastern Air Lines, Inc., tariff CAB No. 378.

[2] Baltimore is named as an alternative destination.

[3] In addition, one adult may travel for each 20 members of the group at the same fare provided for students in grade 7 and above.

[4] Delta Air Lines, Inc. (Delta), has filed an answer in support of the complaints.

group student fares did not have any tour basing requirement and predated Board orders permitting certain affinity and group tour basing fares it cannot be determinative of the question presented by the limited experiment proposed. Eastern also alleges that the complainants do not present any data to refute its estimate that 1,000 passengers would utilize the fares; that by steering these group travelers to underutilized flights Eastern can smooth its load factors and garner additional revenues to the benefit of Eastern and all its passengers; and that the discounts are not excessive when compared to existing discounts for youths.

Upon consideration of the tariff filing, the complaints and answer thereto, and other relevant matters, the Board concludes that the proposed fares may be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be investigated. In view of the serious questions of discrimination inherent in the proposal, we further conclude that it should be suspended pending investigation. Contrary to Eastern's allegation, the fact that the proposed fares contain affinity, group, and tour basing requirements—types of restrictions the Board has permitted in the past—does not in any way override the discriminatory nature of the student restriction applicable to the fares. Groups other than students, even though they may have a strong affinity relationship, could not utilize the proposed fares.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions of Eastern Air Lines, Inc.'s, CAB No. 378 and United Air Lines, Inc.'s, CAB No. 335, and rules, regulations, or practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, Eastern Air Lines, Inc.'s, CAB No. 378 and United Air Lines, Inc.'s CAB No. 335 are suspended and their use deferred to and including July 29, 1972, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 24354 and 24360 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

5. Copies of this order shall be filed with the aforesaid tariffs and be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6133 Filed 4-20-72;8:52 am]

[Docket No. 23486; Order 72-4-62]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Issued under delegated authority April 13, 1972.

By Order 72-3-90, dated March 28, 1972, action was deferred, with a view toward eventual approval, on an agreement adopted by Traffic Conference 1 of the International Air Transport Association (IATA). The agreement would amend an existing resolution governing economy-class excursion fares within the Western Hemisphere by the inclusion of a specified fare reflecting new direct service between Mazatlan and Denver.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 72-3-90 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22982 be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6134 Filed 4-20-72;8:52 am]

[Docket No. 24416; Order 72-4-81]

MACKEY INTERNATIONAL, INC.

Order to Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of April 1972.

By Order 72-3-73, dated March 22, 1972, in Docket 24323, Mackey International, Inc. (Mackey), was granted temporary exemption authority for a period of 30 days to expire April 15, 1972, to transport mail between Miami, Fla., and Grand Turk Island, British West Indies. No service mail rate is currently in effect for this service by Mackey.

By petition filed March 16, 1972, in Docket 24323, the Postmaster General has requested the Board to fix as service mail rates for these services during the period until April 1, 1972, the rates established in Order 69-10-149, dated October 30, 1969, as amended, and from and after April 1, 1972, the rates set forth in Order 72-3-7, dated March 3, 1972, or such rates as may finally be determined and fixed in Docket 20415.

The Board has tentatively determined to fix the following rates for the transportation of mail by Mackey between Miami, Fla., and Grand Turk Island, British West Indies, for the period from March 16, through April 15, 1972: For SAM mail, 11.47 cents per nonstop great-circle ton-mile; for MOM mail, 22.11 cents per nonstop great-circle ton-mile; for all other mail, 34.43 cents per nonstop great-circle ton-mile. These are the rates proposed in Order 72-3-7, which the Board has tentatively found to be fair and reasonable for Mackey and the other carriers operating in the U.S.-Caribbean area.[1] The period of time for which Mackey's services have been authorized is of short duration, and the fixing of a single rate for the entire period will obviate the administrative burdens that would result from the establishment of separate rates applicable before and after April 1. The Postmaster General and Mackey have indicated that they are agreeable to the fixing of these proposed rates for Mackey's temporary service.

Based on the foregoing, the Board tentatively finds and concludes that the fair and reasonable rates of compensation to be paid Mackey International, Inc., by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of mail by aircraft between Miami, Fla., and Grand Turk Island, British West Indies, the facilities used and useful therefor, and the services connected therewith are:

1. For space-available mail (SAM), 11.47 cents; for military ordinary mail (MOM), 22.11 cents; and for all other mail, 34.43 cents per mail ton-mile, for the period March 16, 1972, through April 15, 1972. In computing such compensation, the mail ton-miles for each shipment of mail shall be based upon the nonstop great-circle mileage between the points of origin and destination of each shipment. The nonstop great-circle mileages shall be the mileages computed in accordance with the formula set forth in the notice to users of CAB official mileages issued May 21, 1970 (35 F.R. 8249).

2. The rates set forth in paragraph 1, above, shall be applied in accordance with the terms and conditions for each class of mail as set forth in Orders E-25654 as amended by Order E-26713, Order 69-9-8 as amended by Order 69-9-152, and Order 69-10-149 as amended.

3. The service mail rates tentatively fixed herein are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That:

1. All interested person, and particularly Mackey International, Inc., and the Postmaster General, are directed to show cause why the Board should not adopt

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[1] No objections to Order 72-3-7 have been filed.

the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days, or, if notice is filed and if answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Mackey International, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-6135 Filed 4-20-72;8:52 am]

[Docket No. 24281]

INDIVIDUAL INCLUSIVE TOUR BASING FARES TO HAWAII

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 16, 1972, at 10 a.m., local time, in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Henry Whitehouse.

In order to facilitate the conduct of the conference, parties are instructed to submit to the Examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before May 3, 1972, and the other parties on or before May 10, 1972. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., April 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc. 72-6136 Filed 4-20-72;8:52 am]

[Docket No. 18104, etc.]

REMANDED ADDITIONAL SERVICE TO SAN DIEGO CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled matter is assigned to be held before the Board on May 31, 1972, at 10 a.m., local time, in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

Dated at Washington, D.C., April 17, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-6137 Filed 4-20-72;8:52 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Associate Administrator, Foreign Agricultural Service, Office of the Administrator.

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

[FR Doc.72-6118 Filed 4-20-72;8:51 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Administrator, Foreign Economic Development Service, Office of the Administrator.

