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PART I

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HIGHLIGHTS OF THIS ISSUE

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

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Rules and Regulations

Title 7—AGRICULTURE

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

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

Full Payment Promptly

On June 9, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 11586) stating that the Department of Agriculture was considering amending 7 CFR Part 46 to redefine the term "full payment promptly" and to specify that a confirmation or memorandum of sale issued by a broker should include any express agreement as to the time when payment is due. The amendment is intended to clarify and strengthen the definition of "full payment promptly" by providing primary rules as to time of payment in various situations; for example, in a purchase transaction that payment is due in 10 days after the produce is accepted by the buyer and that, as an exception to such rules, the parties to a transaction may agree, but only by express agreement, on a different time for payment.

Interested persons were invited to submit written data, views, or arguments within 30 days after publication. A number of written comments were received, all favoring the proposed amendment to the regulations.

Accordingly, the regulations (other than rules of practice) issued pursuant to authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531, as amended; 7 U.S.C. 499a et seq.) are amended as follows:

1. Amend 7 CFR 46.2(aa) to read as follows:

§ 46.2 Definitions.

* * * * *

(aa) "Full payment promptly" is the term used in the act in specifying the period of time for making payment without committing a violation of the act. "Full payment promptly," for the purpose of determining violations of the act, means:

(1) Payment of the net proceeds for produce received on consignment or the pro rata share of the net profits for produce received on joint account, within 10 days after the day on which the final sale with respect to each shipment is made;

(2) Payment by growers, growers' agents, or shippers of deficits on consignments or joint account transactions, within 10 days after the day on which the accounting is received;

(3) Payment of the purchase price, brokerage, and other expenses to buying brokers who pay for the produce, within 10 days after the day on which the broker's invoice is received by the buyer;

(4) Payment of brokerage earned and other expenses in connection with produce purchased or sold, within 10 days after the day on which the broker's invoice is received by the principal;

(5) Payment for produce purchased by a buyer, within 10 days after the day on which the produce is accepted;

(6) Payment to growers, growers' agents, or shippers by terminal market agents or brokers, who are selling for the account of a grower, growers' agent, or shipper and are authorized to collect from the buyer or receiver, within 5 days after the agent or broker receives payment from the buyer or receiver;

(7) Payment to the principal, within 10 days after receipt, of net proceeds realized from a carrier claim in connection with a consignment transaction or, in connection with a joint account transaction, payment to the joint account partners of their share of the joint account net proceeds realized from a carrier claim;

(8) Payment by growers' agents, or shippers distributing individual lots of produce for or on behalf of others, within 5 days after receipt of payment from the purchaser or receipt of the net proceeds on consigned or joint account transactions;

(9) Partial payments at reasonable intervals during the shipping season by a growers' agent or shipper who harvests, packs, or distributes entire crops or multiple lots therefrom for or on behalf of others and final payment within a reasonable time following the close of the season's transactions: *Provided, however,* That as an exception to subparagraphs (1) through (9) of this paragraph, the parties may, by express agreement at the time the contract is made, provide a different time for payment, and if they have so agreed, then payment within the time provided shall constitute "full payment promptly": *Provided further,* That the party claiming the existence of such express agreement as to time of payment shall have the burden of proving it.

Nothing in the regulations in this part shall limit the seller's privilege of shipping under a closed or advise bill of lading or other arrangement requiring cash on delivery unless there has been express prior agreement to the contrary between the parties; or prohibit cooperative associations from settling with their members on the basis of seasonal pools or other arrangements provided by their regulations or bylaws. Payment in connection with any transaction or situation not specifically covered herein shall be made within a reasonable time; and, if there is a dispute concerning a transaction, the foregoing time periods apply only to the undisputed amount.

* * * * *

§ 46.28 [Amended]

2. That portion of 7 CFR 46.28(a) which reads: "After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth truly and correctly all of the essential details of the agreement between the parties." is hereby amended to read: "After all parties agree on the terms and the contract is effected, the broker shall prepare in writing and deliver promptly to all parties a properly executed confirmation or memorandum of sale setting forth truly and correctly all of the essential details of the agreement between the parties, including any express agreement as to the time when payment is due."

(Sec. 15, 46 Stat. 537, as amended; 7 U.S.C. 499o)

Effective date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER.

Dated: July 18, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.72-11299 Filed 7-20-72;8:52 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 725—FLUE-CURED TOBACCO

Subpart—Flue-Cured Tobacco, 1970–71 and Subsequent Marketing Years

MISCELLANEOUS AMENDMENTS

Basis and Purpose. This amendment is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281, et seq.).

The main purpose of this amendment is to extend the period for leasing and transferring flue-cured tobacco acreage allotments and marketing quotas pursuant to Public Law 92-311, approved June 6, 1972. Other changes are included.

The changes in the regulations to incorporate this amendment are as follows:

1. Section 725.72 is completely rewritten and paragraph (i) of § 725.87 is added to incorporate the provisions of Public Law 92–311.

2. Section 725.87 is amended by adding a new paragraph (a)(3) to provide that a person who is not a producer on a farm in the current year shall not have the right to use the marketing card issued for the farm to market his proportionate share of any carryover tobacco.

3. In § 725.87, subparagraphs (1), (2), and (3) of paragraph (f) are revised to incorporate a change in the format of the 1972 flue-cured tobacco marketing card (MQ–76) which eliminates the 10 percent of quota space on the reverse side of the marketing card.

4. In § 725.87, paragraph (h) is revised to provide for entering other data on marketing cards when specified by the Deputy Administrator.

5. In § 725.91, paragraphs (a) and (e)(3) are amended to provide that tobacco marketed from a farm in a quota area shall be identified by Form MQ–76 unless an AMS certification shows it to be nonquota tobacco, to eliminate provision for entering 10 percent of quota on reverse side of marketing card and to clarify that auction warehouses shall keep separate records for nonquota as well as quota tobacco.

Tobacco farmers are nearing the marketing stage with their 1972 crop of flue-cured tobacco covered by these regulations and need to know the provisions of the amendments herein. Hence, it is essential that the amendments contained herein be made effective at the earliest possible date. Accordingly, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. The amendments contained herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

The amendments are as follows:

1. Section 725.72 is revised to read as follows:

§ 725.72 Lease and transfer of tobacco marketing quotas.

(a) *General.* For the 1970 and subsequent crop years, notwithstanding the provisions of §§ 725.51 through 725.71, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm tobacco acreage allotment is established for the current year may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's allotment (old or new farm) for flue-cured tobacco for use on such farm. The allotment established for a farm as pooled allotment under Part 719 of this chapter may be leased and transferred during the 3-year life of the pooled allotment. The lease and transfer of marketing quotas shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) *Lease agreement period.* Any lease for 1970 shall be made on an annual basis, and any lease for the 1971 and subsequent crops shall be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree.

(c) *Filing and approval of transfer agreement*—(1) *General.* The approval or disapproval of an agreement to transfer all or any part of an effective farm marketing quota shall be the responsibility of the county committee. Notwithstanding this paragraph, the county committee may redelegate authority to approve transfers to the county executive director or other county office employees. In addition, county office employees in market town locations designated by the State committee shall have authority to approve annual transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located.

(2) *Filing transfer agreements.* The transfer by lease of an effective farm marketing quota or any part thereof shall not be effective until a copy of the lease, determined by the county committee to be in compliance with the provisions of this section, is filed by the parties to the transfer with the county committee of the county where the farms are administratively located or with a designated county office employee at a market town location not later than November 30 of the current crop year. The filing of a properly executed record of transfer of allotment or quota, Form ASCS–375, will be considered to meet the requirements of this paragraph.

(3) *Record of transfer on ASCS–375.* No lease and transfer of any quota under this section for 1972 and subsequent crops shall become effective until a record of the transfer has been executed on Form ASCS–375 and filed with the county committee by the parties to the transfer: *Provided*, That county office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located. If the owner and operator of the farm from which transfer by lease is made are different persons, both owner and operator shall execute the record of transfer; however, only the signature of the owner or operator of the receiving farm is required. A State or county committee member or employee must witness the signature of either the owner or operator of the transferring farm and the owner or operator of the receiving farm. If such signatures cannot be witnessed in the county office where the farm is administratively located or in a market town location, they may be witnessed in any State or county office convenient to the owner's or operator's residence. The requirement that signatures be witnessed for producers who are ill, infirm, reside in distant areas, or similar hardship cases may be met by mail, provided a verbal request is made by the producer.

(4) *Approval of transfer agreement filed after June 14.* Notwithstanding subparagraphs (1) through (3) of this paragraph (c), the approval of a transfer by lease of any marketing quota filed after June 14 of the current crop year shall be subject to the following:

(i) If the lessor's farm marketing quota is 2,000 pounds or less, any transfers may be approved subject to other conditions and limitations in this section; or

(ii) If the lessor's farm marketing quota exceeds 2,000 pounds, the transfer shall not be approved unless the acreage of tobacco planted on both the lessee's and lessor's farm during the current year was at least 50 percent of the farm acreage allotment in effect for each of such farms at the time of certification of acreage. In the case of a revised certification of acreage for the farm, the last certification filed shall be the one used for determining if the farm meets the 50 percent planting provision, applicable to leases and transfers filed after June 14.

(5) *Approval of transfer agreements filed after final certification date.* Approval of any transfer agreement filed after the final certification date for the county shall be limited to 1 year. The 50 per centum of cropland limitation in paragraph (d) of this section shall not apply to 1-year leases approved under this subparagraph.

(6) *Approval of leases for pyramiding quota prohibited.* The county committee shall not approve a lease and transfer to a farm where it is determined that the primary purpose of the transfer is to pyramid the quota on the farm (Pyramiding for the purpose of this subparagraph means leasing to and from the farm for a period of 2 or more years to protect and increase the quota with no satisfactory evidence of plans for producing the quota during such period.)

(d) *Marketing quota basis for lease and transfer.* Marketing quota, pound for pound, shall be the basis for lease and transfer under the acreage-poundage program. The computed acreage for pounds leased and transferred to a lessee farm (the sum of its own allotment and the upward adjustment in acreage for lease and transfer) shall not exceed 50 per centum of the cropland acreage in the lessee farm, but this proviso shall not apply to transfers approved under subparagraph (5) of paragraph (c) of this section. The maximum marketing quota that may be leased and transferred from a farm shall be limited to the effec-

tive farm marketing quota for the lessor farm.

(e) *Adjustment of acreage allotment.* The acreage allotment for a farm involved in a lease and transfer agreement shall be adjusted as follows:

(1) The acreage allotment for the lessee farm shall be adjusted upward by the number of acres obtained by dividing the pounds leased and transferred to the farm by the current year's farm yield for the lessee farm.

(2) The acreage allotment for the lessor farm shall be adjusted downward by the number of acres obtained by dividing the pounds leased and transferred from the farm by the current year's yield for the lessor farm.

(f) *Allotment acreage considered fully planted.* For purpose of establishing allotments for subsequent years, the tobacco acreage computed for pounds transferred from a lessor farm shall be considered to have been planted on the lessor farm.

(g) *Marketing quota for a new farm.* Marketing quota established for a new farm shall not be transferred by lease.

(h) *Farms under long-term land use programs.* Transfer of an allotment and quota to or from a farm covered by a long-term land use program agreement shall not be approved if the transferring or receiving farm has the allotment crop base designated under such program agreement.

(i) *Pooled allotments.* Marketing quotas established for allotments in a pool pursuant to Part 719 of this subchapter may be eligible for transfer during the 3-year life of the pooled allotment. An agreement to transfer shall not serve to extend the life of such pooled alltoment.

(j) *Subleasing and limitation on transfer to and from a farm*—(1) *No subleasing.* No transfer shall be made from a farm receiving quota under a transfer agreement for the term of the transfer agreement.

(2) *Limitation on lease and transfer to and from a farm.* If a transfer agreement is in effect for any farm, no transfer of quota shall be made (i) from such farm receiving quota by transfer or (ii) to such farm which had quota transferred from it.

(k) *Revised notices.* A revised notice showing the effective farm acreage allotment and effective farm marketing quota after transfer shall be issued by the county committee to each of the operators of all farms involved in the transfer agreement.

(l) *Violations.* If consideration of a violation is pending which may result in an allotment reduction for a farm for the current year, the county committee shall delay approval of any lease and transfer until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for the current crop year before April 1, a 1-year transfer may be approved by the county committee. In any case, if, after a transfer of a tobacco marketing quota has been approved by the county committee, it is determined that the allotment for the farm from which or to which the marketing quota is leased is to be reduced for a violation, the allotment reduction for such farm shall be delayed until the following year.

(m) *Zero allotment and zero marketing quota farms.* If the effective farm acreage allotment and effective farm marketing quota for a farm for the current year are reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota for flue-cured tobacco may be transferred to such farm for the current year.

(n) *Marketing quota after transfer approval.* The acreage allotment and marketing quota finally determined (after transfer) for a farm under the provisions of this section shall be the allotment and marketing quota for such farm for the current year only for the purposes of determining: (1) Excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, (3) eligibility for price support, (4) undermarketings and overmarketings, and (5) the amount of reduction in allotment and quota for violation of the tobacco marketing quota regulations. Notwithstanding this paragraph (n), a transfer after the farm has certified to acreage planted shall not be considered in determining excess acreage or eligibility for price support. The amount of reduction determined as applicable when the violation occured shall be applied to the allotment being reduced prior to any lease and transfer.

(o) *Cancellation, dissolution, or revision of transfer*—(1) *Cancellation.* Any transfer of allotment and quota under this section which was approved in error or on the basis of incorrect information furnished by the parties to the agreement shall be canceled by the county committee.

(i) Such cancellation shall be effective as of the date of approval for purposes of determining overmarketings and undermarketings from the farms, and for purposes of determining eligibility for price support and marketing quota penalties except that such cancellation shall not be effective for the current marketing year for price support and marketing quota penalties purposes if (*a*) the transfer approval was made in error or on the basis of incorrect information unknowingly furnished by the parties to the leasing agreement; and (*b*) the parties to the transfer agreement were not notified of the cancellation before the marketings for the receiving farm exceed the correct effective farm marketing quota. The provisions of this subparagraph (1) (i) shall not preclude application of the erroneous notice provisions under § 725.70 where such provisions are applicable.

(ii) Where a transfer of allotment and quota is canceled because of fraud on the part of the owner or operator of the transferring farm but without fault on the part of the owner or operator of the receiving farm, such cancellation shall be effective as of the date of approval except for purposes of determining eligibility for price support and marketing quota penalties for the receiving farm. In such case the overmarketings shall be charged against the farm from which the transfer of allotment and quota was made if such farm, after any such reconstitution as may be necessary as a result of the fraud, is assigned an allotment and quota against which the overmarketings could be charged: Otherwise, the overmarketings shall be charged against any other farm involved in the fraud having an allotment and quota after any reconstitution required by such fraud: *Provided,* That any overmarketings on the receiving farm which is in excess of the amount of quota involved in the canceled lease shall be charged against the receiving farm.

(2) *Dissolution or revision.* A transfer agreement may be dissolved or minor revisions made where a request by all parties to the agreement is made in writing to the county committee by November 30 of the current crop year. In such case, an official notice of the effective farm acreage allotment and effective farm marketing quota, reflecting the dissolution or revision, shall be issued by the county committee to each of the operators involved in the transfer agreement. If the request to dissolve or revise the lease is made after November 30 of the current crop year, but prior to the last crop year for which the transfer agreement is effective, the next allotments and quotas established for the farms shall reflect the dissolution or revision.

(p) *Reconstitutions after transfer.* Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in the current year shall be the allotment after transfer has been made. However, in the case of a division, the county committee may allocate, under Part 719 of this chapter, the transferred quota involved to the tracts involved in the division as the parent farm owner and operator designate in writing. In the absence of a written designation, the county committee shall apportion the leased quota.

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

(r) *Recomputation of allotment and quota for other than annual transfers.* The acreage allotment and marketing quota transferred shall be recomputed and adjusted where appropriate each year the transfer is in effect.

(s) *Allotment and marketing quota on land under restrictive lease.* If a farm is federally owned and a lease is in effect restricting the production of flue-cured tobacco, the quota established for such allotment shall not be eligible for transfer.

2. In § 725.87, a new paragraph (a) (3) and (i) are added, subparagraphs (1),

(2), and (3) of paragraph (f) are amended and paragraph (h) is revised.

§ 725.87 Issuance of marketing cards.

(a) *General.* * * *

(3) The procedure in subparagraph (2) of this paragraph shall not apply to a person who was a producer on the farm in a prior year but who is not a producer on the farm during the current crop year.

* * * * *

(f) *Farm quota data entered on marketing card and supplemental card.* (1) Any marketing card issued to market tobacco shall show when issued, in the space provided on the reverse side, the pounds computed by multiplying 110 percent times the effective farm marketing quota: *Provided,* That, if the tobacco available for marketing from the farm is determined by the county commitee or the county executive director to be less than the effective farm marketing quota and the quota is not eligible to be transferred from the farm under the provisions of § 725.72, the pounds determined to be available for marketing shall, for purposes of issuing a marketing card and showing thereon the farm's 110 percent of quota data, be considered the effective farm marketing quota for the farm: *Provided further,* That if any producer on the farm shows to the satisfaction of the county committee or county executive director that there are available for marketing from the farm pounds of tobacco above the pounds considered as the effective farm marketing quota under the provisions above, the data shown on the marketing card shall be increased accordingly but not to exceed the pounds which were or would have been computed under subparagraph (1) of this paragraph.

(2) Where the farm operator requests, a supplemental marketing card bearing the same name and identification as shown on the original marketing card may be issued for a farm upon return to the county office of an original marketing card or a supplemental marketing card. The pounds computed as the balance of 110 percent of quota from prior marketing card shall be shown in the first space on the reverse side of the marketing card.

(3) Two or more marketing cards may be issued for a farm if the farm operator so requests in writing and specifies in writing the number of pounds to be assigned to each card. In such case, each marketing card shall show the assigned quota plus 10 percent of such assigned quota in the space "110 percent of quota."

* * * * *

(h) *Other data entered on marketing cards and supplemental card.* Other data specified in instructions issued by the Deputy Administrator shall be entered on the marketing card.

(i) *Lease only marketing card.* A marketing card for lease only may be issued in the name of the farm operator for a farm where there is no tobacco available for marketing in the current year if the farm is otherwise eligible to lease marketing quota. A lease only card shall not be issued for any farm where a marketing card was issued in the current year based on a determination by the county committee or the county executive director that the tobacco available for marketing from the farm was less than the effective farm marketing quota for the current year.

3. In § 725.91, paragraphs (a) and (e)(3) are amended to read as follows:

§ 725.91 Identification of marketings.

(a) *Identification of producer marketings.* Each auction and nonauction marketing of tobacco from a farm in a quota area in the current year shall be identified by a marketing card, Form MQ–76, issued for the farm unless an AMS certification shows it to be nonquota tobacco. The reverse side of the marketing card shall show in pounds: (1) 110 percent of quota, (2) balance of 110 percent of quota after each sale, and (3) date of each sale. Each producer sale at auction shall be recorded on a Form MQ–72–1, Report of Tobacco Auction Sale, and each producer sale at nonauction shall be recorded on Form MQ–72–2, Report of Tobacco Nonauction Purchase. For producer sales at nonauction, the dealer purchaser shall execute Form MQ–72–2 and shall enter the data on MQ–76. For producer sales at auction, Form MQ–72–1 and Form MQ–76 shall be executed only by the ASCS marketing recorder.

* * * * *

(e) *Separate display on auction warehouse floor.* * * *

(3) Make and keep records that will insure a separate accounting and reporting of each of such kinds of tobacco (quota and nonquota) sold at auction over the warehouse floor.

(Secs. 314, 316, 317, 373, 375, 52 Stat. 48, as amended, 75 Stat. 469, as amended, 79 Stat. 66, as amended, 52 Stat. 65, as amended, 66 as amended; 7 U.S.C. 1314, 1314b, 1314c, 1373, 1375)

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C., on July 14, 1972.

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

[FR Doc.72–11254 Filed 7–20–72;8:48 am]

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

SUBCHAPTER I—DETERMINATION OF PRICES

PART 876—SUGARCANE; HAWAII

Fair and Reasonable Prices for 1972 Crop

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation and due consideration of the evidence obtained at the public hearing held in Hilo, Hawaii, on April 25, 1972, the following determination is hereby issued.

The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Hawaii" remain in full force and effect as to the crops to which they were applicable.

Sec.
876.21 General requirements.
876.22 Toll agreements.
876.23 Purchase agreements.
876.24 Sugarcane weight and quality determination.
876.25 Overhead charges for services furnished to producers.
876.26 Reporting requirements.
876.27 Applicability.
876.28 Subterfuge.
876.29 Procedures for checking compliance.

AUTHORITY: The provision of these §§ 876.21 to 876.29 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; 7 U.S.C. 1131, 1153.

§ 876.21 General requirements.

A producer of sugarcane in Hawaii who is also a processor of sugarcane, to which this part applies as provided in § 876.27 (herein referred to as "processor") shall have paid, or contracted to pay, for sugarcane of the 1972 crop grown by other producers and processed by him, or shall have processed sugarcane of other producers under a toll agreement, in accordance with the following requirements.

§ 876.22 Toll agreements.

(a) The rate for processing sugarcane under a toll agreement at Olokele Sugar Co., Ltd., shall be not more than the rate provided in the agreement between the producer and the processor applicable to the prior crop.

(b) (1) The rate for processing sugarcane delivered by a producer under a toll agreement to those processors listed below shall be not more than that established for each such processor.

Processor	Rate for processing (percentage of gross proceeds from sugar and molasses)	Delivery point for sugarcane
Puna Sugar Co., Ltd.	34	Mill.
Kohala Sugar Co.	34	Do.
Laupahoehoe Sugar Co.	49	Loaded in trucks.
Paauhau Sugar Co., Ltd.	49	Do.
Hawaiian Agricultural Co.	49	Do.
Hutchinson Sugar Co., Ltd.	49	Do.

(2) The gross proceeds from sugar and molasses shall be determined in accordance with the Standard Sugar Marketing Contract and the Standard Molasses Marketing Contract entered into by the producer, or his agent, with the California and Hawaiian Sugar Co. (a cooperative agricultural marketing association herein referred to as C & H), except that for purposes of calculating the amount due producers, all items of raw sugar and molasses marketing expenses that were charged to producers under the marketing contracts in effect

prior to January 1972, but are now deducted by C & H under the revised marketing contracts that became effective January 1, 1972, to obtain proceeds due producers, shall be added back to such proceeds to obtain gross proceeds: *Provided,* That the gross proceeds so determined to be applicable to the sugar and molasses recovered from the sugarcane of the producer shall be converted to dollars per hundredweight of sugar, raw value basis, for the purpose of applying the rates for processing.

(3) The applicable rate for processing established in this section for sugarcane of the producer shall cover: (i) All transporting, handling, and processing costs applicable to the producers' sugarcane from the delivery point specified herein until the raw sugar and molasses recovered therefrom leaves the bulk sugar bin or the molasses tank of the processor, except those costs incurred for insuring such raw sugar and molasses while stored therein; (ii) the cost of insuring such sugarcane against loss by fire to the same extent that sugarcane of the processor is insured; (iii) the costs of weighing, sampling, and taring such sugarcane; (iv) the cost of general weed and rodent control other than in sugarcane fields of producers and alongside the roads adjacent thereto; and (v) the cost of all research and experimental work applicable to the production and processing of such sugarcane.

(4) The sugarcane received from producers shall be handled and processed by the processor in a manner which is no less favorable than the handling and processing of the sugarcane of the processor. The processor, in acting as agent for the producer, shall handle and deliver to C & H the raw sugar and molasses recovered from the sugarcane of the producer in a manner which is no less favorable than the handling and delivery to C & H of the raw sugar and molasses recovered from the sugarcane of the processor. The processor shall promptly transmit to the producer the amount of the gross proceeds received from the sugar and molasses recovered from the sugarcane of the producer, as defined in subparagraph (2) of this paragraph, less the applicable processing rate, less the shipping and handling expenses added to and made a part of the gross proceeds as provided in subparagraph (2) of this paragraph, and less any expenses, such as inland transportation, paid by the processor, as agent for the producer, pursuant to the toll agreement. Handling and delivery expenses shall be limited to those direct expenses paid by the processor as agent for the producer, but shall not include overhead charges of the processor.

§ 876.23 Purchase agreements.

(a) The price for sugarcane under adherent planter agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(b) The price for the producers' share of sugarcane under cultivation contracts at Laupahoehoe Sugar Co. shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop.

(c) The price for sugarcane under independent grower purchase agreements shall be not less than the price determined in accordance with the agreement between the processor and the producer applicable to the prior crop: *Provided,* That the items of expense which may be deducted in computing net returns for the 1972 crop shall be limited to the same items as for the 1971 crop, except that if the processor incurs handling and delivery expenses otherwise allowable under the agreement and which are incurred under abnormal conditions, such expenses also may be deducted subject to written approval from the Hawaii State ASCS Office upon a determination by the Hawaii State ASC Committee that the incurrence of such expenses is justified.

§ 876.24 Sugarcane weight and quality determination.

The determination of the net weight and quality of the sugarcane received from the producer, and the allocation of sugar and molasses recoveries to the producer shall be made in accordance with the methods customarily used by the processor; methods which have been approved by the Experiment Station of the Hawaiian Sugar Planters' Association; or methods agreed upon between the processor and the producer, which will reflect the true weight and quality of sugarcane and the quanities of sugar and molasses recovered from the sugarcane of the producer.

§ 876.25 Overhead charges for services furnished to producers.

If the processor, at the producer's request, furnishes labor, materials, or services used in producing, harvesting, or transporting the producer's sugarcane, or transports the producer's sugar or molasses from the mill to the port in the processor's own equipment, the processor may charge in addition to the direct costs of such labor, materials, or services, the applicable overhead expenses. If equipment is charged at standard or budgeted rates which include repair and maintenance charges, and such rates are applied equally to both the processors' and producers' producing, harvesting, and transporting operation, and if the standard or budgeted rates are adjusted periodically to reflect current conditions, such rates shall be considered as the direct costs for use of equipment. Charges for applicable overhead expenses shall be based on estimated current budgets and adjusted after the end of the calendar year so as not to exceed the actual costs for such year. In addition, the processor may also charge a profit not to exceed 5 percent of the sum of the direct and overhead charges for such labor, materials, or services. Overhead expenses shall be limited to those which are properly apportionable under generally accepted accounting principles as approved by the State Committee.

§ 876.26 Reporting requirements.

The processor shall submit to the State Committee a certified statement of the gross proceeds and handling and delivery expenses paid under (a) purchase agreements providing for payment for sugarcane based upon net returns from sugar and molasses, and (b) toll and agency agreements providing for the deduction of handling and delivery expenses on sugar and molasses from the gross proceeds obtained therefrom.

§ 876.27 Applicability.

The requirements of this part are applicable to all surgarcane grown by a producer and processed under either a purchase or toll agreement by a processor who also produces sugarcane (a processor-producer is defined in § 821.1 of this chapter); and to sugarcane processed by a cooperative processor for nonmembers. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 876.28 Subterfuge.

The processor shall not reduce returns to the producer below those determined in accordance with the requirements herein through any subterfuge or device whatsoever.

§ 876.29 Procedures for checking compliance.

The procedures to be followed by the State ASCS office in checking compliance with the requirements of this part are set forth under the heading part 6—Fair Price Determination in Handbook 6–SU, issued by the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Handbook 6–SU may be inspected at the State ASCS office and copies may be obtained from the Hawaii State ASCS office, 1833 Kalakaua Avenue, Honolulu, HI 96815.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable rate requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1972 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides, as a condition for payment, that the producer on the farm who is also, directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for any sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

Public hearing. A public hearing was held in Hilo, Hawaii, on April 25, 1972, at which interested persons were afforded the opportunity to present testimoney relating to all aspects of fair and reasonable prices for 1972 crop sugarcane including processing rates for

sugarcane delivered under a toll agreement.

California and Hawaiian Sugar Co. The representative of this company presented testimony on certain changes in the Standard Sugar and Molasses Marketing Contracts for the 1972 crop year. He stated that under the terms of the prior raw sugar contract, title to raw sugar remained with the producers until the sugar was discharged at a destination port but that all costs associated with receiving, weighing, sampling, storing, loading, etc., were billed by the terminal companies directly to the producers in proportion to their deliveries into each terminal; that raw sugar transportation and discharging costs were paid by C & H but accumulated in a "freight pool" which was billed directly back to the producers in proportion to their deliveries; that this allocation of costs under the freight pool was based on, and confined to, the costs of delivery to the C & H Crockett Refinery; and that costs in excess of this amount (for shipments to other refiners) were borne as a direct C & H expense and thus reflected in the net returns on sugar of each contract year. He stated that under the terms of the 1972 and subsequent contract years, C & H will take title and risk to raw sugar as it is delivered into trucks for movement to the terminals; that costs of transportation to the terminals will be billed directly to producers by the transportation company; that sampling, storage, loading, vessel charges, and transportation subsequent to delivery of raw sugar to the terminals will become C & H expenses; and that C & H will pay these charges from invoices submitted by each terminal, and the costs will thus be reflected in the net return paid by C & H to producers for sugar of each contract year. He further stated that none of these changes affects in any way the final net income to producers; that the "total payment" paid by C & H to each of the producers for sugar of a contract year will be reduced from what it would have been under the prior contract by the amount of the costs which C & H will now pay directly, and which were previously expenses paid by each producer; and that C & H will maintain records which will show just how these off-setting adjustments affect each of its producers. He further testified that C & H will make the same type of amendments to the Standard Molasses Marketing Contract for the 1972 contract year.