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

[FR Doc.72-6121 Filed 4-20-72;8:51 am]

DEPARTMENT OF COMMERCE

Notice of Title Change in Noncareer Executive Assignment

By notice of January 6, 1971, F.R. Doc. 71-151 the Civil Service Commission authorized the Department of Commerce to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Environmental Affairs. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Environmental Affairs and Director, Office of Environmental Affairs.

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

[FR Doc.72-6128 Filed 4-20-72;8:52 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Economic Policy Review, Assistant Secretary for Economic Affairs, Immediate Office.

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

[FR Doc.72-6122 Filed 4-20-72;8:51 am]

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Secretary, Office of the Secretary.

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

[FR Doc.72-6123 Filed 4-20-72;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Administrator, Office of Interstate Land Sales Registration, Office

of the Assistant Secretary for Mortgage Credit.

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

[FR Doc.72-6124 Filed 4-20-72;8:51 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Solicitor, Office of the Solicitor, Immediate Office.

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

[FR Doc.72-6120 Filed 4-20-72;8:51 am]

COST OF LIVING COUNCIL

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Cost of Living Council to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel, Price Commission.

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

[FR Doc.72-6119 Filed 4-20-72;8:51 am]

DEPARTMENT OF LABOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Deputy Director, Office of Federal Contract Compliance, Office of the Assistant Secretary for Workplace Standards.

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

[FR Doc.72-6125 Filed 4-20-72;8:51 am]

PHYSICIAN'S ASSISTANT, VA HOSPITAL, OKLAHOMA CITY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 29, 1972, for a single position of Physician's Assistant, GS-603-11, Veterans Administration Hospital, Oklahoma City, Okla.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

This authorization is self-canceling when the position is filled.

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

[FR Doc.72-6126 Filed 4-20-72;8:51 am]

DIRECTOR, D.C. PUBLIC LIBRARY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found, effective March 31, 1972, that there is a manpower shortage for the single position of Director, D.C. Public Library, District of Columbia Government. The appointee may be paid for the expenses of travel and transportation to his first post of duty.

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

[FR Doc.72-6127 Filed 4-20-72;8:52 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

APRIL 18, 1972.

On November 17, 1970, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a new comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products in all 64 categories from Portugal to the United States over a 4-year period beginning on January 1, 1971, and extending through December 31, 1974.

The Government of Portugal has requested that the U.S. Government prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and exported to the United States therefrom during the period beginning January 1, 1972, and extending through December 31, 1972, pending the establishment of a suitable administrative mechanism that would preclude circumvention of the export licensing system of the Government of Portugal. The U.S. Government has acceded to this request.

Accordingly, there is published below a letter of April 18, 1972. from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that upon publication of that letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and exported therefrom to the United States during the period beginning January 1, 1972, and extending through December 31, 1972, be prohibited.

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE
COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of Treasury,
Washington, D.C. 20226.

APRIL 13, 1972.

DEAR MR. COMMISSIONER: This directive amended the directive issued to you on December 21, 1971, by the Chairman of the President's Cabinet Textile Advisory Committee, concerning imports of cotton textiles and cotton textile products in certain categories produced or manufactured in Portugal.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of November 17, 1970, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective upon publication of this letter in the FEDERAL REGISTER, and until further notice, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manufactured in Portugal and which have been exported to the United States during the period beginning January 1, 1972, and extending through December 31, 1972.

Cotton textile products in Categories 41/42/43, 44, 53, 56, and 62, produced or manu-

factured in Portugal, which have been released from the custody of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

A detailed description of the Categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on October 9, 1971 (36 F.R. 19722).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule making provisions of U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

STANLEY NEHMER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources.

[FR Doc.72-6244 Filed 4-20-72;8:53 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Proposed Addition to Initial List

Notice is hereby given pursuant to section 2(a)(2) of the Act to create a Committee on Purchases of Blind-Made Products, as amended, 85 Stat. 79, of the proposed addition of the following commodities and services to the initial procurement list published on pages 16982 through 16997 of the FEDERAL REGISTER of August 26, 1971.

Class 4210:
- Rake, forest fire — 4210-203-3512

Class 4240:
- Shield, face — 4240-542-2048

Class 4520:
- Electric tube dehumidifier — 4520-971-8223
- Do — 4520-971-8224
- Do — 4520-971-8225
- Do — 4520-971-8226

Class 5120:
- Float, mortar — 5120-596-1076

Class 5440:
- Ladder, straight — 5440-816-2585
- Do — 5440-242-7151
- Do — 5440-814-5084
- Do — 5440-242-0995
- Do — 5440-816-2575
- Do — 5440-223-6029
- Do — 5440-223-6030

Class 5640:
- Insulation blanket, thermal — 5640-245-2478
- Do — 5640-245-2482

Class 5975:
- Rod, ground — 5975-296-5324

Class 6210:
- Globe light.
- Lighting fixture.
- Runway market light.
- Shipboard light.

Class 6220:
- Aircraft lights.
- Light, vehicular.
- Marine lighting.

Class 6230:
- Desk light.
- Table light.

Class 6532:
- Gown, operating surgical — 6532-717-3420
- Do — 6532-717-3421
- Do — 6532-717-3425
- Do — 6532-717-3426
- Do — 6532-717-3427
- Robe, dressing — 6532-044-7128
- Do — 6532-044-7129
- Do — 6532-044-7130
- Robe, dressing, Nomex — 6532-676050
- Do — 6532-676025
- Do — 6532-676000
- Coats and trousers, men's — 6532-105-5945
- Do — 6532-094275
- Do — 6532-094315
- Do — 6532-105-59[illegible]
- Do — 6532-931790
- Do — 6532-931840
- Smock, man's pharmacist — 6532-115-8774
- Do — 6532-115-8775
- Do — 6532-115-8776
- Do — 6532-122-0475
- Do — 6532-115-8777
- Do — 6532-115-8778
- Do — 6532-119-9606
- Smock, man's reversible — 6532-115-8766
- Do — 6532-115-8767
- Do — 6532-115-8768
- Smock, knee length — 6532-115-8769
- Do — 6532-115-8770
- Do — 6532-115-8771
- Do — 6532-115-8772
- Do — 6532-115-8782
- Do — 6532-115-8783
- Do — 6532-115-8784
- Do — 6532-115-8773
- Coat, man's, resident physician — 6532-107-2923
- Do — 6532-105-2336
- Do — 6532-094550
- Do — 6532-126-3387
- Do — 6532-484-5720
- Do — 6532-236-0326
- Do — 6532-107-2925
- Do — 6532-117-8990
- Smock, man's dental — 6532-763580
- Do — 6532-763583
- Do — 6532-763586
- Do — 6532-763589
- Do — 6532-763592
- Do — 6532-763595
- Do — 6532-763598