Laupahoehoe Sugar Co. The representative of this company recommended a processing fee of 54 percent based on the new C & H Standard Sugar and Molasses Contracts, but if it is deemed advisable not to bring these changes in the new contract into the producer-processor cost ratio at this time that a processing fee of 50 percent of the gross C & H proceeds be approved. The witness further recommended that the profit allowance on services furnished growers be continued and that all other applicable provisions of the 1971 crop determination be extended to the 1972 crop. The witness presented data relating to the final costs of producing and processing 1971 crop sugarcane. He testified that data indicate a fair and reasonable processing rate of 49 percent, and if calculated on the new C & H marketing contracts the indicated rate would be 52.93 percent of net refinery returns. In answer to questions, the witness stated that he does not expect the yields for 1972 to be as great as the unusually high yields attained in 1971; that processing costs are back in the normal range; and that they are making substantial investments in the existing plant.

The representative of independent growers at Laupahoehoe recommended a processing fee of 45 percent, and that the profit allowance on services furnished growers by the processor be allowed on materials but not on labor and services. He also recommended that the processor be required, commencing in January, 1973 and each year thereafter, to furnish an annual harvesting schedule to producers. The witness further testified that in regard to the new C & H marketing contracts, the producers oppose any attempt on the part of the processor to reduce the return to producers through any subterfuge or device whatsoever.

Puna Sugar Co. The representative of this company recommended a processing rate of 43 percent on the basis of the new sugar and molasses marketing contracts for 1972, and continuation of the profit allowance on services to growers. In support of the recommended processing fee, the witness submitted annual cost ratios based on company data for 1967 through 1971 which indicated a 5-year average processing rate of 42.57 percent under the new marketing agreement and 39.89 percent if computed on the old agreement. He further stated that both grower and company lands experienced record sugar yields per acre in 1971; that the new diffuser system gave excellent performance with extraction of 97.9 percent; that the poor grinding time efficiency was primarily attributed to substantial lost time in the cleaning plant, extraction system, and powerplant areas caused by major startup problems and excessive equipment wear due to the carryover of rocks and sand into the process; and that considerable effort and investment is being made to correct these problems in the factory.

The representative of independent growers at Puna recommended a processing fee of 35.01 percent based on the new C & H marketing contracts for 1972 and elimination of the 5 percent profit allowance on services furnished growers by the processor. He also recommended that any agency fee paid by the processor to the parent company be considered as profit for the processor and reflected as such in calculating the cost ratio. The witness submitted data on costs of producing and processing sugarcane for the 1971 crop which indicate a processing rate of 32.61 percent under the 1971 marketing contract or 35.01 percent adjusted to the new contract. He further stated that the number of independent growers at Puna has declined from 181 in 1969 to 91 in 1971 and that growers are being forced out of business because they are being penalized by increased costs due to extraordinary problems in the harvesting, hauling, and milling of sugarcane.

C. Brewer and Co. (representing Paauhau, Hawaiian Agricultural, and Hutchinson Sugar Cos.). The representative of these companies recommended a processing rate of 51 percent as equitable for the 1972 crop if the 1971 basis is determined for settlement, or 54.5 percent if the new C&H contract becomes the settlement basis; and an increase in the profit charge on services furnished growers by the processor from 5 percent to 10 percent. He stated that the C&H Sugar Co. has assured them that they will be able to restructure final settlement in 1972 on the same basis as that used for 1971 crop sugar. He presented data on the final company costs of producing and processing 1971 crop sugarcane which indicate a processing rate of 50.76 percent, or 55.20 percent adjusted to the new marketing agreement. The witness further testified that the Mauna Kea and Pepeekeo Sugar Cos. are now members of the Hilo Coast Processing Co., a cooperative, and their operations as producers are no longer subject to a determination of rates to be paid for processing growers' sugarcane; and that former Mauna Kea and Pepeekeo growers have become members of the United Cane Planters' Association, which in turn is also a member of the Hilo Coast Processing Co. The witness also stated that agreement has been made to sell Paauhau Sugar Co. to Honokaa Sugar Co. on January 1, 1973, and that the possibility of a merger between the two remaining companies, Hawaiian Agricultural and Hutchinson, into a single company with one factory handling the entire crop is under study and appears to be economically feasible.

A representative of the independent growers at Hawaiian Agricultural and Paauhau stated that growers in these areas strongly recommend that the raw sugar shipping charges remain as a cost item in the cost ratio calculation.

Kohala Corp. A representative of this company testified with respect to certain changes in Kohala's position since the last hearing. He stated that they have extended the phaseout of sugar operations through December 1974 and expect to harvest a limited crop of approximately 18,000 tons of sugar in 1974. He further stated that growers have been extended the opportunity to schedule fields for harvest in 1974; that although the actual costs to be charged to planters for services in 1971 were higher than normal because of the phaseout, Kohala charged only the tentative rates submitted to the planters at the beginning of the year; and that Kohala continues its desire to assist the independent producers in their conversion from cane production to other enterprises. The witness recommended that a processing fee of 34 percent, or an adjusted fee comparable to the old rate if the rates are to be based on the new C & H contracts, be continued through the phaseout.

1972 price determination. This determination continues the provisions of the 1971 crop determination. Tolling fees remain the same.

In view of the change in the Standard Sugar and Molasses Marketing Contracts between the producers and the C & H Sugar Co., the term "gross proceeds from sugar and molasses" which is the pricing base to which the tolling fees apply has been redefined to compensate for such change.

Consideration has been given to the recommendations and information submitted at the public hearing; to the returns, costs, and profits of producing and processing sugarcane obtained by the Department in a recent field survey and recast in terms of price and production conditions likely to prevail for the 1972 crop; and to other relevant data customarily considered in fair price determinations.

The recommendations of both producers and processors for changes in the applicable processing rates for the respective companies have been thoroughly studied. Analysis of the comparative costs of producing and processing sugarcane indicates that changes occurring in the relationship of producing and processing costs have not been of sufficient magnitude to justify adjustments in the processing rates. It is believed that the processing rates provided in this determination will maintain an equitable sharing between producers and processors of total returns based on their sharing of total costs.

The changes adopted in the C & H Standard Sugar and Molasses Marketing Contracts for the 1972 crop have been carefully reviewed. In order to maintain the same sharing relationship under the new marketing contracts that existed under the old contracts, the method used in calculating the rates for processing has not been changed. However, it will be necessary to adjust the gross proceeds (total payment) as calculated by C & H by adding back the marketing expenses that were formerly charged to producers but are now transferred to the account of C & H and deducted when calculating the total payment. Exact marketing costs for individual producers are not available at this time to allow a recalculation of processing rates that would give each party the same net amount they will receive as calculated under the method provided in this determination. Until more exact marketing costs are available for each producer, the gross proceeds will be adjusted to what it would have been under the old marketing agreement in order to obtain the amount against which the tolling rate for processing will be applied. In making settlement with the producer the amount added in making such adjustment may then be deducted from the producer's share of gross proceeds.

The recommendations by both producers and processors for changes in the rate of profit allowed on services furnished to producers by processors have again been reviewed. The Department continues to believe that the profit charge of 5 percent is adequate and reasonable, and it is therefore continued in this determination.

A recommendation made by the representative of Puna growers for elimination of agency fees paid by the processor from the computation of the cost ratio has not been adopted. Such fees are compensation to the agency for services, such as technical, legal, accounting, and marketing, performed for the processor.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

Effective date. This determination shall become effective upon publication in the FEDERAL REGISTER (7–21–72), and is applicable to the 1972 crop of Hawaiian sugarcane.

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

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

[FR Doc.72–11256 Filed 7–20–72;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 72–197]

PART 1—GENERAL PROVISIONS

Customs Station, Albuquerque, N. Mex.

Albuquerque, N. Mex., was designated a Customs station by the Commissioner of Customs, effective October 1, 1971. The station is under the supervision of the Port of El Paso, Tex., which is in the El Paso Customs district (Customs Region VI).

To reflect this designation, the table in § 1.3(d) of the Customs regulations is amended by adding the words "Albuquerque, New Mexico" in the column headed "Customs stations" and on the same line "El Paso, Texas" in the column headed "Port of entry having supervision" in the El Paso, Tex., district.

(80 Stat. 379, sec. 1, 37 Stat. 434; 5 U.S.C. 301, 19 U.S.C. 1)

Because this amendment involves the listing of a Customs station already designated, good cause exists for finding that the notice and public procedure required under the provisions of 5 U.S.C. 553(b) is unnecessary, and for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (7–21–72).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: July 12, 1972.

A. ATLEY PETERSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.72–11298 Filed 7–20–72;8:52 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER N—WAKE ISLAND

PART 935—WAKE ISLAND CODE

Motor Vehicle Violations; Correction

Chapter VII of Title 32 of the Code of Federal Regulations, as appears in 37 F.R. 12386, June 23, 1972, is amended as follows:

Under Subpart F—Penalties, amend § 935.53 by changing, in line 2 of the text, "Subpart E" to read "Subpart N."

Approved: July 7, 1972.

SAMUEL HANENBERG,
Secretary of the Air Force, General Counsel Office.

[FR Doc.72–11257 Filed 7–20–72;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER D—NAVIGATION REQUIREMENTS FOR CERTAIN INLAND WATERS

[CGD 72–136 R]

PART 82—BOUNDARY LINES OF INLAND WATERS

Atlantic Coast, Gulf Coast, Pacific Coast, Puerto Rico and Virgin Islands

The Coast Guard is amending the descriptions of the lines of demarcation of inland waters at St. Marys Entrance, Ga.; Miami Entrance, Fla.; Freeport Entrance, Tex.; Aransas Pass, Tex.; Tomales Point, Calif.; San Pedro, Calif.; Santa Barbara, Calif.; Port Hueneme, Calif.; Redondo Harbor, Calif.; Newport Bay, Calif.; and Bahia de Mayaguez, P.R.

The purpose of these amendments to the regulations is to make editorial corrections which reflect changes in aids to navigation descriptions in the various locations affected. These changes in aid descriptions do not alter the established lines of demarcation between inland and international waters.

St. Marys Entrance Lighted Whistle Buoy "1STM" has been renamed St. Marys Entrance Lighted Whistle Buoy "STM". Miami Lighted Whistle Buoy 2 has been changed from red to black and white vertical stripes and renamed Miami Lighted Whistle Buoy "M". Freeport Entrance Lighted Bell Buoy 1 has been replaced by Lighted Whistle Buoy 1 in the same location. Aransas Pass Lighted Whistle Buoy 1 has been renamed Aransas Pass Lighted Whistle Buoy "AP". Tomales Point Lighted Whistle Buoy 2 has been replaced by Lighted Horn Buoy 2 in the same location. Los Angeles Harbor Light has been renamed Los Angeles Light. Long Beach Breakwater East End Light has been established on the eastern end of the Long Beach breakwater. Stearns Wharf Light has been numbered Stearns Wharf Light 4. Port Hueneme West Jetty Light has been numbered Port Hueneme West Jetty Light 1. Redondo Beach East Jetty Light has been numbered Redondo Beach East Jetty Light 2. Redondo Beach West Jetty Light has been numbered Redondo Beach West Jetty Light 3. Newport Bay East Jetty Light has been numbered Newport Bay East Jetty Light 4. Newport Bay West Jetty Light has been numbered Newport Bay West Jetty Light 3. Manchas Interiores Lighted Buoy 3 has been renamed Bahia de Mayaguez Entrance Lighted Buoy 3. Manchas Grandes Lighted Buoy 2 has been renamed and renumbered Bahia de Mayaguez Entrance Lighted Buoy 4.

In consideration of the foregoing, Part 82 of Title 33 of the Code of Federal Regulations is amended by revising §§ 82.45, 82.55, 82.111, 82.116, 82.131, 82.145, 82.147, 82.149, 82.153, 82.155, and 82.210 to read as follows:

§ 82.45 St. Simons Sound, St. Andrew Sound, and Cumberland Sound.

A line drawn from the tower located 1,700 yards, bearing 068° true from St. Simons Light to St. Simons Lighted Whistle Buoy St. S; thence to St. Andrew Sound Outer Entrance Buoy; thence to St. Marys Entrance Lighted Whistle Buoy STM; thence to Amelia Island Light.

§ 82.55 Florida Reefs and Keys from Miami to Marquesas Keys.

A line drawn from the east end of the north jetty at the entrance to Miami Harbor, to Miami Lighted Whistle Buoy M; thence to Fowey Rocks Light; thence to Pacific Reef Light; thence to Carysfort Reef Light; thence to Molasses Reef Light; thence to Alligator Reef Light; thence to Tennessee Reef Light; thence to Sombrero Key Light; thence to American Shoal Light; thence to Key West Entrance Lighted Whistle Buoy; thence to Sand Key Light; thence to Cosgrove Shoal Light; thence to the westernmost extremity of Marquesas Keys.

§ 82.111 Galveston, Tex., to Brazos River, Tex.

A line draw from Galveston Bay Entrance Channel Lighted Whistle Buoy 1 to Freeport Entrance Lighted Whistle Buoy 1.

§ 82.116 Brazos River, Tex., to the Rio Grande, Tex.

A line drawn from Freeport Entrance Lighted Whistle Buoy 1 to a point 4,350 yards, 118° true, from Matagorda Light; thence to Aransas Pass Lighted Whistle Buoy AP; thence to a position 10.5 miles, 90° true, from the north end of Lopeno Island (27°00.1′ N. latitude, 97°15.5′ W. longitude); thence to Brazos Santiago Entrance Lighted Whistle Buoy 1.

§ 82.131 Bodega and Tomales Bays.

A line drawn from the northwestern tip of Tomales Point to Tomales Point Lighted Horn Buoy 2; thence to Bodega Harbor Approach Lighted Gong Bouy BA; thence to the southernmost extremity of Bodega Head.

§ 82.145 San Pedro Bay.

A line drawn from Los Angeles Light to Los Angeles Main Channel Entrance Light 2; a line drawn from Long Beach Light to Long Beach Channel Entrance Light 2; a line drawn from Long Beach Breakwater East End Light to Anaheim Bay West Jetty Light 5; thence to Anaheim Bay East Jetty Light 6.

§ 82.147 Santa Barbara Harbor.

A line drawn from Stearns Wharf Light 4 to Santa Barbara Harbor Lighted Bell Buoy 1, thence to Santa Barbara Harbor Breakwater Light.

§ 82.149 Port Hueneme.

A line drawn from Port Hueneme West Jetty Light 1 to the southwest end of Port Hueneme East Jetty.

§ 82.153 Redondo Harbor.

A line drawn from Redondo Beach East Jetty Light 2 to Redondo Beach West Jetty Light 3.

§ 82.155 Newport Bay.

A line drawn from Newport Bay East Jetty Light 4 to Newport Bay West Jetty Light 3.

§ 82.210 Bahia de Mayaguez.

A line drawn from the southernmost extremity of Punta Algarrobo to Bahia de Mayaguez Entrance Lighted Buoy 3; thence to Bahia de Mayaguez Entrance Lighted Buoy 4; thence to the northwesternmost extremity of Punta Guanajibo.

(Sec. 2, 88 Stat. 672, as amended, sec. 6(b)(1), 80 Stat. 938; 33 U.S.C. 151, 49 U.S.C. 1655(b); 49 CFR 1.46(b))

Effective date. These amendments become effective on August 28, 1972.

Dated: June 30, 1972.

C. R. BENDER,
Admiral, U.S. Coast Guard Commandant.

[FR Doc.72-11265 Filed 7-20-72;8:49 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5225]

[Idaho 4466]

IDAHO

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. sec. 416 (1970), it is ordered as follows:

1. The Secretary's Order of March 28, 1925, withdrawing lands for the Owyhee Project, is hereby revoked so far as it affects the following described lands:

BOISE MERIDIAN

T. 2 N., R. 5 W.,
Sec. 5, NW¼SW¼;
Sec. 8, NW¼NW¼, W½SE¼NW¼, NW¼SW¼, S½S½SE¼, S½N½S½SE¼.

The areas described aggregate 200 acres in Owyhee County.

2. At 10 a.m. on August 19, 1972, the lands shall be open to operation of the public land laws generally, including location and entry under the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and classifications, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on August 19, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiry concerning the lands should be addressed to the Chief, Technical Services Division, Idaho State Office, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11225; Filed 7-20-72;8:45 am]

[Public Land Order 5226]

[Oregon 7963]

OREGON

Withdrawal for National Park Service Administrative Site

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

1. Subject to valid existing rights, the following described national forest land which is under the jurisdiction of the Department of Agriculture, is hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing

laws, for use by the National Park Service for the Oregon Caves National Monument Administrative Site:

SISKIYOU NATIONAL FOREST

WILLAMETTE MERIDIAN

T. 40 S., R. 6 W.,
Sec. 3, S½SW¼SW¼;
Sec. 4, S½SE¼SE¼.

The area described contains 40 acres in Josephine County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses, or permits will be issued only if it is determined that such use will not interfere with the use of the land for the purposes for which they are withdrawn by this order.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11226 Filed 7-20-72;8:45 am]

[Public Land Order 5227]

[Colorado 12867]

COLORADO

Withdrawal for National Forest Recreation Areas

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Tomichi Creek Picnic Ground

T. 48 N., R. 5 E.,
Sec. 30, lots 5 and 10, S½NE¼NE¼, N½SE¼NE¼.

Snowblind Campground

T. 49 N., R. 5 E.,
Sec. 9, lots 4 and 5, W½SW¼NE¼.

Middle Quartz Campground

T. 50 N., R. 5 E.,
Sec. 4, W½SW¼NW¼;
Sec. 5, SE¼NE¼, N½NE¼SE¼.

Mesa Campground

T. 49 N., R. 6 W.,
Sec. 27, S½SW¼SE¼.

SIXTH PRINCIPAL MERIDIAN

Timberline Overlook

T. 14 S., R. 81 W.,
Sec. 11, E½NW¼NE¼SW¼, E½NE¼SW¼.

Cottonwood Pass Observation Site

T. 14 S., R. 81 W.,
Sec. 14, SE¼NW¼SE¼.

Avery Peak Campground

T. 12 S., R. 86 W. (Protraction Diagram No. 15 approved May 10, 1965).
Sec. 33, NW¼NE¼.

The areas described aggregate 350.08 acres in Gunnison and Sagauche Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11227 Filed 7-20-72;8:46 am]

[Public Land Order 5228]

[Arizona 6376, 6377]

ARIZONA

Withdrawal for National Forest Administrative Sites and Recreation Areas; Revocation of National Forest Administrative Site and Recreation Area Withdrawals in Whole or in Part

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

1. Subject to valid existing rights, the following described lands are hereby withdrawn from location and entry under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

[Arizona 6376]

CORONADO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

West Peak Lookout and Administrative Site

T. 8 S., R. 23 E. (unsurveyed),
Sec. 18, an area described as follows:

Beginning at a point which bears S. 48°10' W., 6.56 chs. from the West Peak Triangulation Station; thence N. 04°01' W., 9.79 chs.; thence N. 80°05' E., 12.96 chs.; thence S. 19°40' W., 10.42 chs.; thence S. 52°13' W., 6.24 chs.; thence N. 66°13' W., 3.98 chs. to the point of beginning, containing approximately 11.24 acres.

Riggs Flat

T. 8 S., R. 23 E. (unsurveyed),
Secs. 23, 26, and 35, an area described as follows:

Beginning at a point which lies N. 0°1' W., 337.50 chs. from the section corner common to secs. 13, 14, 23 and 24, T. 9 S., R. 23 E., thence S. 60°30' W., 11.91 chs.; thence S. 57°15' W., 22.94 chs.; thence S. 79°46' W., 10.96 chs.; thence N. 34°0' W., 8.72 chs.; thence N. 06°28' W., 11.72 chs.; thence N. 33°55' W., 22.78 chs.; thence N. 16°55' E., 25.37 chs.; thence N. 14.69 chs.; thence N. 08°45' E., 17.56 chs.; thence S. 89°15' E., 9.54 chs.; thence S. 02°0' E., 17.59 chs.; thence S. 18°45' E., 7.06 chs.; thence S. 54°23' E., 10.41 chs.; thence S. 13°0' E., 4.50 chs.; thence S. 30°0' E., 6.15 chs.; thence N. 65°0' E., 5.54 chs.; thence S. 20°05' E., 6.57 chs.; thence S. 89°0' E., 4.45 chs.; thence S. 36°0' E., 19.84 chs.; thence S. 03°55' E., 13.80 chs. to the point of beginning, containing approximately 290.56 acres.

High Peak Potential Recreation Site

T. 8 S., R. 24 E. (unsurveyed),
Secs. 27, 34, and 35, an area described as follows:

Beginning at a point which lies N. 32°05' E., 13.7 chs. from the Mt. Graham Triangulation Station; thence S. 14°0' E., 5.21 chs.; thence S. 19°08' W., 11.17 chs.; thence S. 08°02' W., 8.48 chs.; thence S. 10°0' E., 39.80 chs.; thence N. 78°30' W., 3.32 chs.; thence N. 37°38' W., 10.07 chs.; thence N. 22°55' W., 13.24 chs.; thence N. 23°20' W., 5.93 chs.; thence N. 16°04' W., 7.04 chs.; thence N. 05°55' W., 17.06 chs.; thence N. 18°05' E., 7.30 chs.; thence N. 55°30' E., 4.92 chs.; thence N. 72°28' E., 11.51 chs. to the point of beginning, containing approximately 70.73 acres.

Snow Flat

T. 9 S., R. 24 E. (unsurveyed),
Sec. 14, an area described as follows:
Beginning at a point which lies N. 58°32' W., 66.98 chs. from Heliograph Peak Triangulation Station; thence S. 23°52' W., 8.12 chs.; thence S. 38°02' E., 7.66 chs.; thence S. 25°40' W., 3.81 chs.; thence S. 34°21' E., 2.79 chs.; thence S. 33°00' W., 6.72 chs.; thence S. 16°33' E., 8.07 chs.; thence S. 75°10' W., 15.10 chs.; thence N. 46°02' W., 6.44 chs.; thence N. 06°33' W., 12.62 chs.; thence N. 11°29' W., 16.84 chs.; thence N. 46°20' E., 2.99 chs.; thence S. 59°38' E., 7.75 chs.; thence N. 39°40' E., 6.38 chs.; thence S. 89°15' E., 11.12 chs. to the point of beginning, containing approximately 67.92 acres.

Heliograph Electronic Site and Forest Service Lookout

T. 9 S., R. 24 E. (unsurveyed),
Sec. 13, an area described as follows:
Beginning at a point which lies N. 64°00' W., 7.0 chs. from Heliograph Peak Triangulation Station; thence N. 53°40' E., 6.18 chs.; thence S. 67°17' E., 2.75 chs.; thence S. 48°38' E., 7.06 chs.; thence S. 20°02' E., 4.36 chs.; thence S. 55°55' W., 11.61 chs.; thence N. 31°58' W., 9.73 chs.; thence N. 05°58' E., 4.43 chs. to the point of beginning, containing approximately 14.58 acres.

Hospital Flat—Treasure Park

T. 9 S., R. 24 E. (unsurveyed),
Secs. 10, 11, 14, and 15, an area described as follows:
Beginning at a point which lies N. 52°47' W., 106.65 chs. from Heliograph Peak Triangulation Station; thence S. 46°05' W., 13.69 chs.; thence S. 25°58' W., 15.14 chs.; thence S. 52°31' W., 12.69 chs.; thence S. 16°40' W., 12.40 chs.; thence N. 69°43' W., 12.19 chs.; thence N. 13°10' W., 7.19 chs.; thence N. 25°22' W., 9.84 chs.; thence N. 09°15' W., 8.20 chs.; thence N. 16°05' W., 17.06 chs.; thence N. 46°55' W., 9.68 chs.; thence N. 09°23' W., 14.99 chs.; thence N. 00°50' W., 12.83 chs.; thence N. 56°29' E., 6.10 chs.; thence N. 24°0' E., 3.03 chs.; thence N. 48°55' E., 7.11 chs.; thence S. 32°00' E., 5.04 chs.; thence S. 28°58' E., 12.48 chs.; thence S. 39°00' E., 5.15 chs.; thence N. 87°00' E., 9.98 chs.; thence N. 14°50' E., 3.53 chs.; thence N. 01°45' W., 6.31 chs.; thence N. 06°25' E., 12.46 chs.; thence N. 85°00' E., 3.67 chs.; thence S. 25°55' E., 7.24 chs.; thence S. 11°28' E., 9.71 chs.; thence S. 59°01' W., 6.88 chs.; thence S. 22°00' W., 9.01 chs.; thence S. 06°35' E., 7.00 chs.; thence S. 73°15' E., 6.41 chs.; thence N. 66°50' E., 2.85 chs.; thence S. 75°00' E., 2.24 chs.; thence N. 72°02'

E., 3.97 chs.; thence S. 33°20′ E., 4.94 chs.; thence S. 88°52′ E., 4.89 chs.; thence S. 28°45′ E., 8.86 chs.; thence S. 09°10′ E., 3.80 chs.; to the point of beginning, containing approximately 293.71 acres.

Southern Arizona Bible Camp

T. 8 S., R. 24 E. (unsurveyed),
Secs. 21 and 28, an area described as follows:

Beginning at a point which lies N. 65°03′ E., 100.85 chs. from Webb Peak Triangulation Station; thence N. 57°37′ E., 25.80 chs.; thence S. 38°33′ E., 5.00 chs.; thence S. 28°29′ W., 28.06 chs.; thence S. 84°57′ E., 6.34 chs.; thence S. 05°02′ E., 10.32 chs.; thence S. 13°55′ E., 8.21 chs.; thence S. 46°50′ W., 7.73 chs.; thence N. 40°0′ W., 21.68 chs.; thence N. 02°55′ W., 22.27 chs. to the point of beginning, containing approximately 69.06 acres.

Columbine Administrative Site

T. 8 S., R. 24 E. (unsurveyed),
Secs. 29 and 32, an area described as follows:

Beginning at a point which lies S. 29°35′ E., 54.0 chs. from Webb Peak Triangulation Station; thence N. 17°55′ E., 9.71 chs.; thence N. 66°05′ E., 7.44 chs.; thence S. 81°08′ E., 6.30 chs.; thence S. 45°28′ E., 20.26 chs.; thence S. 08°30′ E., 6.47 chs.; thence S. 22°32′ W., 7.80 chs.; thence S. 75°05′ W., 6.87 chs.; thence N. 42°55′ W., 4.86 chs.; thence N. 07°30′ W., 7.93 chs.; thence N. 55°05′ W., 9.30 chs.; thence N. 81°03′ W., 9.93 chs. to the point of beginning, containing approximately 47.45 acres.

Arcadia Recreation Area

T. 9 S., R. 25 E. (unsurveyed),
Secs. 17 and 18, an area described as follows:
Beginning at a point which lies S. 89°10′ E., 124.0 chs. from Heliograph Peak; thence N. 74°08′ E., 7.81 chs.; thence S. 88°30′ E., 19.17 chs.; thence S. 03°04′ E., 16.38 chs.; thence S. 75°00′ W., 10.79 chs.; thence S. 60°42′ W., 10.24 chs.; thence N. 30°00′ W., 15.78 chs.; N. 02°02′ W., 8.86 chs. to the point of beginning, containing approximately 51.04 areas.

The total of the areas described aggregates approximately 916.29 acres in Graham County.

The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

2. The departmental orders of August 3, 1907, and August 29, 1907, and public land orders No. 1058 of January 19, 1955, No. 2559 of December 11, 1961, No. 1585 of February 7, 1958, and No. 3263 of October 29, 1963, withdrawing lands for administrative sites and recreation areas in aid of programs of the Department of Agriculture, are hereby revoked so far as they affect the following described lands:

[Arizona 6377]

CORONADO NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Camp Arcadia Administrative Site

T. 9 S., R. 25 E. (unsurveyed),
Sec. 17, NW¼SW¼, and part of W½SW¼SW¼;
Sec. 18, SE¼NE¼, NE¼SE¼.

The area described contains approximately 136 acres.

Mount Graham Experimental Forest

T. 8 S., R. 24 E. (unsurveyed),
Sec. 26, SW¼;
Sec. 27, S½;
Sec. 28, SE¼SE¼;
Secs. 33 and 34;
Sec. 35, N½, SW¼, W½SE¼.
T. 9 S., R. 24 E. (unsurveyed),
Sec. 2, N½NW¼;
Sec. 3;
Sec. 4, N½, N½SW¼, SE¼;
Sec. 9, N½NE¼, SE¼NE¼;
Sec. 10, NW¼.

The areas described contain 3,920 acres.

Riggs Flat Recreation Area

T. 8 S., R. 23 E. (unsurveyed),
Sec. 26, S½S½NE¼, SE¼SE¼NW¼, E½E½SW¼, SE¼.

The areas described contain 250 acres.

Hospital Flat Recreation Area

T. 9 S., R. 24 E. (unsurveyed),
Sec. 10, N½SE¼, SE¼NE.

The areas described contain 120 acres.

Arcadia Recreation Area

T. 9 S., R. 25 E. (unsurveyed),
Sec. 18, NE¼SE¼SE¼.

The area described contains 10 acres.

The total of the areas described aggregates 4,436 acres in Graham County.

3. Portions of the lands described in paragraph 2 of this order are included in the descriptions of the lands withdrawn by paragraph 1. At 10 a.m. on August 19, 1972, all of the lands not included in the areas withdrawn by paragraph 1 of this order shall be open to such forms of disposition as may by law be made national forest lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc. 72-11228 Filed 7-20-72;8:46 am]

[Public Land Order 5229]

[Oregon 8754]

OREGON

Withdrawal for Public Recreation Site

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

1. Subject to valid existing rights, the following described Revested Oregon and California Grant land which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for protection of public recreation values:

WILLAMETTE MERIDIAN

Shotgun Recreation Site

T. 15 S., R. 1 W.,
Sec. 29, W½SW¼SW¼;
Sec. 30, S½SW¼NE¼, N½SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 31, E½E½NE¼ and NW¼NE¼NE¼;
Sec. 32, W½W½NW¼.

The area described contains 260 acres in Lane County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the U.S. mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11229 Filed 7-20-72;8:46 am]

[Public Land Order 5230]

[Idaho 4476]

IDAHO

Withdrawal for National Forest Administrative Site

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

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

SALMON NATIONAL FOREST

BOISE MERIDIAN

Hughes Creek Administrative Site

T. 25 N., R. 21 E.,
Secs. 15 and 22 (unsurveyed).

A fraction of HES No. 95 more particularly described by metes and bounds as follows:
Beginning at Corner No. 11 of HES No. 95, thence S. 48°14′ W., 253.8 feet to a point, thence S. 43°15′ W., 495.7 feet to a point, thence N. 54°49′ W., 279.0 feet to the right-of-way line of the Sawtooth Park FHP 30 C2 E3 F2 highway survey, thence north along said right-of-way for a distance of 1,705.1 feet, more or less, thence S. 39°39′ E., 357.0 feet, more or less to a point on the boundary line of HES No. 95, thence S. 42°15′ W., 880.0 feet, more or less, to Corner No. 11 of HES No. 95, the place of beginning.

The area described contains approximately 12 acres in Lemhi County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11230 Filed 7-20-72;8:46 am]

[Public Land Order 5231]

[Idaho 4422]

IDAHO

Withdrawal for Proposed Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388 as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. Subject to valid existing rights, the following public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, and reserved for the proposed Grindstone Butte Dam and Reservoir Area, Bruneau Division, Southwest Idaho Water Development Project:

BOISE MERIDIAN

T. 8 S., R. 11 E.,
Sec. 21, NE¼SE¼;
Sec. 22, NW¼NE¼, S½NE¼, NW¼, N½SW¼, SE¼.

The areas described aggregate 560 acres in Owyhee County.

2. The use and administration of the lands affected by this order will become subject to the provisions of the Reclamation Act of June 17, 1902, supra, including the use of the lands under lease, license, or permit at such time as the Grindstone Butte Dam and Reservoir, Bruneau Division, Southwest Idaho Water Development Project, is authorized by Congress.

3. Pending authorization of the project, this withdrawal does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or the disposal of their mineral or vegetative resources other than under the mining laws, subject to the condition that such use or disposition will not be inconsistent with the reclamation laws and the purposes for which the lands are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11231 Filed 7-20-72;8:46 am]

[Public Land Order 5232]

[Wyoming 32092]

WYOMING

Withdrawal for Reclamation Project

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, but not from leasing under the mineral leasing laws, and reserved for the North Platte Project:

SIXTH PRINCIPAL MERIDIAN

T. 26 N., R. 64 W.,
Sec. 8, lot 5.

The area described aggregates 40.52 acres in Goshen County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11232, Filed 7-20-72;8:46 am]

[Public Land Order 5233]

[ES-8226]

FLORIDA

Addition to St. Vincent National Wildlife Refuge

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

Subject to valid existing rights, the following described lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), from leasing under the mineral leasing laws, and from disposal of mineral and vegetative materials under the Act of July 31, 1947, as amended, 30 U.S.C. 601 (1970), and reserved as an addition to the St. Vincent National Wildlife Refuge:

TALLAHASSEE MERIDIAN

T. 9 S., R. 11 W.,
Sec. 7, lot 9;
Sec. 17, lots 2 and 3;
Sec. 18, lot 8.

The areas described aggregate 45.33 acres in Gulf County.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11233 Filed 7-20-72;8:46 am]

[Public Land Order 5234]

[Riverside 3649]

CALIFORNIA

Withdrawal of Land for Use in Connection With Cabrillo National Monument; Partial Revocation of Executive Order of February 26, 1852

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

1. Subject to valid existing rights, the following described public land is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C., Ch. 2, and from leasing under the mineral leasing laws, and reserved under the jurisdiction of the Secretary of the Interior, for use by the National Park Service in connection with the management of the Cabrillo National Monument:

SAN BERNARDINO MERIDIAN

All of that portion of the Fort Rosecrans Military Reservation as established and set aside by an Executive order of February 26, 1852, more particularly described as follows:

Beginning at the intersection of the easterly line of Catalina Boulevard, 80 feet wide, as said Catalina Boulevard is shown on the State of California, Department of Public Works, Division of Highways, Drawings X1-SD-12-SD, approved, December 18, 1933, with the north line of that certain portion of said Fort Rosecrans Military Reservation as described in Presidential Proclamation 3273, published in the FEDERAL REGISTER February 5, 1959, as Document 59-1069, entitled "Enlarging the Boundaries of the Cabrillo National Monument, California"; said point of intersection being south 89°31'35" west 1328.77 feet from the northeast corner of said Cabrillo National Monument, and being also a point on the arc of a 960-foot-radius curve concave easterly at Highway Station 122+44.50, a radial of said curve through said point bears south 80°43'29" west; thence from said point of intersection, northerly along said easterly line of Catalina Boulevard and along the arc of said 960-foot-radius curve, through an angle of 3°25'16" a distance of 57.32 feet; thence tangent to said curve north 05°51'15" west, 182.49 feet to the beginning of a tangent 1040-foot-radius curve, concave westerly; thence northerly, along the arc of said curve, through a central angle of 17°54'00" a distance of 324.91 feet; thence tangent to said curve, north 23°45'15" west, 101.91 feet to the beginning of a tangent 960-foot-radius curve concave easterly; thence northerly along the arc of said curve, through a central angle of 10°49'11" a distance of 181.29 feet; thence leaving said easterly line of said Catalina Boulevard, north 89°31'35" east, parallel with the north line of said Cabrillo National Monument, 605.48 feet; thence south 00°28'25" east 180 feet; thence, south 24°26'14" west, 703.46 feet, to an intersection with the north line of said Cabrillo National Monument; thence, south 89°31'35" west, along said north line, 110 feet to the point of beginning.

The area described aggregates approximately 6.88 acres in San Diego County.

2. The Executive order of February 26, 1852, reserving lands for military purposes is hereby revoked so far as it affects the land described in paragraph 1 of this order.

The withdrawal of land made by this order is in furtherance of, and subject to the provisions of that certain Memorandum of Agreement, dated January 12, 1970, entered into between the Commander, Naval Electronics Laboratory Center, and Commander, Naval Undersea Research and Development Center, Department of the Navy, and the Superintendent, Cabrillo National Monument, National Park Service, Department of the Interior, as may be amended or supplemented.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11234 Filed 7-20-72;8:46 am]

[Public Land Order 5235]

[Oregon 8457]

OREGON

Withdrawal for Scientific Study Site

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

1. Subject to valid existing rights, the following described lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, and reserved for scientific, instructional, and research study purposes:

WILLAMETTE MERIDIAN

T. 25 S., R. 20 E.,
Sec. 20, S½SE¼ and SE¼SW¼;
Sec. 21, S½;
Sec. 22, S½, NE¼, and S½NW¼;
Sec. 23;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26 to 30, inclusive;
Sec. 31, all except lot 4;
Secs. 32 to 35, inclusive;
Sec. 36, W½.

The area described contains 8,960 acres in Lake County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the United States mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11235 Filed 7-20-72;8:46 am]

[Public Land Order 5236]

[Idaho 4354]

IDAHO

Final Revocation of Public Land Order No. 3707

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

1. Public Land Order No. 3707 of June 24, 1965, as amended by Public Land Order No. 4605 of April 11, 1969, withdrawing and reserving public lands for use as the Mountain Home Job Corps Civilian Conservation Center, is hereby revoked as to the remaining lands embraced therein described as follows:

BOISE MERIDIAN

T. 3 S., R. 7 E.,
Sec. 20, W½SE¼, SW¼ less 9.91 acres previously restored by Public Land Order No. 4605.

The areas described aggregate 230.09 acres in Elmore County.

The lands are located about 1½ miles northeast of Mountain Home, Idaho, and are unsuitable for farming. The area is accessible by a county road.

2. All of the land described in paragraph 1 of this order, except the W½ SE¼ sec. 20, has been determined to be "property" within the meaning of the Federal Property and Administrative Services Act of 1949, 63 Stat. 378, as amended, 40 U.S.C. 471 (1970), and will be administered or disposed of by the General Services Administration in accordance with the provisions of said act.

3. The remaining land, described as the W½SE¼ sec. 20, shall at 10 a.m. on August 19, 1972, be open to operation of the public land laws generally, including the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, classifications, and requirements of applicable laws. All valid applications received at or prior to 10 a.m. on August 19, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. This land has been and will continue to be open to the filing of applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, Boise, Idaho 83702.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11236 Filed 7-20-72;8:46 am]

[Public Land Order 5237]

[Fairbanks 012203]

ALASKA

Withdrawal of Lands for Military Purposes Extended

1. By virtue of the authority vested in the Secretary of the Interior by the Act of October 3, 1961, 75 Stat. 749, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, location and entry under the mining laws, 30 U.S.C. Ch. 2, disposals of materials under the Act of July 31, 1947, 30 U.S.C. 601-604 (1970), and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287 (1970), and reserved until October 3, 1976, for use by the Department of the Army for the Fort Greely Air Drop Area:

FORT GREELY AIR DROP AREA—TRACT F

A parcel of land situated approximately 2.5 miles southeast of Delta Junction, being located between the Richardson and Alaska highways and more particularly described as: Beginning at a point 1.08 miles, plus or minus, east of U.S.C. & G.S. Station "Pillsbury," lat. 63°47'00.309" north, long. 145°47' 24.713" west, said point of beginning being 150' east of the centerline of the Richardson highway, thence due east approximately 4.5 miles to the west bank of Granite Creek; thence in a generally northeasterly direction approximately 11.83 miles to a point which is situated on the west bank of Granite Creek and further identified as being situated 1 mile southerly at right angles to the centerline of the Alaska highway; thence northwesterly, parallel with and 1 mile southerly at right angles to the centerline of the Alaska highway to a point situated approximately 1,394 feet due south of the southeast corner of section 13, T. 11 S., R. 11 E., F.M. (preliminary plat); thence north approximately 1,394 feet to said southeast corner of section 13, T. 11 S., R. 11 E., F.M.; thence west 1 mile, north 1 mile, west 2 miles, north 1 mile, west 1 mile, and north 1 mile following the south and west boundaries of sections 13, 11, 10, and 4, T. 11 S., R. 11 E., F.M.; thence west 1 mile along the south boundary of section 32, T. 10 S., R. 11 E., F.M. (preliminary plat); thence west 1,172.8 feet approximately along the south boundary of section 31, T. 10 S., R. 11 E., F.M., to a point on the east boundary of a parcel of land reserved by Public Land Order No. 255, which point is situated approximately 7,062 feet due south of the centerline of the Alaska highway; thence due south approximately 8,628 feet to the point of intersection of the north line bounding a 160-acre parcel of land reserved by Public Land Order No. 1153 for the use of the Department of the Army; thence east along the north line of said parcel 1,000 feet; thence south along the east line of said parcel 7,000 feet, thence west along the south line of said parcel 1,000 feet to the point of intersection of said boundary with the east boundary of the parcel of land reserved by P.L.O. No. 255; thence south along said east boundary 6,000 feet; thence west along the south boundary of said reserve approximately 2.74 miles (14,479 feet) to the northeast corner of section 27, T. 11 S., R. 10 E., F.M. (preliminary plat); thence south 2 miles along the east boundary of sections 27 and 34, T. 11 S., R. 10 E., F.M.; thence south 2 miles, east 1 mile, and south 2 miles along the east boundaries of sections 14 and 23, of T. 12 S., R. 10 E., F.M. (preliminary plat); thence west approximately 0.75 mile to a point which is situated 150' easterly at right angles from the centerline of the Richardson highway; thence southerly parallel to and 150' easterly from the centerline of the Richardson highway approximately 4.75 miles to the point of beginning, excepting therefrom that portion of the W½ of section 26, T. 12 S., R. 10 E., F.M., lying east of the Richardson highway.

The area described aggregates approximately 51,590 acres.

2. The above-described lands are also withdrawn for classification and for protection of the public interest in the lands pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act, supra, by Public Land Order No. 5187 of March 15, 1972.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(c)(C), is required.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11237 Filed 7-20-72;8:47 am]

[Public Land Order 5238]

[Fairbanks 019269]

ALASKA

Withdrawal of Lands for Military Purposes Extended

1. By virtue of the authority vested in the Secretary of the Interior by the Act of September 26, 1961, 75 Stat. 687, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, location and entry under the mining laws, 30 U.S.C. Ch. 2, disposals of materials under the Act of July 31, 1947, 30 U.S.C. 601–604 (1970), and from leasing under the Mineral Leasing Act of February 25, 1920, 30 U.S.C. 181–287 (1970), and reserved until September 26, 1976, for use by the Department of the Army for the Fort Greely Maneuver Area:

FORT GREELY MANEUVER AREA—TRACT A

A tract of land located in the Big Delta Area, and more particularly described as:

Beginning at the U.S.C. & G.S. Monument "Big Delta Airport," Latitude 63°59'35" N., Longitude 145°43'40" W., thence N. 04°55'47.3" E., 11,997.64 feet to Mile Post 270 on the Richardson Highway; thence due west to the mean high water line on the east bank of Delta River, which point is the true point of beginning for this description; thence southerly along the west boundary of the Big Delta Military Reservation to the southwest corner thereof; thence due east along the south boundary of the Big Delta Military Reservation to the north ¼ corner monument of Section 28, T. 11 S., R. 10 E., F.M.; thence south along the north-south centerlines of Sections 28 and 33; T. 11 S., R. 10 E., F.M., and Sections 4, 9, and 16, T. 12 S., R. 10 E., F.M., to the center section monument of Section 16, thence east to the west ¼ corner monument of Section 15, T. 12 S., R. 10 E.; thence S. 0°05' E. to the west section corner monument common to Sections 15 and 22; thence east to the ¼ corner monument common to Sections 15 and 22; thence south along the north-south centerline of Sections 22, 27, and 34, T. 12 S., R. 10 E., F.M., to the south ¼ corner of Section 34; thence east 74 feet, more or less, along the south boundary of Section 34 to a point of one-half mile west of the centerline of the existing Richardson Highway; thence southerly, parallel to and one-half mile west of said centerline to a point one-half mile due west of Donnelly, Alaska; thence N. 75°30' W., 190,740 feet, more or less, to the east bank of the Buchanan Creek; thence northerly along the east bank of Buchanan Creek and the east bank of the Little Delta River to a point 11,560 feet, southerly from the point of confluence of the Little Delta River and the Tanana River, which point is also located at Latitude 64°15' N., Longitude 146°43' W., approximately; thence S. 52°40' E., 160,843 feet, more or less, to a point identical with a point located at Latitude 63°59' N., Longitude 145°55' W., approximately; thence N. 60°43' E., 31,705 feet, more or less, to the point of beginning, excepting therefrom a 5-acre tract of land embraced in Trade and Manufacturing Site Claim, Fairbanks 157, located at the confluence of the Little Delta River East and West Forks, and more particularly described as; beginning at Corner No. 1, a stone monument located at the base of the bluff at Latitude 63°57'35" N., Longitude 146°55'23" W., thence south 660 feet to Corner No. 2, a blazed tree; thence west 330 feet to Corner No. 3, a blazed tree; thence north 660 feet to Corner No. 4, a 4 x 4-foot spruce post 4 feet high; thence east 330 feet to Corner No. 1, the point of beginning.

The area of lands described aggregates approximately 571,995 acres.

2. The above described lands are also withdrawn for classification and for protection of the public interest in the land pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act, supra, by Public Land Order No. 5187 of March 15, 1972.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11238 Filed 7-20-72;8:47 am]

[Public Land Order 5239]

[Anchorage 023002]

ALASKA

Withdrawal of Lands for Military Purposes Extended

1. By virtue of the authority vested in the Secretary of the Interior by the Act of September 26, 1961, 75 Stat. 671, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, location and entry under the mining laws, 30 U.S.C. Ch. 2, disposals of materials under the Act of July 31, 1947, 30 U.S.C. 601–604 (1970), and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287 (1970), and reserved until September 26, 1976, for use by the Department of the Army for the Fort Richardson-Davis Range:

FORT RICHARDSON-DAVIS RANGE—TRACT M

SEWARD MERIDIAN

T. 12 N., R. 1 W. (as conformed to protracted unsurveyed sections).
Sec. 6, W½;
Sec. 7, W½;
Sec. 17, SW¼;
Sec. 18, NW¼, S½.
Sec. 19, N½, SE¼, NE¼SW¼;
Sec. 20, NW¼.
T. 12 N., R. 2 W. (as conformed to protracted unsurveyed sections),
Secs. 1 and 2;
Sec. 3, N½NE¼, SE¼NE¼;
Sec. 11, NE¼, NE¼NW¼, N½SE¼, SE¼SE¼;
Sec. 12;
Sec. 13, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼SE¼.

The areas described aggregate approximately 4,720 acres.

2. The above-described lands are also withdrawn for classification and for protection of the public interest in the lands pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act, supra, by Public Land Order No. 5187 of March 15, 1972.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11239 Filed 7-20-72;8:47 am]

[Public Land Order 5240]

[Fairbanks 020174]

ALASKA

Withdrawal of Lands for Military Purposes Extended

1. By virtue of the authority vested in the Secretary of the Interior by the Act of September 26, 1961, 75 Stat. 686, the following described lands are hereby withdrawn from all forms of appropriation under the public land laws, including the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, selections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, location and entry under the mining laws, 30 U.S.C. Ch. 2, disposals of materials under the Act of July 31, 1947, 30 U.S.C. 601–604 (1970), and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181–287 (1970), and reserved until September 26, 1976, for use by the Department of the Army for the Yukon Command Training Site:

YUKON COMMAND TRAINING SITE—TRACT A

A tract of land located approximately 20 miles southeast of Fairbanks, and more precisely described as follows:

Commencing at a point identical with the northeast corner of the Eielson Air Force Base at approximately latitude 64°42'18" N., longitude 146°56'05" W.; thence west 5.25 miles, more or less, along the north boundary of said Air Force base to a point at approximately latitude 64°42'18" N., longitude 147°06'45" W.; thence north 7.5 miles, more or less, to a point at approximately latitude 64°49' N., longitude 147°06'45" W.; thence east 18.25 miles, more or less, to a point at approximately latitude 64°49' N., longitude 146°30' W.; thence south 2.5 miles, more or less, to a point at approximately latitude 64°47' N., longitude 146°30' W.; thence east 8.75 miles, more or less, to a point at approximately latitude 64°47'10" N., longitude 146°10'24" W.; thence south 12.6 miles, more or less, to a point at approximately latitude 64°36'24" N., longitude 146°10'24" W.; thence southwesterly 6.2 miles, more or less, to a point at approximately latitude 64°33'46" N., longitude 146°20'54" W.; thence west 11.8 miles, more or less, to a point at approximately latitude

64°33'46" N., longitude 146°44'18" W.; thence northwesterly 6.7 miles, more or less, to a point identical with the southeast corner of the Eielson Air Force Base at approximately latitude 64°36'12" N., longitude 146°56'05" W.; thence north 7 miles along the east boundary of said Air Force base to the point of beginning.

The area of lands described aggregates approximately 256,000 acres.

2. The above-described lands are also withdrawn for classification and protection of the public interest in the lands pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act, supra, by Public Land Order No. 5187 of March 15, 1972.

3. It is hereby determined that the promulgation of this public land order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. section 4332(2)(C), is required.

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 14, 1972.

[FR Doc.72-11240 Filed 7-20-72;8:47 am]

[Public Land Order 5241]
[Oregon 8733 (Wash.)]

WASHINGTON

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental order of April 26, 1937, withdrawing lands for the Columbia Basin Project, is hereby revoked so far as it affects the following described land:

WILLAMETTE MERIDIAN

T. 11 N., R. 32 E.,
Sec. 22, S½S½.

The area described aggregates 160 acres in Franklin County.

2. This revocation is made in furtherance of an exchange under section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g (1970), by which the offered land will benefit a Federal land program. Accordingly, the land described in this order is hereby classified, pursuant to section 7 of said Act, 43 U.S.C. 315f (1970), as suitable for such exchange. The land, therefore, will not be subject to other use or disposition under the public land laws in the absence of a modification or revocation of such classification (43 CFR 2440.4).

HARRISON LOESCH,
Assistant Secretary of the Interior.

JULY 17, 1972.

[FR Doc.72-11241 Filed 7-20-72;8:47 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 121—PROGRAMS FOR THE EDUCATION OF HANDICAPPED CHILDREN

Notice of proposed rule making was published in the FEDERAL REGISTER on January 20, 1972, at 37 F.R. 870, setting forth general provisions for all Federal programs authorized under the Education of the Handicapped Act (Subpart A of the proposed regulation) and specific requirements governing assistance to States under part B of the Act (Subpart B of the proposed regulation). Comments were received with respect to the definition of "children with specific learning disabilities" (§ 121.2(c)), record retention (§§ 121.4(b), 121.6(a), 121.106(e)), civil rights (§ 121.12), Governor's comments (§ 121.102(d)), participation of children enrolled in nonpublic schools (§§ 121.103(a)(1), 121.106(b), 121.108, 121.128), participation of severely and profoundly retarded children (§§ 121.103(c)(3), 121.105(e)(2)(ii)), parental involvement (§ 121.105(g)), complaint procedures (§ 121.109), audits (§ 121.132), and protection of "human rights." Following review of the comments, the following changes were made:

A—SUMMARY OF CHANGES BASED ON COMMENTS RECEIVED

1. Section 121.105(c)(2) has been amended to provide explicitly that parent training, where appropriate, is a permissible activity under part B of the Act.

2. Section 121.106(e) has been amended to make it clear that a State or local educational agency is only required to maintain inventories of equipment acquired by it with part B funds. For example, a State agency need not keep an inventory of equipment purchased by a local agency for a part B project, although it may do so if it so desires.

3. Section 121.108(d) has been amended to specifically include "private school educators who are knowledgeable in the education of handicapped children" in the list of "interested persons" set forth therein.

B—OTHER CHANGES

1. Section 121.3(f) has been amended to eliminate a discrepancy in language between that section and § 121.3(d)(9).

2. A new paragraph (h) has been added to § 121.3 to provide a cross-reference to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), and regulations thereunder.

3. Section 121.5 has been amended by deleting the provision regarding copyrights, since the Office of Education Copyright Guidelines referred to in the proposed rule (35 F.R. 7317), do not apply to Federal "formula grant" programs such as part B. A new § 121.110 has been added to cover situations where copyrightable materials are developed under a part B program or project.

4. Other minor changes have been made, either to correct typographical errors or to effect solely technical matters.

C—SUMMARY OF COMMENTS

1. A comment was received concerning the eligibility of "children with specific learning disabilities" (defined in § 121.2(c)) under part B. The legislative history of the Education of the Handicapped Act (Public Law 91-230, title VI; 20 U.S.C. 1401 et seq.) makes it clear that Congress only intended to include such children under parts B through F of the Act, to the extent that they may be classified as "other health impaired" children under section 602(1) of the Act; that is, to the same extent that they were included prior to the passage of Public Law 91-230 (enacted April 13, 1970). This is explicitly reflected in § 121.2(j), where the term "handicapped children" is defined.

2. One commenter proposed that the period of record retention required under § 121.6(a) be shortened. This period of retention (5 years, or 3 years if a Federal audit has occurred, whichever is less) is a provision which is uniformly applied by the Department to its grant programs. Objection was also made by the same commenter to § 121.4(b), to the effect that State educational agencies should not be required to maintain inventories of equipment purchased by a local agency. As stated above, this section has been clarified in accordance with the comment.

3. A comment was received requesting that "sex" be added to the categories set forth in § 121.12. This section is merely a cross-reference to title VI of the Civil Rights Act of 1964 and implementing regulations. Title VI of the Civil Rights Act prohibits discrimination, in connection with the provision of Federal assistance, on account of race, color, or national origin. Discrimination on account of sex is not covered by title VI. Since, within the Department, regulation in the area of civil rights is provided by the Office for Civil Rights, the comment received in this regard has been forwarded to that Office for its information (and possible action). To the extent that the comments suggests action by the Office of Education pursuant to its general grant making authority, the comment would appear to be as applicable to other Office of Education programs as it is to those under the Education of the Handicapped Act and therefore to be susceptible of consideration on a broader basis than that involved in the amendment of a single program regulation. The comment is therefore being referred to an

OE-wide task force charged with considering the impact of OE programs on women. Moreover, before any administrative action in this regard can be taken, the effect of congressional action with respect to discrimination on account of sex, as reflected in the Higher Education Amendments of 1972, would have to be thoroughly evaluated.

4. A commenter felt that the 45-day period for Governor's comments required under § 121.102(d) was difficult from a timing standpoint. This period is mandated by U.S. Office of Management and Budget policy contained in its Circular No. A-95, in the interest of furthering intergovernmental cooperation. A copy of the comment has been forwarded to OMB for their consideration.

5. A commenter raised the following questions with regard to participation of children enrolled in nonpublic schools:

(a) It was requested that "nonprofit schools, agencies, organizations (and) institutions" be added to the class of eligible recipients of part B funds (§ 121.103 (a)(1)). This section, however, merely recapitulates the language contained in section 613(a)(1)(A) of the Act (20 U.S.C. 1413(a)(1)(A)), which limits the States' discretion in making subgrants under Part B. Only local educational agencies may be such subgrantees. Since the statute provides for this limitation, the Office of Education does not have the legal authority to make the recommended change.

(b) The commenter suggested that the phrase "genuine opportunity will be provided for significant (participation)" be added to the State's assurance contained in § 121.103(c)(1). However, § 121.103(c)(1) is merely a restatement of section 613(a)(2) of the Act (20 U.S.C. 1413(a)(2)). The Office of Education does not have the legal authority to modify assurances required by statute to be included in a State plan. Furthermore, it is felt that the provisions contained in § 121.106—particularly paragraph (a), which requires that determinations respecting the provision of services for such children be on "a basis comparable" to public school children—adequately serve the purpose underlying this comment. The requirements contained in § 121.106 are identical to those contained in 45 CFR 121.7, the regulation presently in effect which is to be superseded by this document. No change in these requirements has been made.

(c) A third proposed amendment would have reworded § 121.106(b), which provides for the provision of services under part B to handicapped children enrolled in private schools and programs. The commenter suggested that the last sentence be reworded to read: "Those services may be provided through professional and subprofessional services, and may include dual enrollment, educational radio and television, the provision of mobile equipment, and transportation as well as other appropriate arrangements." The commenter did not state his intent in reversing the language of the regulation as proposed with respect to what may be "provided" and what may be "included" (see § 121.106(b)), and the potential effect of the suggestion is somewhat unclear. As to the suggested additional language: "and transportation as well as other appropriate arrangements," it is felt that since the list of permissible arrangements is in any case not exclusive, the addition is unnecessary. Each potential "arrangement" for the provision of such services should be judged on its own merits, under applicable law, within the context of a given project.

(d) The commenter's suggested revision of § 121.108(d) has been adopted, as set forth above.

(e) The commenter raised objections to the equipment control provisions contained in § 121.128(b). It is felt that current constitutional standards would not permit the deletion of these requirements.

6. A commenter suggested that certain provisions relating to "educational achievement" (§§ 121.103(c)(3), 121.105 (e)(2)(ii)) brought into question the eligibility of severely and profoundly retarded children to participate in projects under part B. However, it is the intent of the Act to make all mentally retarded children eligible for services (except those eligible under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965, Public Law 89-313, 20 U.S.C. 241c (a)(5)), regardless of the severity of their condition. Such activities as attain of self-care skills and improvement in mobility and communication, for example, would be permissible under part B if other applicable legal requirements are met.

7. A commenter asked that the regulation be revised to include "parent training" as an allowable activity. This suggestion was adopted as set forth above.

8. Since only one adverse comment was received regarding § 121.109, "Adoption of complaint procedures," no change has been made. It should be pointed out, however, that this section does not necessarily require any dramatic changes in present procedures if they meet the regulatory provisions. It merely requires that such procedures exist, and provides for "delivery" of information regarding them to interested persons.

9. A comment was received about the auditing requirements under § 121.132, in regard to a letter of September 15, 1970, in which the U.S. Comptroller General set forth certain standards for heads of Federal departments and agencies to follow. The primary difference between the proposed regulation and the guidelines contained in the September 15 letter (which applies by its terms only to audits of private organizations), is that the letter would place certain additional restrictions on the use of noncertified public accountants. Audit standards for all HEW programs are provided by the Department's Audit Agency to which the comment has been referred. Since the issue raised by the commenter is currently under consideration by that Agency, it would be inappropriate to alter the usual regulatory policy for an individual Office of Education program. The Audit Agency will continue to consider the matter on a Department-wide basis with a view to possible regulatory change.