Class 6625:
- Lead set test — 6625-395-9313
- Do — 6625-752-7568
- Do — 6625-356-0209
- Do — 6625-030-0297
- Do — 6625-752-8153
- Do — 6625-390-5716
- Do — 6625-819-1644
- Do — 6625-045-4367
- Do — 6625-998-0066
- Do — 6625-626-6152
- Do — 6625-498-3303
- Do — 6625-801-1321
- Do — 6625-553-1442
- Do — 6625-079-1426
- Do — 6625-933-5322
- Do — 6625-649-4824
- Do — 6625-051-3492
- Do — 6625-647-2655
- Do — 6625-356-0223
- Do — 6625-715-3795
- Do — 6625-053-1462
- Do — 6625-816-4739

Class 7105:
- Chair, wood folding — 7105-227-1678

Class 7110:
- Dictionary stand — 7110-275-6219

Class 7210:
- Protector, hospital bed, mattress — 7210-761-1470
- Do — 7210-761-1471
- Tablecloths.

Class 7230:
- Curtain, doorway — 7230-223-5574

Class 7240:
- Holder, garbage can — 7240-082-6174

Class 7510:
- Pencil pointer — 7510-171-1742
- Do — 7510-237-4926
- Binders, looseleaf, special use and miscellaneous.
- Eraser typewriter.
- Pencils, lead cased, black drawing.
- Pencil assortment, colored, wood cased.

Class 7610:
- Training aids.

Class 7680:
- Training aids.

Class 8465:
- Badge, ID — 8465-802-9971
- Pail, canvas — 8465-582-1277

Class 9905:
- Signs and markers.

Military resale:
- Container, plastic, feed and water for dogs and cats.
- Planter boxes, redwood.
- Wine racks, redwood, assembled and unassembled.

Post Office Item:
- Mail carrier straps — D-1216-A (Type 1)
- Do — D-1216-B (Type 2)
- Do — D-1216-C (Type 3)

Services:
- Furniture refinishing—Sacramento, Calif., and 8-mile radius.

Furniture repair:
- Alabama—Birmingham and Mobile.
- California—Oakland, San Bernardino, San Francisco, San Jose, Santa Cruz, and Stockton.
- Colorado—Colorado Springs and Pueblo.
- Connecticut—New Haven.
- District of Columbia.
- Florida—Miami, St. Petersburg, and West Palm Beach.
- Illinois—Peoria.
- Indiana—Indianapolis and South Bend.
- Iowa—Des Moines, Iowa City and Waterloo.
- Kansas—Wichita.
- Louisiana—Shreveport.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- New York—New York.
- Pennsylvania—Lancaster and Pittsburgh.
- Oklahoma—Lawton, Muskogee, and Oklahoma City.
- Oregon—White City.
- Tennessee—Nashville.
- West Virginia—Charleston.
- Wisconsin—Madison, Milwaukee, and Racine.

Carpet cleaning:
- California—Oakland, San Francisco, and San Jose.
- Iowa—Des Moines.
- Pennsylvania—Philadelphia.
- Ohio—Dayton.
- Texas—Austin.

Grounds maintenance:
- Arizona—Tucson.
- California—Oakland, San Bernardino, San Francisco, and San Jose.
- Colorado—Colorado Springs.
- Connecticut—New Haven.
- Indiana—Evansville and Indianapolis.
- Iowa—Des Moines and Iowa City.
- Kansas—Wichita.
- Michigan—Battle Creek and Jackson.
- Nebraska—Omaha.
- Ohio—Canton.
- Oklahoma—Lawton.
- Pennsylvania—Philadelphia.
- Tennessee—Nashville.

Grounds maintenance—Continued
Texas—Austin and Forth Worth.
Washington—Pasco.
Wisconsin—Milwaukee.
Janitorial:
Arizona—Tucson.
California—Oakland, San Francisco, San Jose, and Stockton.
Colorado—Colorado Springs and Pueblo.
Connecticut—New Haven.
Illinois—Peoria.
Indiana—Evansville and Indianapolis.
Iowa—Des Moines and Iowa City.
Massachusetts—Pittsfield.
Michigan—Battle Creek and Jackson.
Nebraska—Omaha.
New York—New York.
North Carlonia—Durham.
Ohio—Canton and Dayton.
Oklahoma—Lawton and Oklahoma City.
Pennsylvania—Du Bois, Lancaster, Philadelphia and Pittsburgh.
Tennessee—Nashville.
Texas—Austin and Forth Worth.
Washington—Pasco.
Wisconsin—Milwaukee and Racine.
Printing:
Arizona—Phoenix.
California—Oakland and San Jose.
Colorado—Colorado Springs.
Florida—St. Petersburg.
Indiana—Evansville, Indianapolis, and South Bend.
Iowa—Des Moines.
Maryland—Baltimore.
Mississippi—Jackson.
Nebraska—Omaha.
New York—New York.
Ohio—Canton, Columbus, Dayton, and Youngstown.
Oklahoma—Tulsa.
Pennsylvania—Johnstown, Philadelphia, and Pittsburgh.
Tennessee—Nashville.
Texas—Corpus Christi, Lubbock, and San Antonio.
Wisconsin—Madison and Milwaukee.
Parking lot:
California—Oakland, San Bernardino, and San Francisco.
Colorado—Colorado Springs and Pueblo.
Connecticut—New Haven.
Florida—Miami.
Illinois—Peoria.
Indiana—Evansville and Indianapolis.
Iowa—Des Moines and Iowa City.
Massachusetts—Pittsfield.
Michigan—Battle Creek and Jackson.
Nebraska—Omaha.
Ohio—Canton and Dayton.
Oklahoma—Oklahoma City.
Pennsylvania—Du Bois, Lancaster, and Philadelphia.
Tennessee—Nashville.
Texas—Fort Worth and Lubbock.
Washington—Pasco.
Wisconsin—Madison.
Small Appliances:
California—Oakland, San Bernardino, San Francisco, San Jose, Santa Cruz, and Stockton.
Colorado—Colorado Springs.
Connecticut—New Haven.
District of Columbia.
Florida—Miami, St. Petersburg, and West Palm Beach.
Louisiana—Shreveport.
Illinois—Peoria.
Indiana—Indianapolis and South Bend.
Iowa—Iowa City.
Maryland—Baltimore.
Michigan—Battle Creek.
Nebraska—Omaha.
New York—New York.
Ohio—Canton, Dayton, Toledo, and Youngstown.
North Carolina—Durham.
Oklahoma—Muskogee and Oklahoma City.
Oregon—White City.
Pennsylvania—Du Bois, Lancaster, and Pittsburgh.
Tennessee—Nashville.
Texas—Austin, Fort Worth, Lubbock, and San Antonio.
West Virginia—Charleston.
Wisconsin—Madison and Milwaukee.
Venetian blind:
Alabama—Mobile.
California—Oakland, San Bernardino, San Francisco, and San Jose.
Colorado—Colorado Springs.
Connecticut—New Haven.
Florida—Miami and West Palm Beach.
Illinois—Peoria.
Indiana—South Bend.
Iowa—Des Moines and Waterloo.
Maryland—Baltimore.
Michigan—Kalamazoo.
Nebraska—Omaha.
New York—New York.
Ohio—Dayton.
Oklahoma—Tulsa.
Pennsylvania—Johnstown, Lancaster, and Philadelphia.
Tennessee—Nashville.
Washington—Pasco and Spokane.
Wisconsin—Madison and Milwaukee.
Watch repair:
California—Oakland.
Florida—Miami.
Maryland—Baltimore.
Ohio—Cincinnati.
Oklahoma—Lawton.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed addition may be filed with the Committee. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 1511 K Street NW., Washington, DC 20005.