10. A comment was received requesting consideration of issues concerning protection of "human rights" of participants under Office of Education programs for the handicapped. Although no changes have been made in the regulation, it is the policy of the Office of Education to promote to a maximum degree, the protection of such rights. It may be noted that the National Institutes of Health (NIH) is the agency primarily responsible, within the Department, for the protection of human research subjects, and has published regulations in this regard at 36 F.R. 20079 (adding a new Subpart 3-4.55 to Title 41 of the Code of Federal Regulations). In addition, the Office of Education is proposing, through rule making subject to public comment, that certain restrictions be placed on the use of data collection instruments under programs for the handicapped.

After consideration of the above comments, Part 121 of Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date. As appears from the above summary, the modifications do not involve any changes of a substantial nature from the provisions which were published in the FEDERAL REGISTER on January 20, 1972, as proposed rule making. Accordingly, these regulations shall be effective upon publication in the FEDERAL REGISTER (7-21-72).

Dated: June 29, 1972.

S. P. MARLAND JR.,
U.S. Commissioner of Education.

Approved: July 14, 1972.

ELLIOT L. RICHARDSON,
Secretary,
Health, Education and Welfare.

Subpart A—Definitions; General Provisions

Sec.
121.1 Scope.
121.2 Definitions.
121.3 Construction of necessary facilities.
121.4 Acquisition of equipment.
121.5 Patents.
121.6 Retention of records.
121.7 Payments and adjustments.
121.8 Reports.
121.9 Withholding of funds.
121.10 Coordination.
121.11 Financial interest prohibited.
121.12 Civil Rights.
121.13 Parental involvement and dissemination.

Subpart B—Assistance to States for Education of Handicapped Children

REQUIREMENTS FOR ASSISTANCE

121.100 Scope.
121.101 Purpose of assistance.
121.102 State plan—general.
121.103 State plan—provisions and assurances.
121.104 Description of projected activities.
121.105 Programs and projects.

AUTHORITY: The provisions of this Part 121 issued under the Education of the Handicapped Act (84 Stat. 175, 20 U.S.C. 1401), unless otherwise noted.

Subpart A—Definitions; General Provisions

§ 121.1 Scope.

Except as otherwise provided in this part, the provisions contained in this subpart apply to all programs authorized under the Education of the Handicapped Act (Public Law 91-230, Title VI). (20 U.S.C. 1401)

§ 121.2 Definitions.

As used in this part:

(a) "Acquisition" includes purchase, lease or lease-purchase.

(b) "Act" means the Education of the Handicapped Act (Title VI of Public Law 91-230).

(b-1) "Budget period" means the interval of time into which an approved activity is divided for budgetary purposes. It is generally the period of time during which the grantee must obligate or expend the awarded funds.

(c) "Children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, or emotional disturbance, or of environmental disadvantage.

(d) "Commissioner" means the U.S. Commissioner of Education.

(e) "Construction" means:

(1) Erection of new or expansion of existing structures, including the acquisition and installation of equipment therefor; or

(2) Acquisition of existing structures not owned by any agency or institution making application for assistance under this part; or

(3) Remodeling or alteration (including the acquisition, installation, modernization, or replacement of equipment) of existing structures; or

(4) Acquisition of land in connection with the activities in subparagraphs (1), (2), and (3) of this paragraph; or

(5) A combination of any two or more of the foregoing.

(f) "Department" means the U.S. Department of Health, Education, and Welfare.

(g) "Elementary school" means a day or residential school which provides elementary education, as determined under State law, and "Elementary school level" means the educational level at which elementary education is provided, as determined under State law.

(h) "Equipment" includes machinery and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational and related services, including items such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and books, periodicals, documents, and other related materials. Equipment does not include supplies which are consumed in use or which may not reasonably be expected to last longer than 1 year.

(i) "Fiscal Year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

(j) "Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled or other health impaired children who by reason thereof require special education and related services. The term includes children with specific learning disabilities to the extent that such children are health impaired children who by reason thereof require special education and related services.

(k) "Institution of higher education" means an educational institution in any State which—

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

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

(3) Provides an educational program for which it awards a bachelor's degree, or provides not less than a 2-year program which is acceptable for full credit toward such a degree, or offers a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

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

(5) Is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph, or if not so accredited, is an institution whose credits are accepted on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided however*, That in the case of an institution offering a 2-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions to participate under the Act and shall also determine whether particular institutions meet such standards. For the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

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

(m) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(n) "Preschool level" means the educational level from a child's birth to the time at which elementary education is provided as determined under State law.

(o) "Private elementary or secondary schools" means schools which provide elementary or secondary education, as determined under State law (but not including any education provided beyond grade 12) and which are controlled by other than a public agency.

(p) Except for the purposes of §§ 121.1, 121.3(a), 121.4 and 121.13, "Program" means an overall plan with respect to funds made available under any part of the Act during a fiscal year, which plan is intended to be put into effect by the recipient of such assistance (including State and local educational agencies under part B) through one or more projects.

(q) "Project" means an activity, or set of activities, proposed by an applicant for assistance under any part of the Act (including State and local educational agencies under part B) and designed to meet the purposes of such part.

(r) "Public agency" means a legally constituted organization of government under public administrative control and direction.

(s) "Research and related purposes" means research, research training (including the payment of stipends and allowances), surveys, or demonstrations in the field of education of handicapped children, or the dissemination of information derived therefrom, including (but without limitation) experimental schools.

(t) "Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12, and "Secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided, as determined under State law.

(u) "Secretary" means the Secretary of Health, Education, and Welfare.

(v) "Seriously emotionally disturbed children" does not include children who are socially maladjusted but not emotionally disturbed. In distinguishing between such children, the following criteria may be used to determine those children who are seriously emotionally disturbed: Those children who exhibit one or more of the following characteristics over a long period of time and to a marked degree:

(1) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(2) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(3) Inappropriate types of behavior or feelings under normal circumstances;

(4) General pervasive mood of unhappiness or depression; or

(5) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems.

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

(x) "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is no such agency or officer, an agency or officer designated by the Governor or by State law. (20 U.S.C. 1401)

§ 121.3 Construction of necessary facilities.

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the construction of necessary facilities, and (2) with respect to which he authorizes the use of such funds for such construction.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with facilities of a similar type constructed in the State (or other applicable geographic area) within such period as may be designated by the Commissioner as appropriate for the purposes of this paragraph.

(d) *Assurances.* Where applications are submitted under the Act for programs or projects which involve construction, such construction shall be approved by the Commissioner (or the State educational agency in the case of part B of the Act), only if the application contains the following assurances and provisions:

(1) The applicant has or will have a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the expected useful life of the facility;

(2) In developing plans for school facilities, the local and State codes with regard to fire and safety will be observed, and in situations where local and State codes do not apply, recognized codes shall be observed;

(3) The applicant shall comply with whatever procedures may be established by the Department to implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332 (2)(C)) and Executive Order No. 11514 (42 U.S.C. 4321 note). The applicant shall also comply with whatever policies and procedures are established by the Department to implement Executive Order No. 11507 (42 U.S.C. 4331 note) with regard to the prevention of air and water pollution;

(4) The grantee will furnish progress reports and such other information relating to the proposed construction and the program or project as the Commissioner (or the State educational agency in the case of part B of the Act) may require;

(5) Reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities;

(6) Approval by the Commissioner (or the State educational agency, in the case of part B of the Act) of the final working drawings and specifications will be obtained before the proposed construction is advertised or placed on the market for bidding; the construction will go to final completion in accordance with the application and approved drawings and specifications; the applicant will submit to the Commissioner or the State educational agency, as the case may be, for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the proposed construction or a part thereof until the applicable requirements of the Act and this part have been met;

(7) The applicant possesses legal authority to apply for and receive the grant or contract, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing board, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required;

(8) Sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility (where applicable), and sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed;

(9) Except as otherwise provided by State or local law, all contracting for construction (including the purchase and installation of built-in equipment) shall be on a lump sum fixed-price basis, and contracts will be awarded on the basis of competitive bidding with award of the contract to the lowest responsive and responsible bidder. The provision for exceptions based on State and local law set forth in paragraph (f) of this section will not be invoked to give local contractors or suppliers a percentage preference over nonlocal contractors bidding for the same contract. Such practices are precluded by this assurance;

(10) Except as otherwise provided by law, all laborers and mechanics employed by contractors and subcontractors on construction assisted under the Act, including minor remodeling, will be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5) and 29 CFR Part 1, and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work House Standards Act (40 U.S.C. 327–332); that such contractors and subcontractors shall comply with the provisions of 29 CFR Part 3; and that all construction contracts and subcontracts shall incorporate the contract clauses required by 29 CFR 5.5 (a) and (c). Such contracts shall also include the applicable provisions of Executive Order No. 11246, as amended (Nondiscrimination in Construction Contract Employment), and the applicant shall otherwise

comply with the requirements of section 301 of said Executive Order. The contractor shall furnish performance and payment bonds, each in the amount of the full contract price; and provide, during the life of the contract, for adequate fire, public liability, property damage, and workmen's compensation insurance;

(11) The applicant will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved drawings and specifications; and will furnish progress reports and such other information as the Commissioner (or the State educational agency, in the case of part B of the Act) may require;

(12) An assurance of compliance with title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in the application was filed or is attached to this application;

(13) The applicant will maintain grant or contract accounting records (identifiable by grant or contract number), including all records relating to the receipt and expenditure of Federal grant or contract funds and to the expenditure of the non-Federal share of the cost of a project (if any), for 3 years after the completion of the project if an audit is conducted by or on behalf of the Department within that period, or in the case where no audit is performed, for 5 years; except that should audit questions arise with respect to the grant or contract, the records will be maintained until all such questions are resolved. Representatives of the Federal Government or the State educational agency, as the case may be, shall have access at all reasonable times to the grantee's records and to work whenever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection;

(14) The facility will be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities;

(15) The applicant will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary or the U.S. Administrator of General Services. The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor; and

(16) The applicant will cause work on the project to be commenced within a reasonable time after receipt of notification from the Commissioner or the State educational agency, as the case may be, that funds have been awarded, and the project will be prosecuted to completion with reasonable diligence.

(e) *Avoidance of flood hazards.* In the planning of the construction of facilities involving the use of funds under the Act, any agency, institution, or organization receiving assistance under the Act for such construction, will in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 F.R. 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

(f) *Competitive bidding.* All contracts Act shall be awarded pursuant to paragraph (c)(9) of this section, except that, if one or more items of construction are covered by an established alternative procedure, consistent with State and local laws and regulations, which is approved by the Commissioner (or the State educational agency in the case of part B of the Act), and is designed to assure construction in an economical manner consistent with sound business practice, such alternate procedure may be followed.

(g) *Federal recovery in cases of nonconforming use.* If within 20 years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid under this part, the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the U.S. district court for the district in which the facility is situated. (20 U.S.C. 1232b, 1401, 1404)

(h) *Relocation assistance.* Programs or projects receiving Federal financial assistance for construction pursuant to this part are subject to the regulations on Relocation Assistance and Real Property Acquisition Policies contained in Part 15 of this title, and prior to approval a State agency (as defined in § 15.4(b) of this title) must notify the Department Regional Office of all such programs or projects affected by Part 15 of this title.

(36 F.R. 18838, September 22, 1971)

§ 121.4 Acquisition of equipment.

(a) *Scope.* This section is applicable to any program under the Act (1) which the Commissioner determines, pursuant to section 605 of the Act, will be improved by permitting funds authorized for such program to be used for the acquisition of equipment, and (2) with respect to which he authorizes the use of such funds for such acquisition of equipment.

(b) *Accountability.* Subject to such other provision which the Commissioner may make pursuant to law, any agency, institution, or organization receiving assistance under the Act pursuant to a program described in paragraph (a) of this section shall maintain inventories of equipment acquired by it with funds provided under the Act, and costing more than $300 per unit, for the expected useful life of the equipment or until its disposition, whichever is earlier. The records of such inventories shall be subject to the record retention requirements of § 121.6.

(c) *Disposition.* Proceeds from the sale of any equipment acquired with funds provided under the Act and the net proceeds from the rental of such equipment (where such sale or rental is authorized), will be disposed of, at the discretion of the Commissioner, in either one of the following two ways:

(1) Returning the funds to the Federal Government (i) by reducing the level of expenditures from support funds in an amount equal to the Federal share of such income, (ii) by treating the funds as a partial payment to a succeeding (continuation) award, or (iii) by payment to miscellaneous receipts of the Treasury, or

(2) Using the funds to further the purposes of the Federal program from which the award was made.

(d) *Custodial responsibility for equipment.* Each agency, institution, and organization receiving assistance under the Act shall make reasonable provision for the maintenance and repair of equipment acquired with such funds, and shall be responsible for replacing or repairing (with funds of such agency, institution, or organization) equipment which is lost, damaged, or destroyed due to the negligence of such agency, institution, or organization. (20 U.S.C. 1401, 1404)

§ 121.5 Patents.

(a) Any material of a patentable nature produced through a program supported under this part shall be subject to the provisions of Parts 6 and 8 of this title.

(b) All grants made, or contracts or other arrangements entered into under the Act shall contain a provision incorporating the substance of this section. (20 U.S.C. 1401)

§ 121.6 Retention of records.

(a) *Records.* Each agency, institution, and organization receiving assistance under the Act shall keep intact and accessible all records relating to the receipt and expenditure of such funds (and to the expenditure of the recipient's contribution to the cost of any program funded under section 623 of the Act) including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award. Such records shall be retained for 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time; or if such audit has not occurred by that time:

(1) Until the recipient of such assistance is notified of the completion of such audit, or

(2) For 5 years following the end of the budget period, whichever is earlier.

(b) *Audit questions.* The records involved in any claim or expenditure which has been questioned by the Federal audit

shall be further retained until resolution of any such audit questions.

(c) *Audit and examination.* The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other books, documents, papers and records of the recipient that are pertinent to a grant or contract under which assistance is received pursuant to this part. (20 U.S.C. 1232c(b), 1401)

§ 121.7 Payments.

(a) *Payment methods and adjustments.* Payments pursuant to grants, contracts, or other arrangements under this part may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.

(b) *Violations.* A payment under any such grant, contract, or other arrangement for expenditures which fail to meet the requirements of any of the applicable provisions of the Act or of this part may be taken into account in the determination of any such overpayments and and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant, contract, or other arrangement under the Act, for amounts expended by an agency, institution, or organization to carry out its function under such grant, contract, or other arrangement, will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each agency, institution, or organization receiving assistance under this part, in its maintenance of program expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Commissioner. (20 U.S.C. 1232d, 1401)

§ 121.8 Reports.

(a) Each agency, institution, or organization receiving assistance pursuant to a grant, contract, or other arrangement under this part shall submit, in accordance with procedures established by the Commissioner:

(1) Following the end of each fiscal year for which such assistance was received, a report of the total expenditures made under such grant, contract, or other arrangement, during such fiscal year; and

(2) Such other reports as are required by the Commissioner to carry out his functions under the Act. (20 U.S.C. 1232c, 1401)

§ 121.9 Withholding of funds.

(a) The approval of a State plan under part B of the Act, the approval of a grant, or the entering into of a contract or other arrangement, under the Act, and any payment pursuant thereto, shall not be deemed to waive the right of the Commissioner to withhold funds by reason of the failure of an agency, institution, or organization receiving assistance under the Act to observe, either before or after such administrative action, any Federal requirements.

(b) No official, agent, or employee of the Office of Education or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of these regulations or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Commissioner's right to enforcement of said provisions in accordance with their terms. (20 U.S.C. 1401, 43 Dec. Comp. Gen. 31 (1963))

§ 121.10 Coordination.

(a) Each program or project assisted under the Act (including State plans under part B of the Act), shall be developed so as to be in coordination with other public and private programs for the education of handicapped children or for similar purposes. Such coordination shall be continuous during the period in which such project or program remains in effect.

(b) In the coordination with such other programs, the comingling of Federal funds provided to assist a program or project under the Act with funds under such other programs is not authorized, but the simultaneous use of funds under such other programs to finance identifiable portions of a single program or project is permitted. (20 U.S.C. 1401)

§ 121.11 Financial interest prohibited.

A person who is a public official, officer, or member of, or who is otherwise associated with an agency, institution, or organization receiving financial assistance under this part, may not participate in an administrative decision with respect to a program or project so assisted, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him or to any member of his immediate family. (20 U.S.C. 1401)

§ 121.12 Civil rights.

Federal financial assistance provided under the Act and this part is subject to the regulations in part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88-352). Section 601 of that Act provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. (42 U.S.C. 2000d)

§ 121.13 Parental involvement and dissemination.

(a) *Scope.* This section is applicable to any program under the Act in which the Commissioner determines that parental participation at the State or local level would increase the effectiveness of the program in achieving its purposes.

(b) *Regulations.* Upon making a determination pursuant to paragraph (a) of this section, the Commissioner will promulgate regulations with respect to such program setting forth criteria designed to encourage such participation.

(c) *Local educational agencies.* If the program for which such determination is made provides for payments to local educational agencies, applications for payments shall

(1) Set forth such policies and procedures as will ensure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1231d)

Subpart B—Assistance to States for Education of Handicapped Children

REQUIREMENTS FOR ASSISTANCE

§ 121.100 Scope.

The provisions contained in this subpart apply to programs and projects assisted under part B of the Act. (20 U.S.C. 1411)

§ 121.101 Purpose of assistance.

Payment of Federal funds to a State under part B of the Act shall be solely for the purpose of assisting such State in the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels. (20 U.S.C. 1411)

§ 121.102 State plan—general.

(a) *Submission.* Any State which desires to receive grants under part B of the Act shall submit to the Commissioner, through its State educational agency, (1) a State plan (not part of any other plan) meeting the requirements of this part, and (2) the description of projected activities required under § 121.104. Each such State plan and all amendments thereto shall be submitted to the Commissioner by a duly authorized officer of the State educational agency. Each State plan shall designate the official authorized to submit plan materials.

(b) *Amendments.* The administration of the program carried out in a State under part B of the Act shall conform to the approved State plan of such State under such part. The State educational

agency shall promptly notify the Commissioner of any material change in the content or administration of such program and any change in pertinent State law or in the organization, policies, or operations of the State educational agency affecting such program. The Commissioner may require that any such changes be promptly reflected in appropriate amendments to the plan.

(c) *Certificates by the State educational agency and attorney general.* Each State plan and each amendment thereto submitted pursuant to this subpart shall be accompanied by (1) a certificate by the officer of the State educational agency authorized to submit the plan certifying that (i) the plan or amendment has been adopted by the State educational agency in accordance with paragraph (d) of this section and § 121.108, and (ii) such plan (or plan as amended), will constitute the basis for the operation and administration of the activities to be carried out in that State under part B of the Act; and (2) a certificate by the State Attorney General or other appropriate State legal officer that (i) the State educational agency has authority under State law to submit the plan and to administer or to supervise the administration of the plan, (ii) such agency has authority under State law to carry out, directly or through local educational agencies, the activities described therein, and (iii) all plan provisions are consistent with State law.

(d) *Governor's comments.* Prior to the submission to the Commissioner of any State plan under this subpart, or of any amendment thereto, or of any periodic description of projected activities submitted pursuant to § 121.104, the State educational agency shall afford the Governor of such State an opportunity to comment on the relationship of such State plan (or amendment or description) to comprehensive and other State plans and programs. The Governor shall be afforded a period of not less than 45 days in which to make such comments. Any such comments, or, if the Governor makes no comments, a statement to that effect, shall be attached to such plan, amendment, or report when the same is submitted to the Commissioner (OMB Circular A–95)

(e) *Approval by the Commissioner.* The Commissioner will approve each State plan, or amendment thereto, which he determines meets the requirements and purposes of part B of the Act and the applicable regulations in this part, and will notify the State educational agency of the granting, conditioning, or withholding of approval in each such case. No final action with respect thereto, other than one of approval, will be taken by the Commissioner, unless he first affords the State educational agency reasonable notice of his proposed action and, in connection therewith, affords such agency a reasonable opportunity for a hearing on whether the affected plan or amendment meets such requirements and purposes.

(f) *Withholding.* Whenever the Commissioner, after reasonable notice and opportunity for hearing, finds (1) that the State plan has been so changed that it no longer complies with the provisions of part B of the Act or the applicable regulations in this part, or (2) that in the administration of the plan there is a failure to comply substantially with any such provision or regulation or with any requirements set forth in the application of a local educational agency approved pursuant to such plan, the Commissioner will notify the State agency that further payments will not be made to the State under part B of the Act (or in his discretion, that further payments to the State will be limited to programs or projects under the State plan, or portions thereof, not affected by the failure, or that the State educational agency shall not make further payments under part B of the Act to specified local agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, the Commissioner will make no further payments to the State under part B of the Act (or will limit payments to programs or projects under, or parts of, the State plan not affected by the failure, or payments by the State educational agency under part B of the Act shall be limited to local educational agencies not affected by the failure, as the case may be).

(g) *Effective date of State plan.* The effective date of the State plan shall be the date established by the Commissioner after his review of the State plan. (20 U.S.C. 1413)

§ 121.103 State plan—provisions and assurances.

(a) *Use of funds.* A State plan submitted in accordance with this subpart shall set forth such policies and procedures as will provide satisfactory assurance that funds paid to the State under this subpart will be expended—

(1) Either directly or through individual, or combinations of, local educational agencies (including interdistrict, intercommunity, regional, State-local and interstate arrangements), solely to initiate, expand, or improve programs and projects (including preschool programs and projects)—

(i) Which are designed to meet the special educational and related needs of handicapped children throughout the State, and

(ii) Which are of sufficient size, scope, and quality (taking into consideration the special educational needs of such children) as to give reasonable promise of substantial progress toward meeting those needs, and

(2) (i) For the proper and efficient administration of the State plan (including State leadership activities and consultative services), and

(ii) For planning on the State and local level.

(b) *Special provisions and descriptions.* Each such State plan shall also—

(1) Set forth policies and procedures which provide satisfactory assurance that Federal funds made available under this subpart will be so used as to supplement and, to the extent practical, increase the level of State, local, and private funds expended for the education of handicapped children, and in no case supplant such State, local, and private funds;

(2) Provide for (i) making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this subpart, including reports of the objective measurements required by paragraph (c)(3) of this section and (ii) keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this subpart;

(3) Provide that the State educational agency (as designated in such plan) will be the sole agency for administering or supervising the administration of the plan; and

(4) Contain a statement of policies and procedures which will be designed to insure that all education programs for the handicapped in the State will be properly coordinated by the persons in charge of special education programs for handicapped children in the State educational agency.

(c) *Assurances.* Each such State plan shall also provide assurances satisfactory to the Commissioner—

(1) That, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private preschool programs and private elementary and secondary schools, provision will be made for participation of such children in programs assisted or carried out under this subpart;

(2) That the control of funds provided under this subpart, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this subpart, and that a public agency will administer such funds and property;

(3) That effective procedures, including provision for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of, and providing related services for, handicapped children;

(4) That such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this subpart to the State, including any such funds paid by the State to local educational agencies;

(5) That funds paid to the State under this subpart shall not be made available for handicapped children eligible for assistance under section 103(a)(5) of title I of the Elementary and Secondary Education Act of 1965; and

(6) That effective procedures will be adopted for acquiring and disseminating to teachers of, and administrators of programs for, handicapped children significant information derived from educational research, demonstration, and similar projects and for adopting, where

appropriate, promising educational practices developed through such projects. (20 U.S.C. 1413)

§ 121.104 Description of projected activities.

A State educational agency receiving a grant under this subpart shall submit to the Commissioner, at such time, for such period, and in such detail as he may require, a description of the projected activities for the education of handicapped children which are proposed to be carried out in the State under this subpart. (20 U.S.C. 1413(a)(7))

§ 121.105 Programs and projects.

(a) *Administration.* Programs and projects initiated, expanded, or improved under this subpart will be administered either (1) directly by the State educational agency to the extent consistent with the limitations in § 121.103(c)(5), or (2) by local educational agencies with the approval and under the supervision of the State educational agency. These include joint projects or programs under § 121.107.

(b) *Applications.* Funds paid to the State under this subpart shall be made available for carrying out programs and projects in accordance with the State's approved plan only upon application therefor (and any amendments thereto) approved by the State educational agency and containing such information as such State agency may require.

(c) *Content of projects.* In order to meet the special educational and related needs of handicapped children, projects under part B of the Act must provide one or more of the following services—

(1) Educational services to handicapped children which are in addition to, distinct from, or a modification of, educational services provided to children who are not handicapped, or

(2) Other services which are (i) directly related to the provision of educational services, (ii) designed to overcome or ameliorate the handicaps of handicapped children, and (iii) necessary to enable handicapped children to benefit from the educational services available to them. Such services may includ parent counseling and parent training, where appropriate, to enable parents to work more effectively with their handicapped children and have a greater understanding of their needs.

(d) *Scope of projects.* (1) Each project under this subpart shall provide, within itself or within the educational program which is supplemented by such project, direct instructional services to handicapped children.

(2) Where essential services related to meeting the major objectives of a project for handicapped children directly served in such project cannot be secured elsewhere, such services shall be provided by the project or by the educational program which the project supplements.

(3) For the purposes of this subpart, the term "program" includes the composite of all educational services provided through Federal, State, local, or other funding (i) for all of the handicapped children in a given school, or (ii) for all children in a given school with a specific type or specific types of handicap.

(e) *Design of programs and projects.* Programs and projects assisted or carried out under this subpart shall

(1) Be of sufficient size, scope, and quality, taking into consideration the special educational needs of handicapped children, as to give reasonable promise of substantial progress toward meeting those needs;

(2) Be designed in such a manner as to (i) focus upon groups of children with a specific type or specific types of handicap and (ii) concentrate on a limited number of handicapped children, as to give reasonable promise of promoting to a marked degree improvement in the educational attainment, motivation, behavior, or attitudes of such children;

(3) Contain a statement of objectives which are child-centered and set forth in terms of expected changes in the achievement or performance of a specified group of handicapped children;

(4) Be based upon a specific plan to achieve such objectives;

(5) Include effective procedures which have been adopted for evaluating at least annually the effectiveness of the program or project in meeting the special educational needs of, and providing related services for, handicapped children. In carrying out such evaluation, in addition to an assessment of the extent to which and the manner in which other major project objectives have been met, (i) projects which provide within themselves direct instructional services shall be evaluated on the basis of appropriate objective measurements of educational achievement of the children served, and (ii) projects which do not provide direct instructional services within themselves shall be evaluated in terms of their impact on the educational program or programs which are supplemented by such projects; and

(6) Be planned in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area to be served by the program or project and in the State.

(f) *Project amendment.* Amendments to applications approved pursuant to paragraph (a) of this section shall be submitted to the State educational agency for approval in the same manner as the original applications. Whenever there is (1) an adjustment of more than 10 percent upward or downward in the total budget or in a line item of the budget for an approved project, (2) a change in the project period, or (3) a substantial change in one or more of the proposed project activities, an amendment must be approved pursuant to this paragraph before such adjustment or change may be made.

(g) *Parental involvement.* Applications submitted pursuant to paragraph (e) of this section shall:

(1) Set forth such policies and procedures as will insure that programs and projects assisted under the application have been planned and developed, and will be operated, in consultation with, and with the involvement of, parents of the children to be served by such programs and projects;

(2) Be submitted with assurance that such parents have had an opportunity to present their views with respect to the application; and

(3) Set forth policies and procedures for adequate dissemination of program plans and evaluations to such parents and the public. (20 U.S.C. 1231d, 1313).

§ 121.106 Provision of services to handicapped children enrolled in private schools.

(a) *Determinations.* Determinations with respect to the special educational and related needs of handicapped children enrolled in private preschool programs and private elementary and secondary schools, the number of such children who will participate in programs and projects under this subpart, the types of services which will be provided for them, shall be made after consultation with persons knowledgeable as to the needs of such children, on a basis comparable to that used in providing for the participation, in programs and projects assisted or carried out under this subpart, of handicapped children enrolled in public preschool programs and elementary and secondary schools.

(b) *Services.* Programs and projects assisted or carried out under part B of the Act shall be designed to include, to the extent consistent with the number of eligible handicapped children enrolled in private preschool programs and private elementary and secondary schools in the geographical area served by the program or project, services which will aid in meeting the special educational and related needs of such children. Those services may be provided through such arrangements as dual enrollment, educational radio and television, and the provision of mobile equipment, and may include professional and subprofessional services.

(c) *Personnel and equipment.* (1) Public school personnel may be made available in other than public school facilities only to the extent necessary to provide the special educational and related services required by the handicapped children for whose needs such services were designed, and only when such services are not normally provided at the private school. The State or local educational agency providing educational and related services to children enrolled in private programs or schools shall maintain administrative control and direction over such services.

(2) The special educational and related services provided with funds under part B of the Act for eligible handicapped children enrolled in private programs or schools shall not include the payment of salaries of teachers or other employees of private programs or schools except for services performed outside their regular hours of duty and under public supervision and control, nor shall such services include the use of equipment purchased with part B funds, other than mobile or portable equipment, on private school premises or the construction of private school facilities.

(3) Subject to the provisions of § 121.128, mobile or portable equipment may be used on private school premises only for such period of time within the life of the current program or project for which the equipment is intended to be used as is necessary for the successful participation in that program or project by eligible handicapped children enrolled in private programs or schools.