By the Committee.

DANA C. FRANDSEN,
Acting Executive Director.

[FR Doc.72-6037 Filed 4-20-72;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 72-325]

LICENSEES OF STANDARD BROADCAST STATIONS

Additional Technical Information To Be Supplied in Connection with Applications for Renewal of License, or Modification of License To Remove or Modify Dissipative Networks

APRIL 7, 1972.

On April 5, 1972, the Commission amended Part 73 of its rules and regulations to make specific and direct provision for situations where standard broadcast stations are required to deliver to their antennas power at a level which differs from the rated station power. The amended rules provide that each station license will specify two values of power for each mode of operation, the rated station power, which will henceforth be called its "nominal power," and the power delivered to its antenna (antenna input power).

To implement this system, it is necessary that applications for renewal of license include certain items of information other than those presently required by FCC Form 303. This information should be provided on a separate sheet attached to Form 303, with renewal applications filed after October 1, 1972. One each licensee has supplied this information in a renewal application, subsequent renewal applications need not include it.

The information required in each case is:

The "nominal power" of the station for each mode[1] of operation. (This is the present licensed power of the station.)

The actual measured antenna or common point resistance for each mode of operation (R).

The antenna or common point current for each mode of operation (I).

The antenna input power for each mode of operation (I^2R).

For stations with nondirectional antennas, which have not been required to adjust antenna input power to a value lower than the rated transmitter power (the great majority of cases), the required information can be obtained directly from the current license (antenna input power and nominal power are of the same value).

Under both the previous and the amended rules, stations using directional antennas are permitted to deliver to their antenna systems power somewhat in excess of rated transmitter power to provide for losses in coupling elements. Heretofore, this added increment of power has been provided for in the station license by specifying a common point resistance which is 92.5 percent of the measured value for stations with rated (nominal) power of 5 kw., or less, and 95 percent of the measured value for stations with rated (nominal) power greater than 5 kw.

In the modified licensing system the rated power of the station will be called its nominal power. The common point resistance specified in the license will be the measured (and unadjusted) common point resistance, and the antenna input power will be specified, for stations with nominal power of 5 kw. or less, at a value 8 percent above nominal power, and for stations with nominal power in excess of 5 kw., at a value 5.3 percent above nominal power.

Certain stations are required to operate with antenna input power which is lower than the rated or nominal station power. The reduction in power, under the amended rules, may be accomplished by the insertion of a dissipative network in the antenna feed system, by a reduction in the output power of the transmitter below its rated level, or by a combination of both expedients.

Where a station has been authorized to operate with reduced transmitter output power, the antenna input power specified

[1] A "mode" of operation is a particular combination of power and antenna radiation pattern.

in its license, of course, will be at a lower value than its nominal power.

For stations employing dissipative networks the antenna resistance specified in the license will be the effective resistance at the input terminals of the network.

Licensees are not required to remeasure antenna or common point resistance to obtain the information required to be submitted with Form 303, but may utilize measurements on which the values specified in their current licenses are based. However, if in a particular case the Commission finds reason to question the accuracy of the information submitted, it may request supporting data, including up-to-date measurements, if this appears desirable.

Any station presently employing a dissipative network in its antenna system, and desiring to modify or eliminate this network in conjunction with a reduction of transmitter output power may request authority to do so on FCC Form 302, furnishing in section II–A of the form the technical information pertinent to the proposed conditions of operation, and, in addition, supplying the other information required by paragraph (c) of § 73.51, as amended. If the contemplated changes would affect the method of power reduction for presunrise operation authorized pursuant to § 73.99 of the rules, appropriate modification of Presunrise Service Authority should be requested separately by letter, signed in the manner specified in § 1.513 of the rules. Neither kind of application requires the payment of a filing fee.

Action by the Commission April 5, 1972. Commissioners Burch (Chairman), Bartley, Johnson, H. Rex Lee and Reid, with Commissioner Wiley concurring.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–6114 Filed 4–20–72;8:50 am]

BROADCAST REGULATION STUDY

APRIL 6, 1972.

The Commission is instituting a study, under the supervision of Commissioner Wiley, of its rules and regulations pertaining to broadcast stations, particularly radio, to determine if its regulatory authority is being exercised in a meaningful and pragmatic manner consistent with the public interest. To this end, each rule contained in Part 73 of the rules and regulations, which contains all of the rules pertaining to Radio and Television Broadcast Services will be analyzed to determine its current validity and whether it should be continued, modified or deleted. Additionally, new rules may be proposed which more accurately reflect the present state of the broadcast art. The resultant rules may be organized in a manner which will more clearly identify those which are applicable to the various types and classes of broadcast stations. Additionally, pertinent policy statements and requirements presently associated with Commission forms may also be incorporated into the proposed new rules.

As a result of this comprehensive study, it is hoped that a simpler, more readily understandable set of rules may be developed which will better identify the Commission's current regulatory requirements with respect to broadcasting stations, particularly radio, and will also assure that the operation of these stations continues to serve the public interest, convenience, and necessity.