(d) *Prohibition of segregation.* Any program or project to be carried out in public facilities and involving joint participation by eligible handicapped children enrolled in private programs or schools and handicapped children enrolled in public schools shall include such provisions as are necessary to avoid classes that are separated by the program or school enrollment or religious affiliations of such children. (20 U.S.C. 1413)

(e) *Inventories of equipment.* Each State and local educational agency shall maintain an inventory of all equipment acquired by it with funds under part B of the Act and placed in the temporary custody of persons in a private school. Such inventories shall be maintained until the equipment is discharged from such custody, and, if costing $300 or more per unit, for the expected useful life of the equipment or until its disposition. (20 U.S.C. 1413)

§ 121.107 Coordination.

(a) Each State educational agency shall, before approving programs and projects of local educational agencies under part B of the Act, (1) determine that the local educational agency has developed its program or project in coordination with other public and private programs for the education of handicapped children or for similar purposes in the area served by such local educational agency, and (2) require that the local educational agency will, in the conduct of approved programs and projects, coordinate its activities under the State plan with such other programs.

(b) State and local educational agencies may enter into cooperative arrangements with other State and local agencies, including those in another State, to carry out joint programs, projects, or activities necessary and appropriate to carrying out the purposes of part B of the Act. (20 U.S.C. 1413)

§ 121.108 Publication and opportunity for comment.

(a) *Presubmission.* Prior to its submission by the State educational agency to the Commissioner, each State plan shall be made public as a separate document, and a reasonable opportunity shall be given by that agency for comment thereon by interested persons. The Commissioner will not approve any State plan until such publication has been made and such opportunity for comment has been given. Methods of public notice of the proposed plan shall include notices and bulletins distributed by the State educational agency to local educational agencies and other agencies involved in the education of handicapped children and news releases to, or advertising in, key newspapers or other news media throughout the State.

(b) *Postsubmission.* Each State plan as finally approved by the Commissioner shall also be made public by the State educational agency in the same manner as that required under paragraph (a) of this section, and shall be made readily accessible upon request to any interested person in the State.

(c) *Statement of publication.* Upon its submission to the Commissioner by the State educational agency, each State plan shall be accompanied by a statement describing the method by which, and the extent to which, the plan has been and, when approved, will be made public.

(d) *Interested persons.* For the purposes of paragraph (a) of this section, interested persons include not only public officials, public employees, and other persons involved in the education of handicapped children, but also (1) persons who are themselves handicapped, (2) parents of a handicapped child or handicapped children, (3) private school educators who are knowledgeable in the education of handicapped children, and (4) the general public. (20 U.S.C. 1413(c)(1))

§ 121.109 Adoption of complaint procedures.

(a) *Procedures.* A State educational agency shall adopt effective procedures for reviewing, investigating, and acting upon any allegations of substance, which may be made by local educational agencies or private individuals or organizations, of actions by State or local educational agencies contrary to the provisions of part B of the Act or the applicable regulations in this part.

(b) *Publication.* Such procedures shall be made public by methods specifically designed to inform interested persons (as defined in § 121.108(d)).

(c) *Designation of officer.* The State educational agency shall designate the officers who will receive such complaints and comments, who will make initial dispositions regarding them, and who will review such dispositions. The names, office addresses, and telephone numbers of such officers shall be published together with such procedures.

(d) *Report.* The State educational agency shall submit to the Commissioner, together with the description of projected activities required under § 121.104, a report disclosing any allegations of the nature described in paragraph (a) of this section, a summary of the result of any investigations made or hearings held with respect to those allegations, and a statement of the disposition by the State educational agency of those allegations. It is recognized that the responsibility with respect to the resolution of such matters rests, in the first instance, in the State educational agency. (20 U.S.C. 1413)

§ 121.110 Copyrights.

If a copyright is obtained on materials produced with financial assistance under Part B of the Act, the Federal Government shall be granted a nonexclusive, irrevocable, royalty-free license to reproduce and publish the materials so copyrighted, including the power to sublicense, for all governmental purposes. (20 U.S.C. 1413)

Federal Financial Participation

§ 121.126 Allotments.

Funds alloted to a State pursuant to section 612(a)(2) of the Act, from appropriations made pursuant to section 611 of the Act, may be used only for the initiation, expansion, and improvement of programs and projects for the education of handicapped children at the preschool, elementary school, and secondary school levels by State educational agencies pursuant to § 121.127(a)(1) and local educational agencies pursuant to § 121.127(b)(1), except that not more than 5 percent of the amount alloted to a State for any fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, may be expended by the State educational agency for planning and for proper and efficient administration of the State plan pursuant to § 121.127(a)(2) and by local educational agencies for planning at the local level pursuant to § 121.127(b)(2). (20 U.S.C. 1413(a)(1))

§ 121.127 Allowable expenditures.

(a) *State educational agencies.* Funds under part B of the Act may be used by the State educational agency for such expenditures as are reasonably necessary (1) for the conduct by it of programs or projects for the education of handicapped children (including evaluation and dissemination of the results thereof), and (2), subject to the limitations in § 121.126, for (i) administration of the State plan and for planning at the State level, including planning or assisting in the planning of programs or projects for the education of handicapped children; (ii) approval, supervision, monitoring, and evaluation of local programs and projects for the education of handicapped children; (iii) technical assistance to local educational agencies with respect to the measurements of educational achievement and evaluation of the effectiveness of programs and projects pursuant to § 121.105(e)(5); (iv) dissemination and utilization of the results of educational research and demonstrations; and (v) other State leadership activities and consultative services.

(b) *Local educational agencies.* Funds made available under part B of the Act to local educational agencies may be used by those agencies for such expenditures as are reasonably necessary for activities directly related to (1) the conduct of programs and projects for the education of handicapped children which are approved by the State educational agency (including the evaluation and dissemination of the results thereof), and (2) subject to the limitations in § 121.126, the planning of such programs and projects.

(c) *Categories.* Categories of allowable expenditures referred to in paragraphs (a) and (b) of this section shall be determined in accordance with, and governed by, the principles and procedures set forth in 41 CFR Subpart 1–15.7 (OMB Circular No. A–87; Exhibit X–5–60–1 of the Department Grants Administration Manual), and shall include, but not be limited to the following:

(1) Salaries, wages, and other personal service costs of permanent and temporary staff employees and consultants for the performance of services reasonably necessary for the program under part B of the Act, including the costs of regular contributions of employers to retirement, workmen's compensation, and welfare funds, and payments for leave earned with respect to time so spent;

(2) Insurance coverage, to the extent consistent with the general policies of the State or local educational agency and with sound business practice: and the bonding of employees who handle part B funds;

(3) Communications;

(4) Utilities;

(5) Data processing services;

(6) The purchase of consumable supplies, including stationery;

(7) Printing and acquisition of printed and published materials;

(8) Travel and transportation expenses;

(9) Acquisition (by purchase, lease, or lease-purchase) and maintenance and repair of necessary equipment;

(10) Maintenance and repair of property acquired with Part B funds, to the extent necessary to keep such property in an efficient operating condition;

(11) Minor alterations in previously completed building space used or to be used in the program under part B of the Act when such alterations are needed to make effective use of equipment;

(12) The rental of space in privately and publicly owned buildings to the extent such space is in fact used for activities under part B of the Act, subject to the following provisions:

(i) The expenditures for the space are necessary and properly related to the activities of the program;

(ii) The State or local educational agency will, during the period of occupancy, receive the benefits of the expenditures commensurate with such expenditures;

(iii) The amounts paid are not in excess of comparable rental in the particular locality;

(iv) Expenditures represent a current cost;

(v) In the case of publicly owned buildings, like charges are made to other State or local agencies occupying similar space for similar purposes;

(13) Establishing and maintaining accounting, auditing, and other information systems required for the management of projects assisted under part B of the Act;

(14) Subject to the limitations in §§ 121.3 and 121.129, the construction of school facilities essential to the successful carrying out of approved programs or projects.

(d) *Religion.* None of the funds under part B of the Act may be used for religious worship or instruction. (20 U.S.C. 1404, 1413, 1414, 41 CFR Subpart 1–15.7)

§ 121.128 Title to and control over property and funds.

(a) *Incidental use.* The incidental use of property acquired with funds provided under this subpart for purposes other than those provided in part B of the Act is permitted only for related educational purposes on public premises and only so long as such a use does not interfere with the use of such property in a program or project carried out under part B of the Act.

(b) *Private schools.* Use of funds provided under part B of the Act and property derived therefrom shall not inure to the benefit of any private school. Equipment acquired with funds under part B of the Act may be placed on private school premises for a limited period of time, but the title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall not only keep records of, and account for, the equipment but shall also assure itself that the equipment is being used solely for the purposes of the program or project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the program or project.

(c) *Public agency control.* The State educational agency will obtain from a local educational agency administering a program or project under part B of the Act a satisfactory assurance that the funds provided under part B of the Act, and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of the Act and the regulations in this part.

(d) *Custody.* The State Treasurer (or if there is no State Treasurer, the officer designated by the State to exercise similar functions for the State) shall be responsible for receiving, and for the proper safeguarding, of all Federal funds granted to the State under the Act. (20 U.S.C. 1404, 1413 (a) (2), (3), (8))

§ 121.129 Construction.

A program or project for the education of handicapped children under part B of the Act may not include the construction of school facilities with funds provided under such part unless such construction (a) is demonstrated as essential to assure the success of that program or project and (b) complies with other requirements of part B of the Act and the regulations in this part with respect to construction. (20 U.S.C. 1404, 1413)

§ 121.130 Equipment.

(a) Funds provided under this subpart may not include expenditures for equipment unless (1) such equipment is demonstrated as essential to the provision of services to handicapped children, and (2) the recipient of such funds has a staff trained to use the requested equipment or has made provision for adequate staff training in the use of such equipment.

(b) In the purchase of equipment pursuant to this section, if a financial advantage is realized through bargains, rebates, discounts, bonuses, free pieces (not devoted to the project as approved), or other circumstances, the fair value of such financial advantage shall not be an allowable expenditure under § 121.127. (20 U.S.C. 1404, 1413)

§ 121.131 Use of Federal funds and liquidation of obligations by State or local educational agencies.

(a) *Period for use.* Federal funds under part B of the Act made available to State and local educational agencies for a fiscal year shall remain available for use by such State and local educational agencies in accordance with paragraph (c) of this section during that fiscal year. Grants for construction of school facilities shall remain available for use for that purpose for a reasonable period of time as determined pursuant to § 121.3(c).

(b) *Carryovers.* In accordance with section 405(b) (20 U.S.C. 1225(b)) of the General Education Provisions Act (Public Law 90–247, title IV, as amended), any Federal funds made available under part B of the Act to State and local educational agencies, which funds are not obligated and expended prior to the beginning of the fiscal year succeeding the fiscal year for which they were made available, shall remain available for obligation and expenditure during such succeeding fiscal year.

(c) *Determinations of use.* For the purpose of this section a use of funds under part B of the Act by a State or local educational agency will be determined on the basis of documentary evidence of binding commitments for the acquisition of goods or property, for the construction of school facilities, or for the performance of work. However, the use of funds for personal services, for services performed by public utilities, for travel, and for the rental of equipment and facilities shall be determined on the basis of the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(d) *State plan.* Federal funds under part B of the Act, except funds made available expressly for the development of State plans, shall not be available for use with respect to binding commitments (other than those relating to personal services, utility services, travel, or the rental of equipment or facilities) entered into, or with respect to personal services, utility services, travel, or the rental of equipment or facilities rendered or performed by a State educational agency, prior to the effective date of the State plan.

(e) *Liquidation.* Obligations entered into by State and local educational agencies and payable out of funds under part

B of the Act shall be liquidated during the fiscal year following the fiscal year in which such funds are obligated in accordance with this section unless prior to the end of that following fiscal year the State educational agency reports to the Commissioner the reasons why certain obligations cannot be timely liquidated and, on the basis thereof, the Commissioner extends the time for so liquidating those obligations. (20 U.S.C. 1413, 1225)

§ 121.132 State fiscal control and audit.

All expenditures by State and local educational agencies of Federal funds under part B of the Act shall be audited either by an appropriate State audit agency or by an independent certified public accountant or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other subdivision of the United States. Such State and local audits shall be in accordance with generally accepted auditing standards, which shall be no less in scope and coverage than those standards which may be prescribed by the Department. Copies of audit reports shall be made available to the State agency to assure that proper use has been made of the funds expended. The results of such audits will be used to review State agency records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits. (20 U.S.C. 1232c, 1413)

§ 121.133 Proration of costs.

Funds under part B of the Act are available only with respect to that portion of any expenditures which is attributable to an activity under the State plan. The State educational agency shall provide for a basis for identifying and a method to be used in prorating expenditures in determining those attributable solely to State plan activities. The State agency shall include in the description of its projected program activities submitted to the Commissioner pursuant to § 121.104, its projected expenditures for salaries attributable to State plan activities. The State agency must also maintain records (documented on an after-the-fact basis) to substantiate the proration of expenditures for applicable items such as salaries, travel, rent, and equipment. (20 U.S.C. 1232c, 1413, 1414)

§ 121.134 Maintenance of level of support.

In developing policies and procedures required to be set forth in a State plan pursuant to § 121.103(b)(1), the State educational agency shall take into consideration the total or per capita average amount of State, local, and private school funds budgeted for expenditures in the current fiscal year for the education of handicapped children as compared with the total or per capita average amount of State, local, and private school funds actually expended for the education of handicapped children in the two most recent fiscal years for which the information is available, with allowances made for decreases in enrollment of handicapped children, contributions of large sums of money from outside sources on a short-term basis, and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities. (20 U.S.C. 1413)

§ 121.135 Reallotment.

(a) *General.* The amount of any State's allotment under part B of the Act for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment, from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under part B of the Act for that year but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this section during a year shall be deemed part of its allotment under part B of the Act for that year.

(b) *Statements of anticipated need.* In order to provide a basis for reallotment by the Commissioner under part B of the Act, each State agency administering a program under part B of the Act shall, if requested, submit to the Commissioner by such date or dates as he may specify a statement or statements showing the anticipated need during the current fiscal year for the amount previously allotted, or any amount needed to be added thereto. The statement or statements shall contain such further information as the Commissioner may request for the purpose of making reallotments. (20 U.S.C. 1412(c))

[FR Doc.72-11295 Filed 7-20-72;8:49 am]

Title 46—SHIPPING

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER G—DOCUMENTATION AND MEASUREMENT OF VESSELS

[CGD 72-39R]

PART 66—GENERAL PROVISIONS

Revocation of Designations

A notice of proposed rule making was published in the March 9, 1972, issue of the FEDERAL REGISTER (37 F.R. 5058) proposing to revoke the designation of Gulfport and Pascagoula, Miss., as ports of documentation in the Eighth Coast Guard District. No comments adverse to the proposal were received, and the amendment is adopted as proposed.

In consideration of the foregoing, Part 66 of Title 46 of the Code of Federal Regulations is amended by striking out the words "Gulfport, Miss." and "Pascagoula, Miss." in § 66.05-1.

(Sec. 2, 23 Stat. 118, as amended; 46 U.S.C. 2; sec. 1, 43 Stat. 947, as amended; 46 U.S.C. 18; sec. 6(b)(1), 80 Stat. 937; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. This amendment shall be effective as of July 30, 1972.

Dated: July 13, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-11263 Filed 7-20-72;8:48 am]

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 71-139a]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Miscellaneous Amendments

The purpose of the amendments in this document to the dangerous cargo regulations is to—

1. Provide for the transportation of certain flammable liquids in DOT 37-D nonreusable steel drums;

2. Exempt liquid cement, n.o.s. in containers of fiberboard bodies with metal tops and bottoms from specification packaging, marking other than name of contents, and labeling requirements;

3. Authorize specification 4BA 240 and 4BW 240 cylinders for tin tetrachloride, anhydrous;

4. Authorize for certain organic phosphates the cylindrical steel overpack DOT-6D with an inside specification 2S polyethylene container; and

5. Limit to not more than 2 curies the quantities of Californium-252 in special form that may be shipped in Type A radioactive materials packages.

In the November 19, 1971, issue of the FEDERAL REGISTER (36 F.R. 22069) a notice of proposed rule making was published concerning certain miscellaneous changes to Part 146 of Title 46, Code of Federal Regulations. Interested persons were given 67 days in which to comment and a public hearing was held on January 18, 1972. No comments were received in response to the notice and no statements or comments were made at the public hearing.

In the May 13, 1972, issue of the FEDERAL REGISTER (37 F.R. 9631), amendments to the dangerous cargo regulations were issued on the proposed amendment to § 146.04-5. It was stated at that time that the remainder of the proposal would be adopted at a future time. This document adopts the remaining proposed amendments without change which are set forth below.

Effective date. These amendments shall become effective on October 20, 1972.

Dated: July 14, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

Part 146 of Title 46 of the Code of Federal Regulations is amended as follows:

§ 146.21–100 [Amended]

A. In § 146.21–100 Table D—Classification: Inflammable liquids—

1. By adding in column 4 directly under the words "Steel barrels or drums" for the articles ethyl acetate; ethyl methyl ketone; heptane; isopropyl acetate; methyl isopropenyl ketone, inhibited; motor fuel, n.o.s. and petroleum distillate the following:

(DOT–37D) NRC only for commodities not exceeding 10 pounds per gallon.

2. By adding in columns 4, 5, 6, and 7 directly under the words "Steel barrels or drums" for the articles allyl bromide; antifreeze compounds, liquid; butyl acetate; box toe gum; cement, leather; cigar and cigarette lighter fluid; coal tar distillate; coal tar naphtha; coal tar oil; compounds, cleaning liquids; compounds, tree or weed killing, liquid; crontonaldehyde; crude oil petroleum, dimethyl amine, aqueous solution; drugs, chemical medicine, or cosmetics, n.o.s.; ethylene dichloride; insecticide, liquid; methyl methacrylate monomer; oil; resin solutions; sodium methyl alcohol mixture; solvents, n.o.s.; toluol; turpentine substitutes; vinyl acetate; xylal; inflammable liquids, n.o.s. and insecticide, liquid (vermin exterminator) the following:

(DOT–37D) NRC only for commodities not exceeding 10 pounds per gallon.

B. By revising § 146.21–77(a) to read as follows:

§ 146.21–77 Limited quantity shipments of cements.

(a) Cements, except cements containing carbon bisulfide, in glass, earthenware, or leakproof containers with fiberboard bodies and metal tops and bottoms of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking other than name of contents and labeling requirements.

* * * * *

§ 146.23–100 [Amended]

C. In § 146.23–100 Table F—Classification: Corrosive liquids, for the article "Tin tetrachloride, anhydrous" by adding in column 4 the following:

Cylinders complying with DOT regulations.

§ 146.25–200 [Amended]

D. In § 146.25–200 Table H—Classification: Less dangerous poisons—

1. For the articles parathion, liquid and tetraethyl pyrophosphate, liquid by adding in column 4 the following:

Cylindrical steel overpack (DOT 6D) WIC DOT–2S.

2. For the articles parathion mixtures, liquid and tetraethyl pyrophosphate mixtures, liquid by adding in columns 4, 5, 6, and 7 the following:

Cylindrical steel overpack (DOT–6D) WIC DOT 2S.

§ 146.19–01 [Amended]

E. By adding a note to the table in § 146.19–01(n) to read as follows:

[1] Except that for Californium-252 the Type A quantity limit for special form is 2 curies.

(R.S. 4472, as amended; R.S. 4417a, as amended; sec. 1, 19 stat. 252, 49 stat. 1889, sec. 6(b)(1), 80 stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

[FR Doc.72–11251 Filed 7–20–72;8:48 am]

[CGD 71–12a]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

Miscellaneous Amendments

The amendment to Title 46 Code of Federal Regulations:

(1) Adds ethylene dibromide and toluene diisocyanate to Hazardous Articles classification.

(2) Clarifies the fact that Coast Guard classes for military explosives in addition to Classes I and II may be carried in containers upon approval of the Commandant.

(3) Defines "accessible" in the military explosives regulations (§ 146.29).

(4) Clarifies the prohibition against handling drafts of military explosives over explosives or other dangerous cargo which have been placed on deck.

(5) Redesignates § 146.29–25(g)(4) as § 146.29–59(i) since radioactive materials are no longer a class of poisons.

(6) Adds to § 146.06–12 a requirement for the dangerous cargo manifest to be kept in a holder located on or near the bridge. Also, requires that all special permits dealing with the transport of dangerous cargoes be kept in that holder.

(7) Clarifies what articles must be certified as a ships' store.

(8) Changes the title of Subpart 147.03 to "Use of ships' stores and supplies of a dangerous nature aboard ship."

(9) Adds to § 147.03–4 the detailed information required to be on labels or articles of ships' stores and supplies.

In the March 20, 1971, FEDERAL REGISTER a notice of proposed rule making (CGFR 71–12) was published which contained these items. A public hearing was held on June 8, 1971, for this notice. Two written and one oral comment were received on that notice.

All three comments dealt with the regulations proposed for toluene diisocyanate. They stated that the name should be spelled Toluene Diisocyanate and not Tolylene Diisocyanate because the latter is outdated. This comment is adopted. Two commentors also objected to the packaging proposed because it restricted packages to "stainless" steel drums thereby eliminating use of "carbon" steel drums which experience showed is an acceptable package. Therefore, the comment is adopted and all types of steel drums are allowed. One commentor requested that DOT–51 portable tanks be allowed for toluene diisocyanate. This proposal will be considered in a future rule making on this product.

This amendment is part of the notice of proposed rule making (CGFR 71–12). The remaining portions will be republished in a larger notice of proposed rule making to be issued later this year except for two topics still under study by the Coast Guard. These topics are the proposals on motor vehicles in containers and on gas tight holds for flammable liquid stowage.

In consideration of the foregoing Parts 146 and 147 of Title 46 of the Code of Federal Regulations are amended as follows:

§ 146.04–5 [Amended]

1. In § 146.04–5 *List of explosives and other dangerous articles and combustible liquids*, by adding in proper alphabetical sequence the following articles:

Article	Classed as—	Label required
* * *	* * *	* * *
Ethylene dibromide	Haz	
* * *	* * *	* * *
Toluene diisocyanate	Haz	
* * *	* * *	* * *

§ 146.27–100 [Amended]

2. In § 146.27–100 *Table K—Classification: Hazardous articles*, by adding in proper alphabetical sequence the following articles:

a. Column 1: Ethylene dibromide.
Column 2:
Colorless liquid with odor of chloroform.
Vapors 6.3 times heavier than air.
Toxic.
Do not breathe fumes and avoid prolonged contact with skin.
Boiling point 269° F.
Must be stowed in spaces capable of being ventilated.
Containers must be marked "Ethylene dibromide".
Column 3: No label required.
Column 4:
Stowage:
"On deck."
"Tween decks."
"Under deck."
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for cargo vessels.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC not over 200 lb. gr. wt.
Bulk as specifically approved by Commandant.
NOTE: Containers must be of a design and constructed of materials that does not react dangerously with nor be decomposed by the chemical packed therein.
Column 5:
Stowage:
"On decks."
"Tween decks."
"Under deck."
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25–200) for passenger vessels.

Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.
NOTE: Containers must be of a design and constructed of materials that do not react dangerously with nor be decomposed by the chemical packed therein.
Column 6:
Ferry stowage (AA).
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for ferry vessels.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.
Tank motor vehicles complying with DOT motor carrier regulations.
NOTE: Containers must be of a design and constructed of materials that do not react dangerously with nor be decomposed by the chemical packed therein.
Column 7:
Ferry stowage (BB).
Outside containers:
Any DOT specification container for liquids as shown in the Class B, less dangerous poisons table (§ 146.25-200) for car ferries.
Also:
Metal barrels or drums (CFC R 40) not over 55 gal. cap.
Wooden boxes, nonspecification, WIC, not over 200 lb. gr. wt.
Fiberboard boxes (CFC R 41) WIC, not over 90 lb. gr. wt.
Tank cars complying with DOT rail carrier regulations.
Tank motor vehicles complying with DOT motor carrier regulations.
NOTE: Containers must be of a design and constructed of materials that do not react dangerously with nor be decomposed by the chemical packed therein.

b. Column 1: Toluene diisocyanate.
Column 2:
Clear, faintly yellow liquid with strong pungent odor.
Toxic. Do not breathe fumes.
Keep away from heat and open flame. Stow away from living quarters and food stuffs. Must be stowed in well-ventilated spaces.
Do not stow with corrosive liquids, amines or alcohols.
Outside containers must be marked "Toluene Diisocyanate."
Column 3: No label required.
Column 4:
Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Outside containers:
Tight steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 5:
Stowage:
"On deck protected."
"On deck under cover."
"Tween decks."
"Under deck away from heat."
Outside containers:
Tight steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 6:
Ferry stowage (AA).
Outside containers:
Tight steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.
Column 7:
Ferry stowage (BB).
Outside containers:
Tight steel, nickel, or aluminum drums.
Wooden boxes, nonspecification, WIC.
Fiberboard boxes, WIC.

3. In § 146.29-11(c)(16) by adding a sentence at the end of the subparagraph to read as follows:

§ 146.29-11 Definitions and abbreviations.

* * * * *

(c) *Related terms.* * * *

(16) *Container.* * * * All other types of military explosives, including Class II-J may be carried in containers on approval of the Commandant.

* * * * *

4. By adding § 146.29-11(c)(65) to read as follows:

§ 146.29-11 Definitions and abbreviations.

* * * * *

(c) * * *

(65) *Accessible stowage.* Accessible stowage is one which can enable a fire-fighting party with equipment to approach with ease.

* * * * *

§ 146.29-41 [Amended]

5. By deleting § 146.29-41(k).

6. By adding § 146.29-42 to read as follows:

§ 146.29-42 Containers of ammunition.

Containers or portable magazines containing explosives of Coast Guard Classes I and II, designed to be loaded and discharged in a loaded condition by "lift-on, lift-off" method may be handled regardless of weight provided the rated working capacity of the cargo handling gear is not exceeded and provided further that the integrity of the handling gear is unimpaired. The volume of explosives that may be stowed in a container is not limited unless the container is being used as a portable magazine as described in § 146.29-89. Where the regulations of this subpart require magazines, containers may not be used for stowage purposes unless they comply with magazine requirements. All other classes of military explosives may be carried in containers on approval of the Commandant.

7. By adding § 146.29-45(g) to read as follows:

§ 146.29-45 Loading or unloading military explosives and other cargo.

* * * * *

(g) Drafts of explosives may not be handled over explosives or other dangerous articles which have been placed on deck permanently or temporarily.

8. In § 146.29-59 by deleting paragraph (g)(4) and by adding paragraph (i) to read as follows:

§ 146.29-59 Stowage adjacent to other dangerous articles.

* * * * *

(g) * * *

(4) [Deleted]

* * * * *

(i) *Radioactve materials.* Military explosives may not be stowed in the same hold in which radioactive materials are stowed.

9. By revising § 146.06-12(c) to read as follows:

§ 146.06-12 Dangerous cargo manifest, list or stowage plan required.

* * * * *

(c) The manifest list or stowage plan must be kept in a holder located on or near the bridge of the vessel and produced upon demand of the Commandant of the Coast Guard or his authorized representative. Any special permit dealing with the transport of dangerous cargo which is required to be aboard the vessel must be kept in this holder.

* * * * *

10. By revising § 147.01-4 to read as as follows:

§ 147.01-4 Certified articles of ships' stores.

(a) The following articles of ships' stores and supplies of a dangerous nature must be certified under the regulations of this part:

(1) Any article listed in § 146.05-100 of this subchapter.

(2) Any article that is classed as a radioactive material, Class A, B, or C explosive, flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, Class A, B, or C poison, combustible liquid, or hazardous article and are not listed in § 146.05-100 of this subchapter.

(b) The articles in paragraph (a) may not be offered for use or used on board domestic vessels subjected to the regulations in this part unless they are certified under the regulations of this part.

(c) Certifications issued under authority of the regulations in this part become effective immediately upon issue. Articles so certified and bearing the certificate number and legend in accordance with the provisions of § 147.03-6 may then be offered for use and used on board domestic vessels.

Subpart 147.03—Use of Ships' Stores and Supplies of a Dangerous Nature Aboard Ship

11. By revising the title of Subpart 147.03 to read: "Use of ships' stores and supplies of a dangerous nature aboard ship."

12. By revising § 147.03-4(q) to read as follows:

§ 147.03-4 Information required in statement.

* * * * *

(q) Furnish a copy or facsimile reproduction of the label under which the substance is marketed. The following information must appear on the label:

(1) Trade name of the product.
(2) Manufacturer's address.
(3) Operating instructions, including step by step procedure for the proper use of the product.
(4) First aid instructions to be followed in case of improper handling or accidental personnel contact, including antidotes for accidental ingestion.

(R.S. 4417a, as amended, R.S. 4472, as amended: § 4, 16 Stat. 441, 49 Stat. 1889, § 6(b)(1), 80 Stat. 937; 46 U.S.C. 391a, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Effective date. This amendment becomes effective on October 31, 1972.

Dated: July 14, 1972.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.72-11264 Filed 7-20-72;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-94; Amdts. 173-64, 178-25]

PART 173—SHIPPERS

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Shipment of Hazardous Materials

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is (1) to authorize the shipment of certain flammable liquids, not specifically provided for, in DOT-37D steel drums; (2) to authorize the shipment of liquid cement, n.o.s., in a fiberboard container of not more than 1 quart capacity having a metal top and bottom; (3) to authorize the shipment of anhydrous tin tetrachloride in specification 4BA240 and 4BW240 cylinders; (4) to delete from certain sections the reference to ICC-7 and ICC-7-150 cylinders, DOT-5 and DOT-5F drums; (5) to authorize the shipment of organic phosphates in a specification DOT-2S polyethylene container packaged within a specification DOT-6D cylindrical steel overpack; (6) to authorize the shipment of not more than 2 curies of Californium-252 in special form in a Type A radioactive materials package; (7) to delete molten salt bath heat treatment for quenching of specifications 3AA, 3AAX, 3HT, and 4DA cylinders; (8) to delete testing requirements for tubing used in the fabrication of specification 4B240ET cylinders; and (9) to modify certain test requirements for specification 4AA480 cylinders.