The study will give due consideration to Commission proceedings relating to license renewals, substantial service, and the fairness doctrine which are now the subject of rule making proceedings in Dockets Nos. 19153, 19154, and 19260. The status of other rule making proceedings pertinent to Part 73 of the rules will also be considered. In addition, the Commission will also review recommendations of the Office of Telecommunications Policy in regard to the so-called "de-regulation" of radio broadcasting.

It is contemplated that the Commission's study will simultaneously progress in several areas, limited only by the availability of manpower and other resources. It should be emphasized that the end product of this study will be a formal rule making proceeding in which all interested parties may participate. However, in the interim, any individual or representative of any organization who wishes to express views or provide the Commission with suggestions in connection with the study may do so at any time. Submissions should be addressed to:

Part 73 Task Force, Room 314, Federal Communications Commission, Washington, D.C. 20554.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72–6115 Filed 4–20–72;8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

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 adduct 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. W. R. Purnell, Assistant Vice President, American Mail Line, Ltd., 601 California Street, San Francisco, CA 94108.

Agreement No. 9971–1 modifies the basic transshipment agreement between American Mail Line, Ltd. (AML), and American President Lines, Ltd. (APL), covering the movement of cargo under through bills of lading between ports of call of AML in Washington, Oregon, and British Columbia and ports of call of APL in the Philippines with transshipment at a port in Japan by adding ports in Taiwan and Hong Kong.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–6108 Filed 4–20–72;8:50 am]

JAPAN-ATLANTIC AND GULF FREIGHT CONFERENCE

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:

James E. Mazure, Chairman, Japan-Atlantic & Gulf Freight Conference, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-ku, Tokyo 104, Japan.

Agreement No. 3103–50 modifies the basic agreement of the Japan-Atlantic & Gulf Freight Conference by amending Article 25(d) (1) and (2) to permit the Conference's Neutral (self-policing) Body to investigate the records of Members' container yards, container freight systems, and terminal receiving system operators.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–6109 Filed 4–20–72;8:50 am]

PACIFIC WESTBOUND CONFERENCE

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 :

Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California Street, San Francisco, CA 94104.

Agreement No. 57–96 modifies the basic agreement of the Pacific Westbound Conference by (1) expanding the scope of the Conference's authority to permit point-to-point through or joint rates with carriers of other modes of transportation; and (2) permit the Conference's member lines individually to establish their own through or joint routes and rates with carriers of other modes from Atlantic and Gulf ports until such time as such through or joint routes and rates are adopted by the Conference and appear in the Conference's intermodal tariff.

Dated: April 18, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72–6110 Filed 4–20–72;8:50 am]

[Independent Ocean Freight Forwarder License 1218]

TRAFFIC-TRANSPORTATION SERVICES

Order of Revocation

By letter dated March 28, 1972, Traffic-Transportation Services, 2148 Shawano Avenue, Green Bay, WI 54303, was advised by the Federal Maritime Commission that independent ocean freight forwarder License No. 1218 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 26, 1972.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Traffic-Transportation Services has failed to furnish a surety bond.

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(g) (dated 9–29–70);

It is ordered, That the Independent Ocean Freight Forwarder License of Traffic-Transportation Services be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Traffic-Transportation Services be and is hereby revoked effective April 26, 1972.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Traffic-Transportation Services.

AARON W. REESE,
Managing Director.

[FR Doc.72–6111 Filed 4–20–72;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. E–7564]

CAROLINA POWER & LIGHT CO.

Notice of Filing of Settlement Agreement

APRIL 18, 1972.

Take notice that on April 3, 1972, Carolina Power and Light Co. (Carolina) tendered for filing in Docket No. E–7564 two proposed settlement agreements together with related revised tariff sheets. The proposed agreements would resolve all issues in Docket No. E–7564.

The settlement agreement between Carolina and the North Carolina Electric Membership Corp., representing the electric cooperative intervenors herein, provides for new rate schedule entitled "Resale Service Schedule RS–8". The settlement agreement between Carolina and Electricities of North Carolina, representing the municipal intervenors herein, provides for several modifications of terms and conditions as well as a new rate schedule entitled "Resale Service Schedule RS–9". Amounts collected by Carolina from the Municipalities and Cooperatives since May 28, 1971, in excess of those prescribed in Resale Service Schedules RS–9 and RS–8, respectively, shall be refunded by Carolina, with interest at the rate of 5½ per annum, within 60 days from the date of approval by the Commission of these settlement agreements.

Carolina requests that the Commission accept and approve the settlement agreements and concurrently accept the revised tariff sheets to be effective retroactively as of May 28, 1971.

Comments or objections to the proposed settlement agreement may be filed with the Federal Power Commission, Washington, D.C. 20426 on or before April 28, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–6104 Filed 4–20–72;8:49 am]

[Docket No. E–7723]

POTOMAC EDISON CO.

Notice of Proposed Rate Increase

APRIL 18, 1972.

Take notice that on March 29, 1972, The Potomac Edison Co. tendered for filing proposed amendments to its rate schedules WS–LV, WS–DV, and WS–HV in its Electric Tariff Volume No. 2. Potomac Edison states that approximately $202,000 of additional revenues based on the 12 months ended April 30, 1972, will result from the increased rates, exclusive of revenues from the operation of the fuel adjustment clause included as a proposed amendment. Potomac Edison proposes that the increased rates become effective May 1, 1972, and requests the Commission to waive any requirements not already complied with to permit the rates to become effective.

All of the customers who take service under the rate schedules to be amended and interested state commissions were mailed copies of the proposed rate schedules.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 26, 1972. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6105 Filed 4-20-72;8:50 am]

[Docket No. E-7725]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Application

APRIL 18, 1972.

Take notice that on April 10, 1972, Public Service Company of Indiana, Inc. (applicant) of Plainfield, Ind., filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of $60 million in unsecured promissory notes to commercial banks and to commercial paper dealers.

The promissory notes to be issued by the applicant to commercial banks will be issued on various days prior to June 30, 1973, but no note will mature more than 12 months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate of the banks in effect from time to time.

The promissory notes issued to commercial paper dealers will be issued on various days prior to June 30, 1973, but no note will mature more than 9 months after date of issue nor will any note be extended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed $45 million, an amount which is less than 25 percent of applicant's gross revenues during the 12 months of applicant's operations ending January 31, 1972.