On November 19, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-94; Notice No. 71-29 (36 F.R. 22073), which proposed these amendments. Interested persons were invited to give their views.

One commenter objected to the proposal to amend § 173.119 to authorize the shipment of certain flammable liquids in DOT-37D steel drums. This commenter is of the opinion that this use of the proposed drums will significantly contribute to solid waste pollution because they are prohibited for reuse for the transportation of hazardous materials by the regulations. The Board considered the environmental aspects of this rule making and concluded that there was no significant environmental impact and that DOT-37D steel drums should be authorized for the shipment of certain flammable liquids. In accordance with Department of Transportation procedures, a discussion of the environmental effects was prepared and included in the docket.

Another commenter requested that the regulations permitting the packaging of anhydrous tin tetrachloride in specification 4BA240 and 4BW240 cylinders be amended for safety purposes. He suggested that the regulations prohibit the use of these cylinders for the transportation of liquefied petroleum gas after they are used for anhydrous tin tetrachloride and that the cylinders be identified by a specification number specific to corrosive liquid usage only. The Board is also concerned with the condition of these cylinders, authorized for corrosive liquids, which are interchangeable and may be used for compressed gas shipments. In Docket No. HM-76 (36 F.R. 20604), the Board provided special requalification test and inspection requirements for cylinders that have contained a corrosive liquid prior to recharging with a compressed gas. These requirements are set forth in § 173.34(e)(16). In view of these recent regulations with which it appears the commenter was not familiar, the Board does not consider further amendment of the regulations in this matter necessary.

In consideration of the foregoing, 49 CFR Parts 173 and 178 are amended as follows:

I. Part 173, Shippers, is amended as set forth below.

(A) In § 173.34, paragraph (d)(6) is canceled; in paragraph (e), the table is amended as follows:

§ 173.34 Qualification, maintenance and use of cylinders.

* * * * *

(d) * * *

(6) [Canceled]

(e) * * *

Specification under which cylinder was made	Minimum retest pressure (p.s.i.)	Retest period (years)
(cancel)		
7	do	5
7-150 for liquefied petroleum gas.	300 p.s.i.	5

* * * * *

(B) In § 173.119, paragraph (b)(10) is added to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(b) * * *

(10) Specification 37D (§ 178.137 of this subchapter). Nonreusable steel drum authorized only for a commodity not exceeding 10 pounds per gallon.

* * * * *

(C) In § 173.132, paragraph (b) is amended to read as follows:

§ 173.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

* * * * *

(b) Cements, except cements containing carbon bisulfide, in glass, earthenware, or leakproof containers with fiberboard bodies and metal tops and bottoms of not over 1 quart capacity each, or metal containers of not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water. However, when offered for transportation by water, name of contents must be marked on each outside container. Shipments for transportation by highway carriers are exempt also from Part 177 of this subchapter, except § 177.817 of this subchapter. When offered for transportation by rail express, such shipments are exempt from specification packaging, marking, and labeling requirements, except that packages having inside containers of over 1 quart capacity each must be marked with name of contents and bear the red label as prescribed in § 173.405. When fiberboard box is used for such shipments by rail freight, rail express, highway, or water, gross weight must not exceed 65 pounds.

(D) In § 173.247, paragraph (a)(17) is amended to read as follows:

§ 173.247 Acetyl chloride, antimony pentachloride, benzoyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.

(a) * * *

(17) Specification 4BA240 or 4BW240 (§§ 178.51, 178.61 of this subchapter). Metal cylinder. Authorized only for titanium tetrachloride or tin tetrachloride, anhydrous, without any compressed gas. Safety relief devices are not authorized.

(E) In § 173.301 paragraph (h), the table is amended as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(h) * * *

	CONTAINERS
[cancel]	ICC-7 [1]

* * * * *

(F) In § 173.302, paragraph (a)(1) is amended as follows:

§ 173.302 Charging of cylinders with non liquefied compressed gas.

(a) * * *

(1) Specification 3,[1] 3A, 3AA, 3B, 3C, 3D, 3E, 4, 4A, 4B, 4BA, 4BW, 4C, 25,[1] 26,[1] 33,[1] or 38[1] (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.48, 178.49, 178.50, 178.51, 178.52, 178.61 of this subchapter). See §§ 173.34 and 173.301(e).)

* * * * *

(G) In § 173.304, paragraph (a)(2) table is amended; paragraph (d)(3)(ii) table is amended in its entirety, footnote 1 is canceled as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) * * *

Kind of gas	Maximum permitted filling density (see Note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in § 173.34 (a), (b), § 173.3015 (j) (see notes following table)
Change	*Percent*	
Cyclopropane (see Notes 8 and 9).....	55	DOT-3A225; DOT-3A480X; DOT-3AA225; DOT-3B225; DOT-4A225; DOT-4AA480; DOT-4B225; DOT-4BA225; DOT-4BW225; DOT-4B240ET; DOT-3; DOT-3E1800; DOT-39.

* * * * *

(d) * * *

(3) * * *

(ii) * * *

Type of container	Maximum capacity		Maximum charging pressure-p.s.i.g.
	Cubic inches	Gallons	
DOT-2P (see Note 1).	31.83	.....	45 p.s.i.g. at 70° F. and 105 p.s.i.g. at 130° F. (see Note 2).
DOT-2P (see Note 1).	31.83	.....	26 p.s.i.g. at 70° F. and 84 p.s.i.g. at 130° F.
DOT-3C and ICC-4C.	3,881	16 + 5% tolerance.	145 p.s.i.g. at 130° F.

[1] [Canceled.]

* * * * *

(H) In § 173.358, paragraph (a)(12) is added to read as follows:

§ 173.358 Hexaethyl tetraphosphate, methyl parathion, organic phosphate compound, n.o.s., parathion, tetraethyl dithio pyrophosphate and tetraethyl pyrophosphate, liquid.

(a) * * *

(12) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with an inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each full removable head overpack over 5 gallons capacity must be closed by means of a 12-gage steel bolted ring closure with drop forged lugs, one of which is appropriately threaded. For an overpack not over 30 gallons capacity, the threaded lug must have at least a 3/8-inch bolt and locking nut, and for an overpack over 30 gallons capacity the bolt and locking nut must be at least 5/8-inch. Authorized only for materials that will not react with polyethylene and result in container failure.

(I) In § 173.359 paragraphs (a)(14) and (b)(10) are added to read as follows:

§ 173.359 Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, organic phosphate compound mixtures, n.o.s., parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, liquid.

(a) * * *

(14) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with an inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each full removable head overpack over 5 gallons capacity must be closed by means of a 12-gage steel bolted ring closure with drop forged lugs, one of which is appropriately threaded. For an overpack not over 30 gallons capacity, the threaded lug must have at least a 3/8-inch bolt and locking nut, and for an overpack over 30 gallons capacity the bolt and locking nut must be at least 5/8-inch. Authorized only for materials that will not react with polyethylene and result in container failure.

(b) * * *

(10) Specification 6D (§ 178.102 of this subchapter). Cylindrical steel overpack with an inside specification 2S (§ 178.35 of this subchapter) polyethylene container. Each full removable head overpack over 5 gallons capacity must be closed by means of a 12-gage steel bolted ring closure with drop forged lugs, one of which is appropriately threaded. For an overpack not over 30 gallons capacity, the threaded lug must have at least a 3/8-inch bolt and locking nut, and for an overpack over 30 gallons capacity the bolt and locking nut must be at least 5/8-inch. Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

(J) In the table under § 173.389(l), footnote 1 is added following the table and referenced in the second column, last entry "20".[1]

[1] Except that for Californium-252 the Type A quantity limit for special form is 2 curies.

§ 173.389 Radioactive materials; definitions.

* * * * *

(l) * * *

II. Part 178, Shipping Container Specifications, is amended as set forth below.

(A) In § 178.37–11(a), subparagraph (1) is amended, and subparagraph (7) is canceled as follows:

§ 178.37 Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, or other suitable medium except as provided in subparagraph (5) of this paragraph.

* * * * *

(7) [Canceled]

* * * * *

(B) In § 178.44–11(a), subparagraph (1) is amended, and subparagraph (4) is canceled as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44–11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, or other suitable medium.

* * * * *

(4) [Canceled]

* * * * *

(C) In §§ 178.55–2 and 178.55–4, paragraph (a) is amended to read as follows:

§ 178.55 Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.

§ 178.55–2 Type, spinning process, size and service pressure.

(a) *Type.* Cylinders must be of brazed type made from electric resistance welded tubing.

* * * * *

§ 178.55–4 Duties of inspector.

The inspector shall:

(a) Inspect all material and reject any not meeting the requirements.

* * * * *

(D) In § 178.56–14, paragraph (b) and paragraph (d) (1) and (2) are amended to read as follows:

§ 178.56 Specification 4AA480; welded steel cylinders made of definitely prescribed steels.

§ 178.56–14 Hydrostatic test.

* * * * *

(b) Pressure must be maintained for at least 30 seconds or sufficiently longer to assure complete expansion. Any internal pressure applied after heat-treatment and before the official

test must not exceed 90 percent of the test pressure. If, due to failure of test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased by 10 percent or 100 pounds per square inch, whichever is lower.

* * * * *

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less must be tested as described in paragraphs (a), (b), and (c) of this section, to at least two times service pressure. If a selected cylinder fails, then two additional specimens must be selected at random from the same lot and subjected to the prescribed test. If either of these fails the test, then each cylinder in that lot must be so tested; and

(2) Each cylinder not tested as prescribed in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and must show no defect. A cylinder showing a defect must be rejected unless it may be requalified under § 178.56–18(a).

(E) In § 178.58–11(a), subparagraph (1) is amended, and subparagraph (5) is canceled as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58–11 Heat treatment.

(a) * * *

(1) All containers must be quenched by oil, or other suitable medium except as provided in subparagraph (4) of this paragraph.

* * * * *

(5) [Canceled]

* * * * *

This amendment is effective September 30, 1972; however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831–835, Title 18, U.S.C. sec. 9, Department of Transportation Act, 49 U.S.C. 1657; Title VI, sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421–1430 and 1472(h))

Issued in Washington, D.C., on July 17, 1972.

G. H. READ,
Captain, Alternate Board Member, for the U.S. Coast Guard.

JAMES F. RUDOLPH,
Board Member, for the Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member, for the Federal Highway Administration.

MAC E. ROGERS,
Board Member, for the Federal Railroad Administration.

[FR Doc.72–11250 Filed 7–20–72;8:48 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–19 (Sub-No. 15)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Practices of Motor Carriers of Household Goods; Reservation of Vehicle Space by Shippers

Amended order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C. on the 10th day of July 1972.

It appearing, that in the order heretofore entered in this proceeding the Commission prohibited household goods carriers from making estimates and/or charges based on the reservation of a portion of the space of a vehicle; and

It further appearing, that a complaint has been filed in the U.S. District Court for the District of Columbia, Civil No. 878–72, Movers & Warehousemen's Ass'n v. United States, attacking the Commission's order insofar as it applies to Part (2) and Part (3) moves; and

It further appearing, that by order dated June 28, 1972, this proceeding was reopened for further consideration insofar as it applies to shipments of the type defined in 49 CFR § 1056.1(a)(3), namely, "articles, including objects of art, displays, and exhibits, which because of their unusual nature of value require the specialized handling and equipment usually employed in moving household goods;" and

It further appearing, that in light of the court case described above, and in order to keep the matter in perspective, further consideration should also be given to this order insofar as it applies to shipments of the type defined in 49 CFR § 1056.1(a)(2), namely, "furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments;" and good cause appearing therefor:

It is ordered, That this proceeding be, and it is hereby, reopened on our own motion for further proceeding in the manner hereinafter set forth solely with respect to shipments of the particular types of articles defined in § 1056.1(a)(2) of the regulations of the Interstate Commerce Commission (49 CFR 1056.1(a)(2)), namely, "furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments;" and in § 1056.1(a)(3) of the regulations of the Interstate Commerce Commission (49 CFR 1056.1(a)(3)), namely, "articles, including objects of art, displays, and exhibits, which because of their unusual nature or value require the specialized handling and equipment usually employed in moving household goods;"

It is further ordered, That no oral hearing is contemplated but that parties may submit for consideration verified statements in support of their respective positions in the manner hereafter set forth;

It is further ordered, That the persons named in Appendix A[1] be, and they are hereby, permitted to intervene with the right to appear and participate in all further proceedings:

It is further ordered, That in order to give the interested persons, not already parties an opportunity to participate in the matter, notice of this order shall be published in the FEDERAL REGISTER, with the provisions that such interested persons can become parties merely by indicating in writing their desire to participate before August 7, 1972;

It is further ordered, That after expiration of the date fixed for filing of intention to participate in the next preceding paragraph, the Commission shall prepare and make available to all parties to the proceding a list containing the names and addresses of all parties upon whom all initial statements and replies thereto must be served, and at the time of service of the service list, the Commission will fix the time within which initial statements and replies thereto must be filed; and

It is further ordered, That orders heretofore entered in this proceeding on February 28, 1971, and April 27, 1971, remain in full force and effect as to all shipments other than those defined in 49 CFR 1056.1(a)(2) and (3), as more fully described above.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.72–11315 Filed 7–20–72;8:53 am]

Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Accounting and Financial Reporting Requirements

The purpose of this amendment is to add a new Subpart B "Accounting and Financial Reporting Requirements" to Part 300 of the Price Commission's regulations, and to add as new Appendix IV

[1] Filed as part of the original document.

thereto certain procedures for implementing the new subpart.

Information submitted to the Price Commission to date has generally not conformed in all material respects with the accounting and reporting requirements of the general instructions to Form PC–50 and PC–51 and often have not been in accordance with generally accepted accounting principles and with the practices customarily followed by the firm, applied consistently. Further, reconciliations from audited or published financial reports to data submitted on Price Commission reports were often omitted or incomplete.

The Price Commission has adopted this regulation requiring that certain procedures be performed by independent public accountants as outlined in Appendix IV to ensure that the accounting information submitted to the Commission is prepared on a consistent basis and that the information submitted is sufficient for effective regulation. Similar requirements have historically proven successful by other regulatory agencies. Procedures are limited to provide maximum benefit to the reporting firm and the Price Commission at a reasonable cost to the firm, and because of time and cost considerations, audited submissions are not required by this regulation.

Because the purpose of this amendment is to provide for the use of certain procedures and to provide immediate guidance and information as to the price stabilization program, notice and public procedure thereon are unnecessary and impracticable, and good cause exists for making them effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558; 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Public Law 92–210, 85 Stat. 743; and Executive Order No. 11640, as amended)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth below effective July 20, 1972.

Issued in Washington, D.C. on July 19, 1972, by direction of the Commission.

W. DAVID SLAWSON,
General Counsel, Price Commission.

1. The table of contents of Part 300 is amended by striking out the entry "Subparts B–E [Reserved]" and inserting the following in place thereof:

Subpart B—Accounting and Financial Reporting Requirements

Sec.
300.221 Procedures required with respect to certain financial information.

Subparts C–E [Reserved]

2. The table of contents of Part 300 is further amended by inserting the following new entry at the end thereof:

APPENDIX IV—PROCEDURES AND REPORTS OF INDEPENDENT PUBLIC ACCOUNTANTS

3. Part 300 is amended by inserting the following new subpart after Subpart A:

Subpart B—Accounting and Financial Reporting Requirements

§ 300.221 Procedures required with respect to certain financial information.

(a) Each person subject to section 13 or 15(d) of the Securities Exchange Act of 1934 and each firm that prepares an audited financial statement on an annual basis shall obtain, for its reports filed with the Price Commission, the services of an independent public accountant to perform the procedures set forth in Appendix IV of this part. Those procedures are considered to be supplementary to periodic Commission examinations for compliance.

(b) This section applies to all filings received by the Price Commission after July 14, 1972, and which include financial information for periods ending after June 29, 1972.

4. Part 300 is further amended by adding the following new Appendix at the end thereof:

APPENDIX IV—PROCEDURES AND REPORTS OF INDEPENDENT PUBLIC ACCOUNTANTS

These procedures in this appendix shall be used by independent public accountants in complying with Subpart B of this part.

Each firm subject to section 13 or 15(d) of the Securities Exchange Act of 1934 and each firm that prepares audited financial statements on an annual basis shall file with Form PC–51, when it covers an annual or semiannual period, a letter or report of the independent public accountant stating that—

For Form PC–51 covering the fiscal year for which an examination of financial statements has been performed, and for each semiannual period for which Form PC–51 is required, the independent public accountant's letter shall set forth that the independent public accountant has performed the following procedures with respect to each reconciliation attached to the filing company's Form PC–51:

1. Compared the amounts shown in the company's report on Form 10–K or 10–Q (or, alternatively, other financial statements) with the related amounts shown in such reconciliations for the corresponding periods.

2. Compared the amounts presented in the reconciliations for "noncovered" activities with sources of data, such as consolidating workpapers, special analyses, etc., which sources of data should be described.

3. Compared the types of "noncovered" activities in the reconciliations for each of the periods reported with the types of "noncovered" activities in similar reconciliations supporting the periods reported on the company's latest Form PC–50.

4. Compared the classification and adjustment amounts pertaining to "covered" activities in the reconciliations for each period reported with the company's underlying data such as consolidating workpapers, special analyses, etc., which documents should be specifically identified for each of such periods.

5. Compared the types of such classifications and adjustments in the reconciliations for each of the periods covered on Form PC–51 with the types of such classifications and adjustments in similar reconciliations supporting the periods reported on the company's latest Form PC–50.

6. Compared the amounts shown in lines 5 through 13 of Form PC–51 with the corresponding amounts shown in such reconciliations for each period reported.

7. Checked the arithmetical accuracy of the totals and subtotals appearing on the reconciliations for each of the periods reported and on lines 5 through 13 of Form PC–51 for each of the periods reported.

8. Made inquiries of officers of the company as to whether the information set forth in the reconciliations for each of the periods reported complies in all material respects with the requirements of the general instructions of Form PC–51 as they relate to lines 5 through 13.

Each letter or report shall also set forth whether or not information came to the attention of the independent public accountant as a result of the foregoing procedures to cause him to believe that the amounts shown on lines 5 through 13 of Form PC–51 were not compiled in all material respects by use of procedures and accounting principles substantially consistent with those followed by the company in compiling the amounts shown on lines 5 through 13 of the most recently filed Form PC–50 and Form PC–51.

Form of reports. Reports shall be in substantially the following form unless circumstances or conditions, explained by the independent public accountant in the letter or report, demand that they be varied.

a. For Form PC–51 covering all fiscal years for which an examination of financial statements has been performed:

_____
(Date)

Company and the Price Commission, Washington, D.C. 20508

(Confidential Treatment Requested)
Re: Fiscal Year ended _____ 19__

Dear Sirs: We are independent public Company and our most recent examination of the consolidated financial statements of _____ Company and its subsidiaries was for the year ended _____, 19__, upon which we reported under date of _____, 19__.

At your request, we have performed the following procedures with respect to the consolidated reconciliations attached to the accompanying Form PC–51 prepared by the company for the year ended _____, 19 __ and 19__:

1. Compared the amounts shown in the company's report on Form 10–K (or, alternatively, other audited financial statements) for the year ended _____, 19__ and 19__ with the related amounts shown in such reconciliations for the years ended _____, 19__ and 19__.

2. Compared the amounts presented in the reconciliations for "noncovered" activities with (describe source of data, such as consolidating workpapers, special analyses, etc., prepared by the company) for the years ended _____, 19__ and 19__.

3. Compared the types of "noncovered" activities in the reconciliations for the years ended _____, 19__ and 19__ with the types of "noncovered" activities in similar reconciliations supporting the periods reported on the company's Form PC–50 dated _____, 19__.

4. Compared the classification and adjustment amounts pertaining to "covered" activities in the reconciliations for the years ended _____, 19__ and 19__ with (describe source of data, such as consolidating workpapers, special analyses, etc.) prepared by the company for such periods.

5. Compared the types of such classifications and adjustments in the reconciliations for the years ended _____, 19__ and 19__ with the types of such classifications and adjustments in similar reconciliations supporting the periods reported on the company's Form PC–50 dated _____, 19__.

6. Compared the amounts in lines 5 through 13 of Form PC–51 for the years ended _____, 19__ and 19__ with the related amounts shown in such reconciliations for the years ended _____, 19__ and 19__.

7. Checked the arithmetical accuracy of the totals and subtotals appearing on the reconciliations for the years ended 19-- and 19-- and on lines 5 through 13, of Form PC-51 for the years ended ------, 19-- and 19--.

8. Made inquiries of officers of the company as to whether the information set forth in the reconciliations for the years ended ------, 19-- and 19-- complies in all material respects with the requirements of the general instructions of Form PC-51 as they relate to lines 5 through 13.

Although we have examined and reported on the underlying consolidated financial statements of the company from which certain of the data in the attached reconciliations were derived the foregoing procedures do not constitute an examination of the reconciliations and Form PC-51 in accordance with generally accepted auditing standards and we do not express an opinion thereon. It should be understood that we make no representations as to questions of legal interpretation or as to the sufficiency for the Price Commission's purposes of the procedures enumerated in the preceding paragraph; also, such procedures would not necessarily reveal misstatements of the amounts shown in Form PC-51, line 5 through 13 nor would such procedures necessarily disclose material facts which may have been omitted.

Nothing came to our attention as a result of the foregoing procedures, however, that caused us to believe that the amounts shown on lines 5 through 13 for the years ended ------, 19-- and 19--, of the attached Form PC-51 were not compiled in all material respects by use of procedures and accounting principles substantially consistent with those followed by the company in compiling the amounts shown on lines 5 through 13 of the company's Form PC-50 dated ------, 19-- attached hereto (except as follows): (List the exceptions, if any, including their effect.)

This letter is solely for the company's transmittal to the Price Commission and is not to be used, circulated, quoted, or otherwise referred to outside of the company and the Price Commission. It is requested that this letter and the information submitted herewith be treated as confidential in accordance with Part 311 of the regulations of the Price Commission.

Independent Public Accountant

(Signature)

b. For Forms PC-51 covering semiannual periods and for periods reported on Form PC-50 for which no examination was performed:

Company and Price Commission, Washington, D.C. 20508

(Confidential Treatment Requested)
Re: Semiannual period ended ------, 19--

Dear Sirs: We are independent public accountants with respect to ---------- Company and our most recent examination of the consolidated financial statements of ---------- Company and its subsidiaries was for the year ended ------, 19--, upon which we reported under date of ------, 19--. We have not examined any financial statements of the company and its subsidiaries for the 6-month periods ended ------, 19-- and 19-- attached to the accompanying Form PC-51 prepared by the company for the 6 months ended ------, 19--:

1. Compared the amounts shown in the company's report on Form 10-Q (or, alternatively, unaudited interim reports) for the 6-month periods ending ------, 19-- and 19-- with the related amounts shown in such reconciliations for the 6-month periods ending ------, 19-- and 19--.

2. Compared the amounts presented in the reconciliations for "noncovered" activities with (describe source of data, such as consolidating workpapers, special analyses, etc.) prepared by the company for the 6-month periods ended ------, 19-- and 19--.

3. Compared the types of "noncovered" activities in the reconciliations for the 6-month periods ended ------, 19-- and 19-- with the types of "noncovered" activities in similar reconciliations supporting the periods reported on the company's Form PC-50 dated ------, 19--.

4. Compared the classification and adjustment amounts pertaining to "covered" activities in the reconciliations for the 6-month periods ended ------, 19-- and 19-- with (describe source of data, such as consolidating workpapers, special analyses, etc.) prepared by the company for such periods.

5. Compared the types of such classifications and adjustments in the reconciliations for the 6-month periods ended ------, 19-- and 19-- with the types of such classifications and adjustments in similar reconciliations supporting the periods reported on the company's Form PC-50 dated ------, 19--.

6. Compared the amounts in lines 5 through 13 of Form PC-51 for the 6-month periods ended ------, 19-- and 19-- with the related amounts shown in such reconciliations for the 6-month period ended ------, 19-- and 19--.

7. Checked the arithmetical accuracy of the totals and subtotals appearing on the reconciliations for the 6-month periods ended ------, 19-- and 19-- and on lines 5 through 13 of Form PC-51 for the 6-month periods ended ------, 19-- and 19--.

8. Made inquiries of officers of the company as to whether the information set forth in the reconciliations for the 6-month periods ended ------, 19-- and 19-- complies in all material respects with the requirements of the general instructions of Form PC-51 as they related to lines 5 through 13.

The foregoing procedures do not constitute an examination of the reconciliations and Form PC-51 in accordance with generally accepted auditing standards and we do not express an opinion thereon. It should be understood that we make no representations as to questions of legal interpretation or as to the sufficiency for the Price Commission's purposes of the procedures enumerated in the preceding paragraph; also, such procedures would not necessarily reveal misstatements of the amounts shown in Form PC-51, lines 5 through 13, nor would such procedures necessarily disclose material facts which may have been omitted.

Nothing came to our attention as a result of the foregoing procedures, however, that caused us to believe that the amounts shown on lines 5 through 13 for the 6-month periods ended ------, 19-- and 19-- of the attached Form PC-51 were not compiled in all material respects by use of procedures and accounting principles substantially consistent with those followed by the company in compiling the amounts shown on lines 5 through 13 of the company's Form PC-50 dated ------, 19-- attached hereto (except as follows): (List the exceptions, if any, including their effect.)

This letter is solely for the company's transmittal to the Price Commission and is not to be used, circulated, quoted, or otherwise referred to outside of the company and the Price Commission. It is requested that this letter and the information submitted herewith be treated as confidential in accordance with Part 311 of the regulations of the Price Commission.

Independent Public Accountant

(Signature)

[FR Doc.72-11370 Filed 7-20-72;8:54 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5261, 34-9648, 35-17617, 40-7236, AS-125]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

Regulation S-X

Proposals to amend Articles 1 (17 CFR 210.1-01—210.1-02), 2 (17 CFR 210.2-01—210.2-05), 3 (17 CFR 210.3-01—210.3-20), 4 (17 CFR 210.4-01—210.4-14), 5 (17 CFR 210.5-01—210.5-04), 9 (17 CFR 210.9-01—210.9-05), 11 (17 CFR 210.11-01—210.11-02), and Rules 12-01 (17 CFR 210.12-01) to 16 (17 CFR 210.12-16) (exclusive of 12-06A (17 CFR 210.12-06A)), and to omit Rules 12-17 (17 CFR 210.12-17) and 12-32 (17 CFR 210.12-32) of Regulation S-X (17 CFR Part 210) were issued for public comment on August 20, 1971, in Securities Act Release No. 5177 (36 F.R. 16196 (1971)) (Securities Exchange Act Release No. 9264, Public Utility Holding Company Act Release No. 17215 and Investment Company Act Release No. 6645).

The letters of comment which were received have been given careful consideration in determining the definitive amendments of the above articles and rules. Amendments to Article 9 and Rule 12-32 have been deferred temporarily. Rule 12-17 has been retained for use in other articles of the regulation not affected by these amendments. Many changes of an editorial or clarifying nature have been made. Parts of the index of the regulation and certain rules in Articles 7 (17 CFR 210.7-01—210.7-06) and 7A (17 CFR 210.7a-01—210.7a-06) have been revised to reflect changes in rule numbers and caption headings. Other more substantive changes have been made in rules discussed below. The Commission also plans to issue in the near future a proposal to revise the instructions to the financial statements and summaries of operations in various filing forms to reflect the changes in terminology and caption headings adopted in Regulation S-X and to clarify and modify the instructions in some respects.

Rule 1-01—Application of Regulation S-X. Additional cross-referencing to pertinent Accounting Series Releases (17 CFR Part 211) has been made at various points in the revised articles and rules as an aid to utilization of the releases as part of Regulation S-X. A study of the releases is being made to provide a codification and to determine whether certain of the releases should be rescinded.

Rule 1-02—Significant subsidiary. A change has been made in the tests in this

definition to base them on the parent's and the parent's other subsidiaries' proportionate share of revenues and assets of a subsidiary rather than on the total of such revenues and assets.

Rule 2–02—Accountants' reports, paragraph (c), opinion to be expressed. More general wording was adopted in part (1) regarding the financial statements and accounting principles reflected therein in lieu of parts (1) and (2) of the proposal to avoid improper interpretations of what is required by the rule. Part (4) of the proposal was omitted because the requirement is no longer considered necessary.

Rule 2–06 (proposed)—Examination of policy reserves of life insurance companies by an actuary. Adoption of the proposed rule has been deferred pending completion of a study by the American Institute of Certified Public Accountants regarding accountants' responsibility in connection with such examinations.

Rule 3–08—Summary of accounting principles and practices. The original permissive basis for the presentation of a single statement regarding information on accounting principles and practices reflected in financial statements, as specified under other rules of Article 3, has been restored in view of the fact that the Accounting Principles Board of the American Institute of Certified Public Accountants has recently issued an opinion on "Disclosure of Accounting Policies."