The proceeds from the issuance of the Notes will be used, among other things, to finance in part the applicant's construction program through 1974. Applicant estimates that construction expenditures through 1974 will total about $346,005,000.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 11, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-6106 Filed 4-20-72;8:50 am]

[Docket No. CI72-657]

DOW CHEMICAL CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, the Dow Chemical Co. (applicant), 3636 Richmond Avenue, Houston, TX 77027, filed in Docket No. CI72-657 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 6 million Mcf have been delivered, whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily quantity to be delivered is 33,000 Mcf of gas. Applicant states that it is advised that the instant sale is necessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilities for use during the winter months of 1972-73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

Applicant, a small producer certificate holder in Docket No. CS71-318 under § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40), states that it will accept a certificate in the instant proceeding providing the Commission recognizes applicant's small producer status and provides that such status shall not be affected by the issuance of a certificate herein and that the sales under a certificate issued herein shall not be credited as part of the 10 million Mcf of gas which may be sold annually by a small producer before loss of its status as a small producer.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 1972, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or protest 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. 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.72-6087 Filed 4-20-72;8:48 am]

[Docket No. CP72-246]

INTRATEX GAS CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, Intratex Gas Co. (applicant), Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP72-246 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 10 million Mcf have been delivered, whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily

quantity to be delivered is 55,000 Mcf of gas. Applicant states that it is advised that the instant sale is necessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilities for use during the winter months of 1972–73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 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 herein 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 revew 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.72-6088 Filed 4-20-72;8:48 am]

[Docket No. CP72-245]

OKLAHOMA NATURAL GAS CO.

Notice of Application

APRIL 18, 1972.

Take notice that on April 12, 1972, Oklahoma Natural Gas Co. (applicant), 624 South Boston Avenue, Tulsa, OK 74119, filed in Docket No. CP72-245 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle) in Kingfisher County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell and deliver up to 40,000 Mcf of natural gas per day to Panhandle for 1 year from the date of initial delivery at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that it has been advised by Panhandle that additional volumes of flowing gas on Panhandle's system are needed to assist in maintaining injection schedules into Panhandle's underground storage reservoirs and to maintain adequate service to Panhandle's existing customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 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.72-6089 Filed 4-20-72;8:48 am]

[Docket No. CP72-247]

TENNGASCO INC.

Notice of Application

APRIL 18, 1972.

Take notice that on April 13, 1972, Tenngasco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-247 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) in Ward and Winkler Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell gas for 6 months commencing May 15, 1972, or until 4 million Mcf have been delivered whichever occurs first, at the rate of 35 cents per Mcf at 14.65 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The average daily quantity to be delivered is 22,000 Mcf of gas. Applicant states that it is advised that the instant sale is ncessary for the purposes of aiding Natural to assure maintenance of adequate natural gas service in its pipeline system and of furnishing gas to Natural for injection into storage facilites for use during the winter months of 1972–73 or during any earlier emergency, each of which purposes will minimize curtailment of service to Natural's customers.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 28, 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. 72-6090 Filed 4-20-72;8:48 am]

FEDERAL RESERVE SYSTEM

BEZANSON INVESTMENTS, INC., AND MORAMERICA FINANCIAL CORP.

Acquisition of Bank

Bezanson Investments, Inc., Cedar Rapids, Iowa, and its subsidiary, MorAmerica Financial Corp., Cedar Rapids, Iowa, have applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) for MorAmerica Financial Corp. to acquire directly, and for Bezanson Investments, Inc., to acquire indirectly, 76 percent of the voting shares of First Trust and Savings Bank, Wheatland, Iowa. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc. 72-6063 Filed 4-20-72;8:46 am]

CARLTON AGENCY, INC.

Formation of Bank Holding Company and Proposed Acquisition of First National Bank Insurance Agency

Carlton Agency, Inc., Carlton, Minn., has submitted an amended proposal for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Carlton National Bank, Carlton, Minn. Applicant's original application was denied by Board Order dated January 27, 1972 (37 F.R. 2698).

Carlton Agency, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of First National Bank Insurance Agency, Carlton, Minn. Notice of the application was published on March 30, 1972, in the Pine Knot-News Graphic, a newspaper circulated in Carlton, Minn. (An earlier identical application was rendered moot by virtue of the Board's denial of the application to form the holding company. This application has been resubmitted as part of an amended proposal to form the holding company.)

The proposed subsidiary would perform the activity of a general insurance agency in a community that has a population of less than 5,000. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6064 Filed 4-20-72;8:46 am]

HUME BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Hume Bancshares, Inc., Hume, Mo., 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)) of formation of a bank holding company through acquisition of 89.3 percent or more of the voting shares of Hume Banking Company, Hume, Mo. (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 is a nonoperating corporation formed for the express purpose of acquiring Bank which has aggregate deposits of approximately $0.8 million. (All banking data are as of June 30, 1971.) Applicant has no present operations or subsidiaries, and consummation of the proposal would not adversely affect existing or potential competition, nor have an adverse effect on any bank in the area.

Applicant proposes to make an equal offer to all shareholders. Applicant's financial resources and future prospects are dependent upon those of Bank. However, its projected earnings appear to be sufficient to service the debt which it will incur upon consummation of the proposed transaction without adversely affecting Bank's capital structure. These considerations are consistent with approval of the application. Consummation of the proposed transaction would stabilize ownership and management of Bank, and considerations relating to the financial and managerial resources and future prospects of Bank thus weigh toward approval of the application. Considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the 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 Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] April 17, 1972.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.72-6065 Filed 4-20-72;8:46 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Montrose National Bank, Montrose, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sheehan.

in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6067 Filed 4-20-72;8:46 am]

UNITED TENNESSEE BANCSHARES CORPORATION

Acquisition of Bank

United Tennessee Bancshares Corp., Memphis, Tenn., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Trust & Savings Bank, Paris, Tenn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 8, 1972.

Board of Governors of the Federal Reserve System, April 17, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6066 Filed 4-20-72;8:46 am]

VIRGINIA COMMONWEALTH BANKSHARES, INC.

Proposed Retention of Rusch Factors, Inc.

Virginia Commonwealth Bankshares, Inc., Richmond, Va., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Rusch Factors, Inc., Richmond, Va. Notice of the application was published respectively on March 1, 2, and 3 in the following newspapers: The Richmond Times-Dispatch, a newspaper circulated in Richmond, Va.; the New York Times, a newspaper circulated in New York City, N.Y.; the Providence Journal, a newspaper circulated in Providence, R.I.