Rule 3–09—Translation of items in foreign currencies (as proposed). Paragraph (a) of the proposal was combined with Rule 3–16(b) to eliminate some duplication and to place it more logically under the requirements for notes to financial statements, and paragraph (b) which dealt with bases of translation was omitted pending completion of studies by the American Institute of Certified Public Accountants on translation of foreign currencies and intercorporate investments.

Rule 3–16(g)—Pension and retirement plans. The original rule was revised to require disclosure specified in the Accounting Principles Board Opinion on "Accounting for the Cost of Pension Plans" in addition to the disclosure originally required, including the amount of unfunded past service cost.

Rule 3–16(i)—Commitments and contingent liabilities. Part (2) of this rule has been changed to restrict the requirements for disclosure to noncancelable leases which have not been capitalized.

Rule 3–16(o)—Income tax expense. This rule was adapted from instructions proposed for Rule 5–03–15 and placed with the requirements for notes to the financial statements to provide more flexibility for presentation of the data in the body of a financial statement or in a footnote. The instruction is intended to insure that the components of income tax expense, including taxes currently payable, are adequately disclosed.

Rule 3–16(p)—Warrants or rights outstanding. This rule conforms to the present practice of requiring the data, which is specified in the schedule under Rule 12–15, to be presented in the notes to the financial statements for more informative disclosure.

Rule 4–02—Consolidated financial statements of the registrant and subsidiaries. Additional instructions were included in paragraphs (b) and (c) to clarify the rule, and the disclosure requirement specified under paragraph (b) (4) of the proposed rule was included with other disclosure requirements in paragraph (b) of Rule 4–04.

Rule 4–05—Reconciliation of investment of a person in subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and equity of such person in their net assets. Part (a) of the proposed rule has been omitted since, with the advent of the equity method of accounting, the disclosure specified therein is not meaningful. The second paragraph of part (b) of the proposed rule has been omitted since substantially the same information will be obtained under a new caption in the income statement.

Rule 4–07—Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities. The rule has been revised to clarify the conditions under which consolidated statements are permissible (paragraph (a)) and are not permissible (paragraph (b)).

Rule 5–02–20—Deferred research and development expenses, preoperating expenses and similar deferrals. An instruction was added to obtain disclosure in the notes to financial statements of significant data which would otherwise be disclosed under the schedule requirements adopted in Rule 12–08 for these types of expenses. (See comment under Rule 5–04, Schedule VII.)

Rule 5–02–39—Other stockholders' equity. The caption of this rule has been changed to provide a clearer distinction between retained earnings and other types of additional capital. The proposed requirement in paragraph (a) for disclosure regarding retained earnings capitalized has been omitted as unnecessary in light of requirements for analyses of the various equity accounts on a continuing basis. The change in terminology has also been reflected in Article 11.

Rule 5–03–17—Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons. An additional instruction has been included to recognize that in some circumstances this item may be presented in a different position and in a different manner.

Rule 5–03–20—Cumulative effects of changes in accounting principles. This new caption was adopted to provide for the presentation of cumulative effects of changes in accounting principles in the income statement in the circumstances specified in Accounting Principles Board Opinion No. 20 of the American Institute of Certified Public Accountants.

Rule 5–04—Schedule VII. The instructions and the schedule prescribed in Rule 12–08 have been revised to require inclusion of data in support of balance sheet caption 20, Deferred research and development expenses, preoperating expenses and similar deferrals, comparable to the data presently required to be reported in the schedule in support of balance sheet caption 16, Intangible assets. This addition to the schedule provides for more complete disclosure regarding the caption 20 items than was originally proposed under Rule 12–16 for research and development costs. This is considered desirable in light of the importance of expenditures on these types of activities to the current and future welfare of a company.

Rule 5–04—Schedules XVII and XVIII. The instructions have been changed to relate to new schedules adopted as Rules 12–42 and 12–43 to replace Rules 12–37 and 12–38 which had been adapted in Form S–11 (17 CFR 239.18) from another use for reporting by certain real estate companies on real estate held for investment and mortgage loans on real estate. The new schedules reflect the current structure of the real estate industry and will enable the companies to provide better disclosure regarding these important assets. The Instructions as to Financial Statements of Form S–11 will be amended in the near future to conform those instructions to these changes.

Rule 12–16—Supplementary income statement information. In order to simplify and reduce the overall requirements of the schedule, the requirement for disclosure of charges to other than income accounts for all items listed and the item Management and service contract fees have been omitted; the two elements of the item Rents and royalties have been listed separately; and a restricting definition for the item Advertising costs has been included.

(Securities Act of 1933, particularly secs. 6, 7, 8, 10, 19(a) thereof; the Securities Exchange Act of 1934, particularly secs. 12, 13, 15(d), 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly secs. 5(b), 14, 20(a) thereof; and the Investment Company Act of 1940, particularly secs. 8, 30, 31(c), 33(a) thereof)

The text of the amendments is attached to this release.

These amendments shall be effective with respect to financial statements for periods ending on or after December 31, 1972, except that the inclusion of professional employees in the definition of "member" in Rule 2–01(b) is effective commencing January 1, 1973, in registration statements and reports filed with the Commission.

By the Commission, June 23, 1972.

[SEAL] RONALD F. HUNT, *Secretary.*

ARTICLE 1—APPLICATION OF REGULATION S–X (17 CFR PART 210)

Sec.

210.1–01 Application of Regulation S–X (17 CFR Part 210).

210.1–02 Definition of terms used in Regulation S–X (17 CFR Part 210).

ARTICLE 2—QUALIFICATIONS AND REPORTS OF ACCOUNTANTS

210.2–01 Qualifications of accountants.

210.2–02 Accountants' reports.

210.2–03 Examination of financial statements by foreign government auditors.

ARTICLE 1—APPLICATION OF REGULATION S-X (17 CFR PART 210)

§ 210.1-01 Application of Regulation S-X (17 CFR Part 210).

(a) This part (together with the Accounting Series Releases [Part 211 of this chapter]) states the requirements applicable to the form and content of all financial statements required to be filed as a part of—

(1) Registration statements under the Securities Act of 1933 (Part 239 of this chapter), except as otherwise specifically provided in the forms which are to be used for registration under this Act;

(2) Registration statements under section 12 (Subpart C of Part 249 of this chapter), annual or other reports under sections 13 and 15(d) (Subparts D and E of Part 249 of this chapter), and proxy and information statements under section 14 of the Securities Exchange Act of 1934, except as otherwise specifically provided in the forms which are to be used for registration and reporting under these sections of this Act;

(3) Registration statements and annual reports filed under the Public Utility Holding Company Act of 1935 (Part 259 of this chapter) by public utility holding companies registered under such Act; and

(4) Registration statements and annual reports under the Investment Company Act of 1940 (Part 274 of this chapter).

(b) The term "financial statements" as used in this part shall be deemed to include all notes to the statements and all related schedules.

§ 210.1-02 Definitions of terms used in Regulation S-X (17 CFR Part 210).

Unless the context otherwise requires, terms defined in the general rules and regulations or in the instructions to the applicable form, when used in Regulation S-X (this Part 210), shall have the respective meanings given in such instructions or rules. In addition, the following terms shall have the meanings indicated in this section unless the context otherwise requires.

(a) *Accountant's report.* The term "accountant's report," when used in regard to financial statements, means a document in which an independent public or certified public accountant indicates the scope of the audit (or examination) which he has made and sets forth his opinion regarding the financial statements taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefor shall be stated.

(b) *Affiliate.* An "affiliate" of, or a person "affiliated" with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) *Amount.* The term "amount," when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) *Audit (or examination).* The term "audit" (or "examination"), when used in regard to financial statements, means an examination of the statements by an accountant in accordance with generally accepted auditing standards for the purpose of expressing an opinion thereon.

(e) *Bank holding company.* The term "bank holding company" means a person which is engaged, either directly or

indirectly, primarily in the business of owning securities of one or more banks for the purpose, and with the effect, of exercising control.

(f) *Certified.* The term "certified," when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified public accountant.

(g) *Control.* The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(h) *Equity security.* The term "equity security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

(i) *Fifty-percent-owned person.* The term "50-percent-owned person," in relation to a specified person, means a person approximately 50 percent of whose outstanding voting shares is owned by the specified person either directly, or indirectly through one or more intermediaries.

(j) *Fiscal year.* The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(k) *Insurance holding company.* The term "insurance holding company" means a person which is engaged, either directly or indirectly, primarily in the business of owning securities of one or more insurance companies for the purpose, and with the effect, of exercising control.

(l) *Majority-owned subsidiary.* The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding voting shares is owned by its parent and/or the parent's other majority-owned subsidiaries.

(m) *Material.* The term "material," when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters about which an average prudent investor ought reasonably to be informed.

(n) *Parent.* A "parent" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

(o) *Person.* The term "person" means an individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

(p) *Principal holder of equity securities.* The term "principal holder of equity securities," used in respect of a registrant or other person named in a particular statement or report, means a holder of record or a known beneficial owner of more than 10 percent of any class of equity securities of the registrant or other person, respectively, as of the date of the related balance sheet filed.

(q) *Promoter.* The term "promoter" includes—

(1) Any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer;

(2) Any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both services and property, 10 percent or more of any class of securities of the issue or 10 percent or more of the proceeds from the sale of any class of securities. However, a person who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this paragraph if such person does not otherwise take part in founding and organizing the enterprise.

(r) *Registrant.* The term "registrant" means the issuer of the securities for which an application, a registration statement, or a report is filed.

(s) *Share.* The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(t) *Significant subsidiary.* The term "significant subsidiary" means (1) a subsidiary or (2) a subsidiary and its subsidiaries, which meets either of the conditions described below based on (i) the most recent annual financial statements, including consolidated financial statements, of such subsidiary which would be required to be filed if such subsidiary were a registrant and (ii) the most recent annual consolidated financial statements of the registrant being filed:

(*a*) The parent's and the parent's other subsidiaries' proportionate share of the total assets (after intercompany eliminations) of the subsidiary, or their investments in and advances to the subsidiary exceed 10 percent of the total assets of the parent and consolidated subsidiaries.

(*b*) The parent's and the parent's other subsidiaries' proportionate share of the total sales and revenues (after intercompany eliminations) of the subsidiary exceed 10 percent of the total sales and revenues of the parent and consolidated subsidiaries.

(u) *Subsidiary.* A "subsidiary" of a specified person is an affiliate controlled by such person directly, or indirectly through one or more intermediaries.

(v) *Totally held subsidiary.* The term "totally held subsidiary" means a subsidiary (1) substantially all of whose outstanding equity securities are owned by its parent and/or the parent's other totally held subsidiaries, and (2) which is not indebted to any person other than its parent and/or the parent's other totally held subsidiaries, in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within 1 year from the date of its creation, whether evidenced by securities or not. Indebtedness of a subsidiary which is secured by its parent by guarantee, pledge, assignment, or otherwise is to be excluded for purposes of subparagraph (2) of this paragraph.

(w) *Voting shares.* The term "voting shares" means the sum of all rights, other than as affected by events of default, to vote for election of directors and/or the sum of all interests in an unincorporated person.

(x) *Wholly owned subsidiary.* The term "wholly owned subsidiary" means a subsidiary substantially all of whose outstanding voting shares are owned by its parent and/or the parent's other wholly owned subsidiaries.

ARTICLE 2—QUALIFICATIONS AND REPORTS OF ACCOUNTANTS

§ 210.2–01 Qualifications of accountants.

(a) The Commission will not recognize any person as a certified public accountant who is not duly registered and in good standing as such under the laws of the place of his residence or principal office. The Commission will not recognize any person as a public accountant who is not in good standing and entitled to practice as such under the laws of the place of his residence or principal office.

(b) The Commission will not recognize any certified public accountant or public accountant as independent who is not in fact independent. For example, an accountant will be considered not independent with respect to any person or any of its parents, its subsidiaries, or other affiliates (1) in which, during the period of his professional engagement to examine the financial statements being reported on or at the date of his report, he or his firm or a member thereof had, or was committed to acquire, any direct financial interest or any material indirect financial interest; (2) with which, during the period of his professional engagement to examine the financial statements being reported on, at the date of his report or during the period covered by the financial statements, he or his firm or a member thereof was connected as a promoter, underwriter, voting trustee, director, officer, or employee, except that a firm will not be deemed not independent in regard to a particular person if a former officer or employee of such person is employed by the firm and such individual has completely dissociated himself from the person and its affiliates and does not participate in auditing financial statements of the person or its affiliates covering any period of his employment by the person. For the purposes of this § 210.2–01 the term "member" means all partners in the firm and all professional employees participating in the audit or located in an office of the firm participating in a significant portion of the audit.

(c) In determining whether an accountant may in fact be not independent with respect to a particular person, the Commission will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and

that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Commission.

§ 210.2–02 Accountants' reports.

(a) *Technical requirements.* The accountant's report (1) shall be dated; (2) shall be signed manually; (3) shall indicate the city and State where issued; and (4) shall identify without detailed enumeration the financial statements covered by the report.

(b) *Representations as to the audit.* The accountant's report (1) shall state whether the audit was made in accordance with generally accepted auditing standards; and (2) shall designate any auditing procedures deemed necessary by the accountant under the circumstances of the particular case, which have been omitted, and the reasons for their omission. Nothing in this rule shall be construed to imply authority for the omission of any procedure which independent accountants would ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by paragraph (c) of this section.

(c) *Opinion to be expressed.* The accountant's report shall state clearly: (1) The opinion of the acountant in respect of the financial statements covered by the report and the accounting principles and practices reflected therein; and (2) the opinion of the accountant as to the consistency of the application of the accounting principles, or as to any changes in such principles which have a material effect on the financial statements as required to be set forth in § 210.3–07(a).

(d) *Exceptions.* Any matters to which the accountant takes exception shall be clearly identified, the exception thereto specifically and clearly stated, and, to the extent practicable, the effect of each such exception on the related financial statements given. (See Release No. AS–4.)

§ 210.2–03 Examination of financial statements by foreign government auditors.

Notwithstanding any requirements as to examination by independent accountants, the financial statements of any foreign governmental agency may be examined by the regular and customary auditing staff of the respective government if public financial statements of such governmental agency are customarily examined by such auditing staff.

§ 210.2–04 Examination of financial statements of persons other than the registrant.

If a registrant is required to file financial statements of any other person, such statements need not be examined if examination of such statements would not be required if such person were itself a registrant.

§ 210.2–05 Examination of financial statements by more than one accountant.

If, with respect to the examination of the financial statements of any person, the principal accountant relies on an audit made by another accountant of certain of the accounts of such person or its subsidiaries, the report of such other accountant shall be filed (and the provisions of §§ 210.2–01 and 210.2–02 shall be applicable thereto): *However,* The report of such other accountant need not be filed (a) if no reference is made directly or indirectly to such other accountant's audit in the principal accountant's report, or (b) if, having referred to such other accountant's audit, the principal accountant states in his report that he assumes responsibility for such other accountant's audit in the same manner as if it had been made by him.

Article 3—Rules of General Application

§ 210.3–01 Form, order, and terminology.

(a) Financial statements may be filed in such form and order, and may use such generally accepted terminology, as will best indicate their significance and character in the light of the provisions applicable thereto.

(b) All money amounts required to be shown in financial statements may be expressed in whole dollars, in thousands of dollars or in hundred thousands of dollars, as appropriate: *Provided,* That, when stated in other than whole dollars, an indication to that effect is inserted immediately beneath the caption of the statement or schedule, or at the top of the money columns, or at an appropriate point in narrative material. The individual amounts shown need not be adjusted to the nearest dollar, or thousand or hundred thousands if in a note it is stated that the failure of the items to add to the totals shown is due to the dropping of amounts less than $1, $1,000, or $100,000, as appropriate.

(c) Negative amounts (red figures) shall be shown in brackets or parentheses and so described in the related caption, columnar heading or a note to the statement or schedule, as appropriate.

§ 210.3–02 Items not material.

If the amount which would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth (but see Release No. AS–41).

§ 210.3–03 Inapplicable captions and omission of unrequired or inapplicable financial statements.

(a) No caption need be shown in any financial statement as to which the items and conditions are not present.

(b) Financial statements not required or inapplicable because the required matter is not present need not be filed.

(c) Financial statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

§ 210.3–04 Omission of substantially identical notes.

If a note covering substantially the same subject matter is required with respect to two or more financial statements relating to the same or affiliated persons, for which separate sets of notes are presented, the required information may be shown in a note to only one of such statements: *Provided,* That a clear and specific reference thereto is made in each of the other statements with respect to which the note is required.

§ 210.3–05 Omission of names of certain subsidiaries.

Notwithstanding the requirements as to particular statements, subsidiaries, the names of which are permitted to be omitted from the list of affiliates required by the applicable form, need not be named in any financial statement. Reasonable grouping of such subsidiaries may be made, with an explanatory group caption which shall state the number of subsidiaries included in the group.

§ 210.3–06 Additional information.

The information required with respect to any statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading. This rule shall be applicable to all statements required to be filed, including copies of statements required to be filed in the first instance with other governmental agencies.

§ 210.3–07 Changes in accounting principles and practices and retroactive adjustments of accounts.

(a) Any change in an accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are being filed which materially affects comparability of such financial statements with those of prior periods, and the effect thereof upon the net income of the period in which such change is made and, if practicable, of the prior periods for which financial statements are being filed, shall be disclosed in an appropriate manner.

(b) Any material retroactive adjustment made in income statements during any period for which financial statements are being filed, and the effect thereof upon net income of prior periods shall be disclosed in a note to the appropriate financial statement: *Provided, however,* That such disclosures need not be made (1) if they have been made in filings with the Commission in prior years or (2) the financial statements which are being retroactively adjusted have not previously been filed with the Commission or otherwise made public.

§ 210.3–08 Summary of accounting principles and practices.

Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such case, specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

§ 210.3–09 Valuation and qualifying accounts.

Valuation and qualifying accounts shall be shown separately in the financial statements as deductions from the specific assets to which they apply.

§ 210.3–10 Basis of determining amounts—book value.

If an instruction requires a statement as to "the basis of determining the amount," the basis shall be stated specifically. The term "book value" will not be sufficiently explanatory unless, in a particular instruction, it is stated to be acceptable with respect to a particular item.

§ 210.3–11 Current assets.

Assets and other resources classed with cash and its equivalent as current assets shall be reasonably expected to be realized in cash or sold or consumed within one year. However, if the normal operating cycle of the company is longer than 1 year, generally recognized trade practices may be followed with respect to the inclusion of items such as installment receivables or inventories long in process: *Provided,* An appropriate explanation of the circumstances is made and, if practicable, an estimate is given of the amount not realizable within 1 year. The captions specified under this § 210.3–11 and § 210.3–12 are not required for persons which do not normally distinguish current assets and liabilities from noncurrent.

§ 210.3–12 Current liabilities.

Obligations which are payable within 1 year or whose liquidation is reasonably expected to require the use of existing current assets (see § 210.3–11) or the creation of other current liabilities shall be classed as current liabilities. However, if the normal operating cycle of the company is longer than 1 year, generally recognized trade practices may be followed with respect to the exclusion of items such as customers' deposits and deferred income, provided an appropriate explanation of the circumstances is made. (See also Release No. AS–102.)

§ 210.3–13 Reacquired evidences of indebtedness.

Reacquired evidences of indebtedness shall be deducted from the appropriate liability caption. However, reacquired evidences of indebtedness held for pension and other special funds not related to the particular issues may be shown as assets of such funds: *Provided,* That there be stated parenthetically the amount of such evidences of indebtedness, the cost thereof, and the amount at which stated.

§ 210.3–14 Reacquired shares.

Reacquired shares not retired shall be shown separately as a deduction from capital shares, or from the total of capital shares and other stockholders' equity, or from other stockholders' equity, at either par or stated value, or cost, as circumstances require.

§ 210.3–15 Discount on capital shares.

Discount on capital shares, or any unamortized balance thereof, shall be shown separately as a deduction from capital shares or from additional capital as circumstances require.

§ 210.3–16 General notes to financial statements. (See Release No. AS–4.)

If present in regard to the person for which the financial statements are filed, the following shall be set forth on the face of the appropriate statement or in notes appropriately captioned and referred to in such statement. The information shall be provided for each statement required to be filed, except that the information required by paragraphs (c), (e), (f), (g)(3), (h), (i), (k), and (p) of this section shall be provided as of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed. When specific statements are presented separately the pertinent notes shall be attached unless cross-referencing is appropriate.

(a) *Principles of consolidation or combination.* With regard to consolidated or combined financial statements, refer to §§ 210.4–01 to 210.4–09 for requirements for supplemental information in notes to the financial statements.

(b) *Principles of translation of items in foreign currencies.* When items in foreign currencies are included in the financial statements being presented, there shall be stated (1) a brief description of the principles followed in translating the foreign currencies into U.S. currency and (2) the amount and disposition of the unrealized gain or loss.

(c) *Assets subject to lien.* Assets mortgaged, pledged, or otherwise subject to lien, and the approximate amounts thereof, shall be designated and the obligations collateralized briefly identified.

(d) *Intercompany profits and losses.* The amount, and the effect upon any balance sheet item, of profits or losses resulting from transactions with affiliated companies and not eliminated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, give an estimate or explain.

(e) *Defaults.* The facts and amounts concerning any default in principal, interest, sinking fund, or redemption provisions with respect to any issue of securities or credit agreements, or any breach of convenant of a related indenture or agreement, which default or breach existed at the date of the most recent balance sheet being filed and which has not been subsequently cured, shall be stated. Notation of such default or breach of convenant shall be made in the financial statements and the entire amount of obligations to which the default or breach relates shall be classified as a current liability if said default or breach accelerates the maturity of the obligations and makes it current under the terms of the related indenture or agreement. Classification as a current obligation is not required if the lender has waived the accelerated due date or otherwise agreed to a due date more than 1 year from the balance sheet date. If a default or breach exists, but acceleration of the obligation has been waived for a stated period of time beyond the date of the most recent balance sheet being filed, state the amount of the obligation and the period of the waiver.

(f) *Preferred shares.* (1) If callable, the date or dates and the amount per share at which such shares are callable shall be stated. If convertible, the terms of conversion shall be stated briefly.

(2) Arrears in cumulative dividends per share and in total for each class of shares shall be stated.

(3) Aggregate preferences on involuntary liquidation, if other than the par or stated value, shall be shown parenthetically in the equity section of the balance sheet. When the excess involved is material there shall be shown: (i) The difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value; (ii) a statement that this difference, plus any arrears in dividends, exceeds the sum of the par or stated value of the junior capital shares and other stockholders' equity applicable to junior shares, if such is the case; and (iii) a statement as to the existence of any restrictions upon retained earnings growing out of the fact that upon involuntary liquidation the preference of the preferred shares exceeds its par or stated value.

(g) *Pension and retirement plans.* (1) A brief description of the essential provisions of any employee pension or retirement plan and of the accounting and funding policies related thereto shall be given.

(2) The estimated cost of the plan for each period for which an income statement is presented shall be stated.

(3) The excess, if any, of the actuarially computed value of vested benefits over the total of the pension fund and any balance sheet pension accruals, less any pension prepayments or deferred charges, shall be given as of the most recent practicable date.

(4) If a plan has not been fully funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past service cost of the plan shall be disclosed as of the date most recently determined.

(5) A statement shall be given of the nature and effect of significant matters affecting comparability of pension costs for any periods for which income statements are presented.

(h) *Restrictions which limit the availability of retained earnings for dividend purposes* (see Release No. AS–35). Describe the most restrictive of any such restrictions, other than as reported in paragraph (f) of this section, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of retained earnings (1) so restricted or (2) free of such restrictions.

(i) *Commitments and contingent liabilities.* (1) If material in amount, there shall be disclosed the pertinent facts

relative to firm commitments for the acquisition of permanent or long-term investments and property, plant, and equipment and for the purchase, repurchase, construction, or rental of assets under material leases.

(2) Where the annual rentals or obligations under noncancelable leases which have not been recorded as assets and liabilities are in excess of 1 percent of total sales and revenues of the most recent fiscal year, there shall be shown: (i) The minimum annual rentals for the current and each of the 5 succeeding years; (ii) the nature and effect of any provisions that would cause the annual rentals to vary from the minimum rentals; and (iii) a description of the types of property leased, important obligations assumed or guarantees made, and any other significant provisions of such leases.

(3) A brief statement as to contingent liabilities not reflected in the balance sheet shall be made. In the case of guarantees of securities of other issuers, periodic reports shall include a reference to Schedule XI and reports or prospectuses which do not include that schedule shall briefly describe such guarantees; where only consolidated financial statements are presented, such information shall relate solely to guarantees of securities of companies not included in the consolidation.

(j) *Bonus, profit sharing, and other similar plans.* Describe the essential provisions of any such plans in which only directors, officers or key employees may participate, and state, for each of the fiscal periods for which income statements are required to be filed, the aggregate amount provided for all plans by charges to expense.

(k) *Significant changes in bonds, mortgages, and similar debt.* Any significant changes in the authorized or issued amounts of bonds, mortgages, and similar debt since the date of the latest balance sheet being filed for a particular person or group shall be stated.

(l) *Bases of revenues recognition.* If sales are made on a deferred basis, such as installment sales or sales of equipment long in process of manufacture, or if sales or revenues are otherwise subject to alternative methods of revenue recognition, the basis of taking profits into income shall be stated.

(m) *Depreciation, depletion, obsolescence, and amortization.* State the policy followed with respect to—

(1) The provision for depreciation, depletion, obsolescence, and amortization of physical properties and capitalized leases, including the methods and, if practicable, the rates used in computing the annual amounts;

(2) The provision for depreciation and amortization of intangible assets or the lack of such provision, including the methods and, if practicable, the rates used in computing the annual amounts;

(3) The accounting treatment for maintenance, repairs, renewals, and betterments; and

(4) The adjustment of accumulated depreciation, depletion, obsolescence, and amortization at the time the properties are retired or otherwise disposed of, including the disposition of any gain or loss on sale of such properties.

(n) *Capital stock optioned, sold, or offered for sale to directors, officers, and key employees.* (1) A brief description of the terms of each option arrangement shall be given, including (i) the title and amount of securities subject to option; (ii) the year or years during which the options were granted; and (iii) the year or years during which the optionees became, or will become, entitled to exercise the options.

(2) State: (i) The number of shares under option at the balance sheet date, and the option price and the fair value thereof, per share and in total, at the dates the options were granted; (ii) the number of shares with respect to which options became exercisable during each period presented, and the option price and the fair value thereof, per share and in total, at the dates the options became exercisable; (iii) the number of shares with respect to which options were exercised during each period, and the option price and the fair value thereof, per share and in total, at the dates the options were exercised; and (iv) the number of unoptioned shares available, at the beginning and at the close of the latest period presented, for the granting of options under an option plan.

(3) A brief description of the terms of each other arrangement covering shares sold or offered for sale to only directors, officers, and key employees shall be given, including the number of shares, and the offered price and the fair value thereof per share and in total, at the dates of sale or offer to sell, as appropriate.

(4) The required information should be summarized and tabulated, as appropriate, with respect to all option plans as a group and other plans for shares sold or offered for sale as a group.

(5) State the basis of accounting for such arrangements and the amount of charges, if any, reflected in income with respect thereto.

(o) *Income tax expense.* Disclosure shall be made, in the income statement or a note thereto, of the components of income tax expense, including: (1) Taxes currently payable; (2) the net tax effects, as applicable, of (i) timing differences and (ii) operating losses; and (3) the net deferred investment tax credits. Amounts applicable to Federal income taxes and to other income taxes shall be stated separately for each component, unless the amounts applicable to other income taxes do not exceed 5 percent of the total for the component and a statement to that effect is made.

(p) *Warrants or rights outstanding.* Information with respect to warrants or rights outstanding at the date of the related balance sheet shall be set forth as follows:

(1) Title of issue of securities called for by warrants or rights.

(2) Aggregate amount of securities called for by warrants or rights outstanding.

(3) Date from which warrants or rights are exercisable and expiration date.

(4) Price at which warrant or right is exercisable.

ARTICLE 4—CONSOLIDATED AND COMBINED FINANCIAL STATEMENTS

§ 210.4–01 Application of §§ 210.4–01 to 210.4–09.

Sections 210.4–01 to 210.4–09 shall govern the presentation of consolidated and combined financial statements.

§ 210.4–02 Consolidated financial statements of the registrant and its subsidiaries.

(a) The registrant shall follow in the consolidated financial statements principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the registrant and its subsidiaries: *Provided, however,* That the registrant shall not consolidate:

(1) Any subsidiary which is not majority owned; or

(2) Any subsidiary whose financial statements are as of a date or for periods different from those of the registrant, unless all the following conditions are met: (i) Such difference is not more than 93 days; (ii) the closing date of the subsidiary is expressly indicated; and (iii) the necessity for the use of different closing dates is briefly explained.

(b) Notwithstanding the 93-day requirement specified in paragraph (a) (2) (i) of this section, in connection with the retroactive combination of the financial statements of entities following a "pooling of interests," the financial statements of the constituents may be combined even if their respective fiscal periods do not end within 93 days, except that the financial statements for the latest fiscal year shall be recast to dates which do not differ by more than 93 days, if practicable. Disclosure shall be made of the periods combined and of the sales or revenues, net income before extraordinary items and net income of any interim periods excluded from or included more than once in results of operations as a result of such recasting.

(c) The 93-day requirement specified in paragraph (a) (2) (i) of this section is not applicable to the recognition of earnings or losses of 50 percent or less owned persons, the investments in which are accounted for by the equity method of accounting.