Applicant states that the subsidiary would continue to engage in the activities of factoring and commercial financing. Such activities have been specified by the Board in § 225.4(a)(1) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6068 Filed 4-20-72;8:46 am]

VOYAGEUR BANCSHARES, INC.

Formation of Bank Holding Company and Proposed Acquisition of Citizens State Insurance Agency

Voyageur Bancshares, Inc., Montgomery, 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 acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the Citizens State Bank, Montgomery, Minn. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Voyageur Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of the Citizens State Insurance Agency, Montgomery, Minn. Notice of the application was published on February 17, 1972, in the Montgomery Messenger, a newspaper circulated in Montgomery, Minn.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a)(9) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 12, 1972.

Board of Governors of the Federal Reserve System, April 14, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary.

[FR Doc.72-6069 Filed 4-20-72;8:46 am]

FEDERAL TRADE COMMISSION

SPECIAL REPORTS RELATING TO LARGE CORPORATE MERGERS

Requirements Concerning Notification and Submission

Notice is hereby given that the Federal Trade Commission will require firms undertaking large corporate mergers or acquisitions to notify the Commission and supply special reports pursuant to section 6 (a) and (b) of the Federal Trade Commission Act (15 U.S.C. 46 (a) and (b)).

The Commission's requirements apply to any merger or acquisition involving firms which (1) are subject to the Commission's jurisdiction, (2) have assets or sales of $10 million or more, and (3) have combined assets or sales of $250 million or more. For mergers and acquisitions meeting these criteria, the notification and reporting requirements are as follows:

(1) Within 10 days after any agreement or understanding in principle is reached to merge or to acquire assets of $10 million or more, and no less than 60 days prior to the consummation of the merger or acquisition, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, the parties to the agreement shall notify the Commission of the proposed merger or acquisition; and any such party with assets or sales of $250 million or more shall also be required to file a special report in response to an order of the Commission;

(2) Upon becoming a party to an agreement or understanding as defined in Item (1), above, any corporation with assets or sales of less than $250 million may also be required to file a Special Report in response to an order of the Commission;

(3) Within 10 days after amassing 10 percent or more of the voting stock of another corporation with assets or sales of $10 million or more, any acquiring corporation with assets or sales of $250 million or more shall notify the Commission of such stock holdings and shall also be required to file a special report in response to an order of the Commission; and any acquiring corporation with assets or sales of less than $250 million, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a special report;

(4) At least 60 days prior to effecting a stock acquisition which will result in the acquiring corporation holding 50 percent or more of the voting stock of another corporation with assets or sales of $10 million or more, any acquiring corporation with assets or sales of $250 million or more shall notify the Commission of the proposed acquisition and shall also be required to file a special report in response to an order of the Commission; and any acquiring corporation with assets or sales of less than $250 million, if the combined assets or sales of the acquiring and acquired corporations are $250 million or more, shall notify the Commission and may also be required to file a special report;

(5) Any corporation whose voting stock has been acquired in the amount set forth in Item (3), above, or whose voting stock is the subject of a proposed acquisition as set forth in Item (4), above, may be required to file a special report in response to an order of the Commission.

Notifications filed pursuant to these requirements will constitute a part of the public records of the Commission, but the special reports filed pursuant to order of the Commission will constitute a part of the Commission's confidential records. Special reports will be made available to the Commission's staff and, upon a request complying with § 4.11(c) of the Commission's rules of practice and procedure, may be made available to the Department of Justice and other governmental agencies.

The foregoing requirements pertaining to notification will become effective for all corporations within the coverage of such requirements on the date of publication of this notice in the FEDERAL REGISTER, and this publication constitutes notice to all such corporations that they are required to comply therewith. Proper notification will consist of a letter indicating the names and mailing addresses of the corporations involved, the type of (proposed) transaction, the date of the agreement (if any), and the consummation date of the (proposed) merger or acquisition.

The effective date of the requirements pertaining to filing of special reports will be, for each corporation, the date upon which that corporation receives an order requiring filing of special report from the Commission. The date upon which the special report must be filed will be the date designated as "Reporting Date" in the special report form.

The Commission's initiation of this procedure should not be interpreted to mean that corporations must request Commission approval prior to the consummation of any mergers or acquisitions, nor should the fact that the Commission has not challenged a merger or acquisition prior to its consummation be interpreted as Commission approval of the legality of the transaction. However, the Commission will continue to provide advisory opinions, as provided by its rules of practice and procedure, regarding the legality of particular mergers and acquisitions and invites those contemplating merger to avail themselves of this program in any situation in which they are uncertain as to the legality of the proposed transaction.

Issued: April 17, 1972.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.72-6249 Filed 4-20-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

CANADIAN JAVELIN, LTD.

Order Suspending Trading

APRIL 13, 1972.

The common stock, no par value, of Canadian Javelin, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6075 Filed 4-20-72;8:47 am]

[File 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period April 15, 1972, through April 24, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6076 Filed 4-20-72;8:47 am]

[File 500-1]

FIRST FIDELITY CO.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, of First Fidelity Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6077 Filed 4-20-72;8:47 am]

[File 500-1]

MERIDIAN FAST FOOD SERVICES, INC.

Order Suspending Trading

APRIL 13, 1972.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Meridian Fast Food Services, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from April 16, 1972, through April 25, 1972.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.72-6078 Filed 4-20-72;8:47 am]

[70-5186]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Proposed Issue and Sale of Promissory Notes to Banks

APRIL 14, 1972.

Notice is hereby given that Vermont Yankee Nuclear Power Corp. (Vermont Yankee), 77 Grove Street, Rutland, VT 05701, an electric utility company and an indirect subsidiary company of both Northeast Utilities and New England Electric System, registered holding companies, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Vermont Yankee is constructing a nuclear-powered electric generating plant with a net expected capacity of approximately 540 megawatts which is expected to be in operation in 1972. The total capital cost of the plant, excluding the cost of the initial inventory of nuclear fuel of about $21 million, is estimated at $186,850,000. Its 10 sponsor companies are committed by capital fund requirements and power contracts to provide Vermont Yankee, in accordance with their stock percentages, the capital required by Vermont Yankee, and to purchase a like percentage of the capacity and power output of the Vermont Yankee plant on a cost-of-service basis, which includes an appropriate return on their investment.

Vermont Yankee proposes to finance the completion of its plant by short-term borrowings from banks. Bankers Trust Co. and the First National Bank of Boston have agreed to make short-term loans to Vermont Yankee up to an aggregate at any time outstanding of $36 million, the proceeds of which will be used (i) to pay the loans under a 1971 Revolving Credit Agreement, which amounted to $14,700,000 at February 29, 1972, and (ii) to pay construction costs of the Vermont Yankee plant.

The proposed loans will be made from time to time prior to the maturity date of December 1, 1972, will be allocated between the two banks, will be evidenced by notes which will mature the earlier of (i) 90 days after the date of issuance, or (ii) the maturity date, and will bear interest at 1 percent above the best rate of Bankers Trust Co. on 90-day unsecured loans in effect at the time of each loan. Such best rate was 4¾ percent per annum on March 29, 1972. The maturity date is December 1, 1972, or if certain conditions are met, it will be extended to December 29, 1972. It is stated that no compensating balances are required to be maintained at the banks by Vermont Yankee. A commitment fee of one-half of 1 percent per annum is required on the average daily unused portion of the total commitment for the period commencing on the earlier of (i) May 31, 1972, or (ii) the date the loans exceed $21 million, through the day before the maturity date. It is stated that the proposed borrowings made will be paid out of the proceeds of long-term financing when the plant goes into commercial operation.

It is further stated that the Vermont Public Service Board has jurisdiction over the issue and sale of the notes and that no other State commission or any Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are to be filed by amendment.

Notice is further given that any interested person may, not later than May 4, 1972, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) anl 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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.72-6079 Filed 4-20-72;8:47 am]

TARIFF COMMISSION

IMPORTATION OF CERTAIN LIGHTWEIGHT LUGGAGE AND RECOMMENDS EXCLUSION FROM ENTRY

Reports to the President

APRIL 18, 1972.

The Tariff Commission today transmitted to the President its report of an investigation (No. 337-28) involving certain lightweight luggage. The report contains the Commission's final findings of a violation of section 337 of the Tariff Act of 1930 and its recommendation for permanent exclusion from entry of the luggage in question.

The investigation was instituted in response to a complaint filed by Atlantic Products Corp., Trenton, N.J. The Commission found (Chairman Bedell and Vice Chairman Parker not participating) unfair methods of competition and unfair acts in the importation and sale of certain lightweight luggage manufactured in accordance with the claims of U.S. Patents Nos. 3,298,480 and Re. 26,443, owned by the complainant, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission is recommending to the President that he order the permanent exclusion from entry into the United States of the articles manufactured in accordance with the claims of said patents, until the expiration of such patents, except where the importation is made under license of the registered owner of the patents.

In response to the Commission's preliminary investigation (TC Publication 391), the President, on December 13, 1971, directed the Secretary of the Treasury to enforce a temporary exclusion order against imports of the luggage in question. The Commission's report on its full investigation (TC Publication 463) was published on February 11, 1972. Section 337 of the Tariff Act of 1930 provides that, subsequent to the publication of the Commission's findings, a rehearing before the Commission may be requested, and, in addition, the importers concerned may within 60 days appeal from the Commission's findings to the Court of Customs and Patent Appeals. No request for a rehearing before the Commission and no appeal to the Court of Customs and Patent Appeals were made. Consequently, the Commission's findings have become final, and, in accordance with section 337 of the Tariff Act of 1930, the President may act on its recommendation of permanent exclusion.

Copies of the Commission's report (TC Publication 463) are available upon request as long as the limited supply lasts. Requests should be addressed to the Secretary, U.S. Tariff Commission, Eighth and E Streets, NW., Washington, D.C. 20436.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.71-6098 Filed 4-20-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

APRIL 18, 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.

FFC–46, Honolulu Freight Service-Vs-Hawaiian Express Service, Inc., now being assigned hearing June 22, 1972 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

MC 73688 Sub 51, Southern Trucking Corp., now being held May 2, 1972, at Dallas, Tex., hearing is canceled and application, dismissed.

MC 55581 Sub 24, Utah Pacific Transport Co., now being assigned hearing June 19, 1972, (3 days), at Los Angeles, Calif., in a hearing room to be later designated.

FD 26924, Great Western Railway Co. abandonment between Officer and Eaton, In Weld and Larimer Counties, Colo., now assigned April 24, 1972, at Greeley, Colo., postponed indefinitely.

MC 135772, Barrett Transfer & Storage, Co., now assigned April 24, 1972, at Seattle, Wash., postponed to May 15, 1972, at the Edgewater Inn, 2411 Alaskan Way, Pier 67, Seattle, Wash.

MC–F–10788, Eastern Freight Ways, Inc.—Control—E. J. Scanell, Inc., & Central States Transportation Co., Inc., and FD 26128 Eastern Freight Ways, Inc., assumption of obligation and liability, now assigned April 25, 1972, at Washington, D.C., postponed to June 26, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135602, Road Hog, Inc., now assigned May 8, 1972, at New York, N.Y., canceled and the application is dismissed.

MC 111812 Sub 454, Midwest Coast Transport, Inc., now assigned May 12, 1972, at Washington, D.C., postponed to July 11, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–6142 Filed 4–20–72;8:53 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1972.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42400—*Beet or cane sugar from Baltimore, Md., and Philadelphia, Pa.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3015), for interested rail carriers. Rates on sugar, beet or cane, other than raw, dry, in bulk in covered hopper cars, as described in the application, from Baltimore, Md., and Philadelphia, Pa., and points taking same rates, to Chicago, Ill., and points grouped therewith.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C–729. Rates are published to become effective on May 15, 1972.

FSA No. 42401—*Clay, kaolin, or pyrophyllite to points in Southern Freight Association Territory.* Filed by M. B. Hart, Jr., Agent (No. A6303), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, as described in the application, from Aberdeen, Miss., and points taking same rates, to points in Southern Freight Association territory.

Grounds for relief—Rate relationship.

Tariff—Supplement 97 to Southern Freight Association, Agent, tariff ICC S–711. Rates are published to become effective on May 18, 1972.

FSA No. 42402—*General commodities between ports in Hong Kong, Japan, and Korea and rail stations and water carrier terminals on the U.S. Atlantic and Gulf Seaboard.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 1), by "K" Line—Kerr Corp., General Agents, for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—Rates as to which relief is requested are to be found in "K" Line Intermodal Tariffs Nos. 1, 2, and 3, as soon as tariffs are completed.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–6143 Filed 4–20–72;8:53 am]

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