(d) Due consideration shall be given to the propriety of consolidating with domestic corporations foreign subsidiaries which are operated under political, economic or currency restrictions. If consolidated, disclosure should be made as to the effect, insofar as this can reasonably be determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the registrant and its subsidiaries.

§ 210.4–03 Group financial statements of subsidiaries not consolidated and 50 percent or less owned persons.

There may be filed financial statements in which majority-owned subsidiaries not consolidated with the parent are consolidated or combined in one or more groups, and 50 percent or less owned

persons the investments in which are accounted for by the equity method are consolidated or combined in one or more groups, pursuant to principles of inclusion or exclusion which will clearly exhibit the financial position and results of operations of the group or groups.

§ 210.4–04 Statement as to principles of consolidation or combination followed.

(a) A brief description of the principles followed in consolidating or combining the separate financial statements, including the principles followed in determining the inclusion or exclusion of (1) subsidiaries in consolidated or combined financial statements and (2) companies in consolidated or combined financial statements, shall be stated in the notes to the respective financial statements.

(b) As to each consolidated financial statement and as to each combined financial statement, if there has been a change in the persons included or excluded in the corresponding statement for the preceding fiscal period filed with the Commission which has a material effect on the financial statements, the persons included and the persons excluded shall be disclosed. If there have been any changes in the respective fiscal periods of the persons included made during the periods of the report which have a material effect on the financial statements, indicate clearly such changes and the manner of treatment.

§ 210.4–05 Reconciliation of investment of a person in subsidiaries not consolidated and 50 percent or less owned persons accounted for by the equity method, and equity of such person in their net assets.

A statement shall be made in a note to the latest balance sheet of the amount and the accounting treatment of any difference between (a) the investment of a person and its consolidated subsidiaries, as shown in the consolidated balance sheet, in the unconsolidated subsidiaries and 50 percent or less owned persons accounted for by the equity method and (b) their equity in the net assets of such unconsolidated subsidiaries and 50 percent or less owned persons as shown in their financial statements.

§ 210.4–06 Intercompany items and transactions.

In general, there shall be eliminated intercompany items and transactions between persons included in the (a) consolidated financial statements being filed and, as appropriate, (b) unrealized intercompany profits and losses on transactions between persons for which financial statements are being filed and persons the investment in which is presented in such statements by the equity method. If such eliminations are not made, a statement of the reasons and the methods of treatment shall be made.

§ 210.4–07 Consolidation of financial statements of a registrant and its subsidiaries engaged in diverse financial activities.

(a) If the registrant and its subsidiaries are engaged in one or more types of financial activities, e.g., banking, insurance, finance, and savings and loan subsidiaries, consolidated financial statements may be filed unless deemed inappropriate; provided that, when more than one type of financial activity is involved, separate audited financial statements for each significant financial subsidiary or each significant group of financial subsidiaries shall be presented. Banks and other direct or indirect subsidiaries of bank holding companies engaged in bank related finance activities are considered to be one type of financial activity for the purpose of this rule.

(b) If the registrant and its subsidiaries are engaged in (1) manufacturing, merchandising or other nonfinancial activities as well as in (2) financial activities as described in paragraph (a) of this section, the subsidiaries related to whichever of subparagraph (1) or (2) of this paragraph is less significant shall not be consolidated with the operations of the major group; however, the group of lesser significance may be included in the consolidated financial statements if its activities are principally for the benefit of the operations of the major group. In interpreting the significance of the groups above, the registrant should consider factors in addition to those in the definition of significant subsidiary including the primary business activities of the registrant, trends, and other pertinent matters.

§ 210.4–08 Special requirements as to public utility holding companies.

There shall be shown in the consolidated balance sheet of a public utility holding company the difference between the amount at which the parent's investment is carried and the underlying book equity of subsidiaries as at the respective dates of acquisition.

§ 210.4–09 Special requirements as to commercial, industrial and mining companies in the promotional, exploratory or development stage subject to §§ 210.5a–01 to 210.5a–07.

The financial statements required by §§ 210.5a–01 to 210.5a–07 shall, insofar as practicable, be prepared to show the information for the registrant and each of its subsidiaries separately or on a consolidating basis in parallel columns.

ARTICLE 5—COMMERCIAL AND INDUSTRIAL COMPANIES

§ 210.5–01 Application of §§ 210.5–01 to 210.5–04.

(a) Sections 210.5–01 to 210.5–04 shall be applicable to financial statements filed for all persons except—

(1) Commercial, industrial, and mining companies in the promotional, exploratory, or development stage (see §§ 210.5a–01 to 210.5a–07).

(2) Management investment companies (see §§ 210.6–01 to 210.6–10).

(3) Unit investment trusts (see §§ 210.6–10a to 210.6–13).

(4) Face amount certificate investment companies (see §§ 210.6–20 to 210.6–24).

(5) Employee stock purchase, savings and similar plans (see §§ 210.6–30 to 210.6–34).

(6) Insurance companies other than title insurance companies (see §§ 210.7–01 to 210.7–06 and §§ 210.7a–01 to 210.7a–06).

(7) Committees issuing certificates of deposit (see §§ 210.8–01 to 210.8–03).

(8) Banks (see § 210.9–05).

(9) Brokers and dealers when filing Forms X–17A–5 and X–17A–10 [§ 249.617] (see §§ 240.17a–5 and 240.17a–10 under the Securities Exchange Act of 1934).

(b) Bank holding companies: Financial statements and schedules filed for bank holding companies shall be prepared in accordance with this article (§§ 210.5–01 to 210.5–04) except that §§ 210.9–01 to 210.9–04, inclusive, shall be applicable thereto.

§ 210.5–02 Balance sheets.

Except as otherwise permitted by the Commission, the balance sheets filed for persons to whom this article is applicable shall comply with the following provisions (see § 210.3–01(a) and Release No. AS–41).

ASSETS AND OTHER DEBITS

CURRENT ASSETS, WHEN APPROPRIATE (SEE § 210.3–11)

1. *Cash and cash items.* State separately: (a) Cash on hand and demand deposits; (b) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; (c) time deposits; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., as compensating balances or special purpose funds. The general terms and nature of such repayment provisions and withdrawal or usage restrictions shall be described in a note referred to herein. Funds subject to withdrawal or usage restrictions shall not be included under this caption unless they are reasonably expected to become available for current operations within 1 year.

2. *Marketable securities.* Include only securities having a ready market and which represent the investment of cash available for current operations; securities which are intended to be used for nonworking capital purposes shall be excluded. Securities of affiliates shall not be included here. State, parenthetically or otherwise, the basis of determining the amount shown in the balance sheet and state the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date. When the original cost of securities purchased on a yield basis has been properly adjusted to reflect amortization of premium or accumulation of discount since acquisition, the basis of determining their amount may be described "at cost."

3. *Accounts and notes receivable.* (a) State separately amounts receivable from: (1) Customers (trade); (2) parents and subsidiaries; (3) other affiliates and other persons the investments in which are accounted for by the

equity method; (4) underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (5) others. Exclude from (4) amounts for purchases by such persons subject to usual trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business. With respect to (2) and (3), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (i) eliminated and (ii) not eliminated.

(b) If receivables maturing after 1 year are included here under a longer current operating cycle (see § 210.3–11), state in a note to the financial statements the amount thereof and, if practicable, the amounts maturing in each year. Interest rates on major receivable items maturing after 1 year, or classes of receivables so maturing, shall be set forth, or an indication of the average interest rate, or the range of rates, on all receivables shall be given.

(c) Receivables from a parent, a subsidiary, an affiliate or other person designated under (a)(2) and (a)(3) above shall not be considered as current unless the net current asset position of such person justifies such treatment.

(d) If the aggregate amount of notes receivable exceeds 10 percent of the aggregate amount of receivables, the above information shall be set forth separately for accounts receivable and notes receivable.

4. *Allowances for doubtful accounts and notes receivable.* Accounts and notes receivable known to be uncollectible shall be excluded from the assets as well as from the allowance accounts.

5. *Unearned income.* Unearned discounts, finance charges and interest included in receivables shall be shown separately and deducted from the applicable receivable caption.

6. *Inventories.* (a) State separately here, or in a note referred to herein, if practicable, the major classes of inventory such as: (1) Finished goods; (2) work in process (see § 210.3–11); (3) raw materials; and (4) supplies.

(b) The basis of determining the amounts shall be stated. If a basis such as "cost," "market," or "cost or market whichever is lower" is given, there shall also be given, to the extent practicable, a general indication of the method of determining the "cost" (e.g., "average cost," "first-in, first-out," "last-in, first-out") and the method of determining "market" if other than replacement or current cost. If the LIFO method is used, the excess of replacement or current cost over stated LIFO value shall, if material, be stated parenthetically or in a note to the financial statements.

7. *Other current assets.* State separately any amounts in excess of 5 percent of total current assets. The remaining items may be shown in one amount.

8. *Prepaid expenses* (see caption 19 of § 210.5–02).

9. *Total current assets, when appropriate.*

INVESTMENTS

10. *Securities of affiliates and other persons.* Include under this caption amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

11. *Indebtedness of affiliates and other persons—not current.* Include under this caption indebtedness of affiliates and indebtedness of other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the indebtedness which in the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

12. *Other security investments.* State the basis of determining the amount shown in the balance sheet and state, parenthetically or otherwise, the alternate of the aggregate cost or the aggregate amount on the basis of market quotations at the balance sheet date.

13. *Other investments.* State separately, by class of investments, any items in excess of 5 percent of total assets.

PROPERTY

14. *Property, plant, and equipment.* (a) State separately here, or in a note referred to herein, if practicable, each major class, such as land, buildings, machinery, and equipment, leaseholds, or functional grouping such as revenue producing equipment or industry categories, and the basis of determining the amounts; i.e., cost, cost plus manufacturing profit, etc.

(b) Tangible and intangible utility plant of a public utility company shall be segregated so as to show separately the original cost, plant acquisition adjustments, and plant adjustments, as required by the system of accounts prescribed by the applicable regulatory authorities. This subparagraph shall not be applicable in respect of companies which are not otherwise required to make such a classification or have not completed the necessary original cost studies. If such classification is not otherwise required or if such original cost studies have not been completed, an appropriate explanation of the circumstances shall be set forth in a note which shall include a specific statement as to the status of the original cost studies and, to the extent practicable, the results indicated thereby.

15. *Accumulated depreciation, depletion, and amortization of property, plant, and equipment.*

INTANGIBLE ASSETS

16. *Intangible assets.* State separately each major class, such as goodwill, franchises, patents or trademarks, and the basis of determining their respective amounts.

17. *Accumulated depreciation and amortization of intangible assets.*

OTHER ASSETS AND DEFERRED CHARGES

18. *Other assets.* State separately: (a) Noncurrent receivables from persons specified in captions 3(a) (1) and (4); (b) each pension or other special fund; and (c) any other item not properly classed in one of the preceding asset captions which is in excess of 5 percent of total assets.

19. *Prepaid expenses and deferred charges.* State separately any material items. Items properly classed as current may, however, be included under caption 8.

20. *Deferred research and development expenses, preoperating expenses and similar deferrals.* State separately each major class and, in a note referred to herein, the policy for deferral and amortization. Where the amounts deferred or amortized are material, such amounts as shown by §210.12–08 shall be stated in the note for each period reported on.

21. *Deferred organization expense.* State, in a note referred to herein, the policy for deferral and amortization.

22. *Deferred debt expense.* State, in a note referred to herein, the policy for deferral and amortization.

23. *Deferred commissions and expense on capital shares.* State, in a note referred to herein, the policy for deferral and amortization. These items may be shown as deductions from additional capital.

24. *Total assets and, when appropriate, other debits.*

LIABILITIES, RESERVES, AND STOCKHOLDERS' EQUITY

CURRENT LIABILITIES, WHEN APPROPRIATE (SEE § 210.3–12)

25. *Accounts and notes payable.* (a) State separately amounts payable to: (1) Banks, for borrowings; (2) trade creditors; (3) parents and subsidiaries; (4) other affiliates and other persons the investments in which are accounted for by the equity method; (5) underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates; and (6) others. Exclude from (5) amounts for purchases from such persons subject to usual trade terms, for ordinary travel expenses, and for other such items arising in the ordinary course of business. With respect to (3) and (4), state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (i) eliminated and (ii) not eliminated.

(b) If the aggregate amount of notes payable exceeds 10 percent of the aggregate amount of payables, the above information shall be set forth separately for accounts payable and notes payable.

26. *Accrued liabilities.* State separately: (a) Payrolls; (b) taxes, indicating the current portion of deferred income taxes (see Release No. AS–102); (c) interest; and (d) any other material items, indicating any liabilities to affiliates.

27. *Other current liabilities.* State separately: (a) Dividends declared; (b) current portion of bonds, mortgages, and similar debt; and (c) any other item in excess of 5 percent of total current liabilities, indicating any liabilities to affiliates. The remaining items may be shown in one amount.

28. *Total current liabilities, when appropriate.*

LONG-TERM DEBT

29. *Bonds, mortgages, and similar debt.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (see § 210.3–13): (a) The general character of each type of debt including the rate of interest; (b) the date of maturity, or if maturing serially, a brief indication of the serial maturities, such as "maturing serially from 1980 to 1990"; (c) if the payment of principal or interest is contingent, an appropriate indication of such contingency; (d) a brief indication of priority; (e) if convertible, the basis; and (f) the combined aggregate amount of maturities and sinking fund requirements for all issues, each year for the 5 years following the date of the balance sheet. For amounts owed to affiliates, state separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

30. *Unamortized debt discount and premium.* The amounts applicable to debt issues under captions 29, 31, 32, or 33 of § 210.5–02 shall be deducted from or added to the face amounts of the issues under the particular caption either individually or in the aggregate, but if the aggregate method is used the face amounts of the individual issues and the applicable unamortized discount or premium shall be shown parenthetically or otherwise.

31. *Indebtedness to affiliates and other persons—not current.* Include under this caption indebtedness to affiliates and indebtedness to other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the indebtedness which in

the related consolidated balance sheet is (a) eliminated and (b) not eliminated.

32. *Other long-term debt.* Include under this caption all amounts of long-term debt not provided for under captions 29 and 31 above. State separately amounts payable to (a) persons specified in captions 25(a) (1), (2), and (5); and (b) others, specifying any material item. Indicate the extent that the debt is collateralized. Show here, or in a note referred to herein, the information required under caption 29.

OTHER LIABILITIES AND DEFERRED CREDITS

33. *Other liabilities.* State separately any item not properly classed in one of the preceding liability captions which is in excess of 5 percent of total liabilities.

34. *Commitments and contingent liabilities.* [See § 210.3-16(i).]

35. *Deferred credits.* State separating amounts for: (a) Deferred income taxes, (b) deferred tax credits, and (c) material items of deferred income. The current portion of deferred income taxes shall be included under caption 26 (see Release No. AS-102).

RESERVES

36. *Reserves.* State separately each major class and indicate clearly its purpose (see § 210.3-09).

MINORITY INTERESTS

37. *Minority interests in consolidated subsidiaries.* State separately in a note referred to herein amounts represented by preferred stock and the applicable dividend requirements if the preferred stock is material in relation to the consolidated stockholders' equity.

STOCKHOLDERS' EQUITY (SEE § 210.3-01(a))

38. *Capital shares.* State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3-14 and 210.3-15), and the dollar amount thereof, and, if convertible, the basis of conversion [see also § 210.3-16(f)(3)]. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

39. *Other stockholders' equity.* (a) Separate captions shall be shown for: (1) Paid-in additional capital, (2) other additional capital, and (3) retained earnings (i) appropriated and (ii) unappropriated.

(b) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.

(c) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least 3 years shall indicate the total amount of the deficit eliminated.

(d) A summary of each account under this caption setting forth the information prescribed in § 210.11-02 shall be given for each period for which an income statement or summary of operations is being filed.

40. *Total liabilities, reserves, and stockholders' equity.*

§ 210.5-03 Income statements.

Except as otherwise permitted by the Commission, the income statements filed for persons to whom this article is applicable shall comply with the provisions of this rule (see § 210.3-01(a) and Release No. AS-41).

(a) All items of profit and loss given recognition in the accounts during each period covered by the income statements, except retroactive adjustments, shall be included in the income statement for each such period (see § 210.3-07).

(b) Only items entering into the determination of net income or loss may be included.

(c) If income is derived from sales of tangible products (caption 1A below) and/or operating revenues of public utilities (caption 1B below) and/or other revenues (caption 1C below), each class which is not more than 10 percent of the sum of the items may be combined with another class. If these items are combined, the cost of tangible goods sold (caption 2A below), operating expenses of public utilities (caption 2B below), and costs and expenses applicable to other revenues (caption 2C below) may be combined in the same manner.

1A. *Net sales of tangible products (gross sales less discounts, returns and allowances).* State separately, if practicable, (a) sales to unconsolidated affiliates, including 50-percent-owned persons, and (b) sales to others. If the total of sales and revenues under captions 1A, 1B, and 1C includes excise taxes in an amount equal to 10 percent or more of such total, the amount of such excise taxes shall be shown parenthetically or otherwise.

2A. *Cost of tangible goods sold.* (a) State the amount of cost of tangible goods sold as regularly computed under the system of accounting followed. State separately here or in a note referred to herein, if practicable, (a) purchases from unconsolidated affiliates, including 50-percent-owned persons, and (b) purchases from others. Indicate the amount of beginning and ending inventories and state the basis of determining such amounts.

(b) Merchandising organizations, both wholesale and retail, may include occupancy and buying costs under this caption. However, publicity costs shall be included under caption 4 below or shown separately.

1B. *Operating revenues of public utilities.* State separately, if practicable, revenues from (a) unconsolidated affiliates, including 50-percent-owned persons, and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of operating revenues prescribed by such system or report.

2B. *Operating expenses of public utilities.* State separately, if practicable, purchases from and services rendered by (a) unconsolidated affiliates, including 50-percent-owned persons, and (b) others. A public utility company using a uniform system of accounts or a form for annual report prescribed by Federal or State authorities, or a similar system or report, shall follow the general segregation of operating expenses prescribed by such system or report.

1C. *Other revenues (such as royalties, rents, and the sales of services and intangible products, e.g., engineering and research and development).* State separately, if practicable, revenues from and sales to (a) unconsolidated affiliates, including 50-percent-owned persons, and (b) others.

2C. *Costs and expenses applicable to other revenues (caption 1C).* State the amount of costs and expenses applicable to other revenues as regularly computed under the system of accounting followed. State separately here or in a note referred to herein, if practicable, purchases from and services rendered by (a) unconsolidated affiliates, including 50-percent-owned persons, and (b) others.

3. *Other operating costs and expenses.* State separately any material amounts not included in caption 2A, 2B, or 2C above.

4. *Selling, general and administrative expenses.* Any unusual material items shall be disclosed parenthetically or otherwise.

5. *Provision for doubtful accounts and notes.*

6. *Other general expenses.* Include items not normally included in caption 4 above. State separately any material amount.

OTHER INCOME

7. *Dividends.* State separately, if practicable, the amount of dividends from: (a) Securities of affiliates, (b) marketable securities, and (c) other securities. Exclude from this caption dividends from both subsidiaries and investments which are accounted for by the equity method.

8. *Interest on securities.* State separately, if practicable, the amount of interest from: (a) Securities of affiliates, (b) marketable securities, and (c) other securities. Disclose, parenthetically or in a note referred to herein, interest from securities of companies the investments in which are accounted for by the equity method.

9. *Profits on securities.* Profits shall be stated net of losses. No profits on the person's own equity securities, or profits of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of securities sold, e.g., "average cost," "first-in, first-out," or identified certificate." Consideration should be given to reporting such transactions under caption 19, when appropriate.

10. *Miscellaneous other income.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose. Miscellaneous other income may be stated net of miscellaneous income deductions, provided that any material amounts are set forth separately.

INCOME DEDUCTIONS

11. *Interest and amortization of debt discount and expense.* State separately: (a) Interest on bonds, mortgages, and similar debt; (b) amortization of debt discount and expense (or premium); and (c) other interest.

12. *Losses on securities.* Losses shall be stated net of profits. No losses on the person's own equity securities, or losses of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of securities sold, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting such transactions under caption 19, when appropriate.

13. *Miscellaneous income deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose. Miscellaneous income deductions may be stated net of miscellaneous other income, provided that any material amounts are set forth separately.

14. *Income or loss before income tax expense and appropriate items below.*

15. *Income tax expense.* Include under this caption only taxes based on income. (See § 210.3-16(o).)

16. *Minority interest in income of consolidated subsidiaries.*

17. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions. State, parenthetically or in a

note referred to herein, the amount of dividends received from such persons. If justified by circumstances, this item may be presented in a different position and a different manner. (See § 210.3-01(a).)

18. *Income or loss before extraordinary items.*

19. *Extraordinary items, less applicable tax.* State separately any material items and disclose, parenthetically or otherwise, the tax applicable to each.

20. *Cumulative effects of changes in accounting principles.* State separately any material items and disclose, parenthetically or otherwise, the tax applicable to each.

21. *Net income or loss.* See § 210.5-02 (caption 39(d)).

22. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form.

§ 210.5-04 What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this section as Schedules I, IX, XI, XIII, XIV, XV, XVII, XVIII, and XIX shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group, provided that any such schedule (other than Schedules I, XIII, and XIX) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of 5 percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule XIII, Capital Shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in this rule as Schedules II, III, IV, V, VI, VII, VIII, X, XII, and XVI shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its subsidiaries consolidated it may be presented in the form of a single schedule, provided that items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I—Marketable securities—other security investments. The schedule prescribed by § 210.12-02 shall be filed—

(1) In support of caption 2 of a balance sheet, if the greater of the aggregate cost or the aggregate market of marketable securities based on market quotations as of the balance sheet date constitutes 10 percent or more of total assets.

(2) In support of caption 12 of a balance sheet, if the amount at which other security investments is shown in such balance sheet constitutes 10 percent or more of total assets.

(3) In support of captions 2 and 12 of a balance sheet, if the amount at which other security investments is shown in such balance sheet plus the greater of the aggregate cost or the aggregate market of marketable securities based on market quotations as of the balance sheet date constitutes 15 percent or more of total assets.

Schedule II—Amounts receivable from underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates. The schedule prescribed by § 210.12-03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates, from whom an aggregate indebtedness of more than $20,000 or 1 percent of total assets, whichever is less, is owed, or at any time during the period for which related income statements are required to be filed, was owed. For the purposes of this schedule, exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade terms, for ordinary travel and expense advances and for other such items arising in the ordinary course of business.

Schedule III—Investments in, equity in earnings of, and dividends received from affiliates and other persons. The schedule prescribed by § 210.12-04 shall be filed in support of caption 10 of each balance sheet. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule IV—Indebtedness of affiliates and other persons—not current. The schedule prescribed by § 210.12-05 shall be filed in support of caption 11 of each balance sheet; however, the required information may be presented separately on Schedule III or Schedule X. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no material changes in the information required to be filed from that last previously reported.

Schedule V—Property, plant and equipment. The schedule prescribed by § 210.12-06 shall be filed in support of caption 14 of each balance sheet, provided that this schedule may be omitted if the total shown by caption 14 does not exceed 5 percent of total assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule VI—Accumulated depreciation, depletion, and amortization of property, plant, and equipment. The schedule prescribed by § 210.12-07 shall be filed in support of caption 15 of each balance sheet. This schedule may be omitted if Schedule V is omitted.

Schedule VII—Intangible assets, deferred research and development expenses, preoperating expenses, and similar deferrals. Part A of the schedule prescribed by § 210.12-08 shall be filed in support of caption 16 and Part B shall be filed in support of caption 20 of each balance sheet, provided that either part may be omitted if the total shown by the related balance sheet caption does not exceed 5 percent of total assets as shown in the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded 5 percent of total assets as shown by the related balance sheet at the beginning or end of the period.

Schedule VIII—Accumulated depreciation and amortization of intangible assets. The schedule prescribed by § 210.12-09 shall be filed in support of caption 17 of each balance sheet. This schedule may be omitted if Schedule VII is omitted.

Schedule IX—Bonds, mortgages, and similar debt. The schedule prescribed by § 210.12-10 shall be filed in support of caption 29 of a balance sheet.

Schedule X—Indebtedness to affiliates and other persons—not current. The schedule prescribed by § 210.12-11 shall be filed in support of caption 31 of each balance sheet; however, the required information may be presented separately on Schedule III or Schedule IV. This schedule may be omitted if (1) neither the sum of captions 10 and 11 in the related balance sheet nor the amount of caption 31 in such balance sheet exceeds 5 percent of total assets as shown by the related balance sheet at either the beginning or end of the period, or (2) there have been no changes in the information required to be filed from that last previously reported.

Schedule XI—Guarantees of securities of other issuers. The schedule prescribed by § 210.12-12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is filed.

Schedule XII—Valuation and qualifying accounts and reserves. The schedule prescribed by § 210.12-13 shall be filed in support of valuation and qualifying accounts and reserves included in each balance sheet but not included in Schedule VI or VIII. (See § 210.3-02.)

Schedule XIII—Capital shares. The schedule prescribed by § 210.12-14 shall be filed in support of caption 38 of a balance sheet.

Schedule XIV—Warrants or rights. The schedule prescribed by § 210.12-15 shall be filed with respect to warrants or rights granted by the person for which the statement is filed to subscribe for or purchase securities to be issued by such person.

Schedule XV—Other securities. If there are any classes of securities not included in Schedules IX, XI, XIII, or XIV, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding 1 year.

Schedule XVI—Supplementary income statement information. The schedule prescribed by § 210.12-16 may be omitted for

each income statement in which sales or operating revenues were not of significant amount. This schedule may also be omitted if the information required by column B and instructions 3 and 4 thereof is furnished in the income statement or in a note thereto.

Schedule XVII—Real estate and accumulated depreciation. The schedule prescribed by § 210.12-42 shall be filed for real estate (and the related accumulated depreciation) held by persons a substantial portion of whose business is that of acquiring and holding for investment real estate or interests in real estate, or interests in other persons a substantial portion of whose business is that of acquiring and holding real estate or interests in real estate for investment. Real estate used in the business shall be excluded from the schedule.

Schedule XVIII—Mortgage loans on real estate. The schedule prescribed by § 210.12-43 shall be filed by persons specified under Schedule XVII for investments in mortgage loans on real estate.

Schedule XIX—Other investments. If there are any other investments, under caption 13 of § 210.5-02 or elsewhere in a balance sheet, not required to be included in Schedule I or III, there shall be set forth in a separate schedule information concerning such investments corresponding to that prescribed by Schedule I. This schedule may be omitted if the total amount of such other investments does not exceed 5 percent of total assets as shown by such balance sheet.

ARTICLE 7—INSURANCE COMPANIES OTHER THAN LIFE AND TITLE INSURANCE COMPANIES

(The following amended rules reflect changes in rule numbers and captions in other sections of Regulation S-X (Part 210 of this chapter) which are referred to in these rules.)

§ 210.7-03-17 Commitments and contingent liabilities.—See §§ 210.3-16 (i) and 210.7-05-4.

§ 210.7-03-19 Surplus.

* * * * *

(c) An analysis of each surplus account setting forth the information prescribed in § 210.11-02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, Other additions, shall be subdivided to show: (1) Unrealized gain on bonds and stocks from change in market values, (2) unrealized gain on other investments from change in market values, and (3) all others, designating clearly the nature thereof. Likewise, caption 5, Other deductions, shall be subdivided to show: (i) Unrealized loss on bonds and stocks from change in market values, (ii) unrealized loss on other investments from change in market values, and (iii) all others, designating clearly the nature thereof.

* * * * *

§ 210.7-05 Special notes to financial statements.

* * * * *

3. State in a note the amount of surplus not available for payment of dividends to stockholders. See § 210.3-16(h).

* * * * *

ARTICLE 7A—LIFE INSURANCE COMPANIES

(The following amended rules reflect changes in rule numbers and catpions in other sections of Regulation S-X this Part 210 which are referred to in these rules.)

§ 210.7A-03-17 Commitments and contingent liabilities.—See §§ 210.3-16 (i) and 210.7A-05-3.

§ 210.7A-03-20 Surplus.

* * * * *

(c) An analysis of each surplus account setting forth the information prescribed in § 210.11-02 shall be given for each period for which a profit and loss statement is filed, as a continuation of the related profit and loss statement or in the form of a separate statement of surplus, and shall be referred to here. In this statement caption 3, Other additions, shall be subdivided to show: (1) Unrealized gain on bonds and stocks from change in admitted asset values; (2) unrealized gain on other investments from change in admitted asset values; (3) realized gain on investments; and (4) all others, designating clearly the nature thereof. Likewise, caption 5, Other deductions, shall be subdivided to show: (i) Unrealized loss on bonds and stocks from change in admitted asset values; (ii) unrealized loss on other investments from change in admitted asset values; (iii) realized loss on investments; and (iv) all others, designating clearly the nature thereof.

* * * * *

§ 210.7A-05 Special notes to financial statements.

* * * * *

2. State in notes or otherwise:

(a) No change.

(b) The amount of surplus not available for payment of dividends to stockholders. See § 210.3-16(h).

* * * * *

ARTICLE 11—CONTENT OF STATEMENTS OF OTHER STOCKHOLDERS' EQUITY

§ 210.11-01 Application of §§ 210.11-01 and 210.11-02.

This article prescribes the content of the statements of other stockholders' equity specified in § 210.5-02 (caption 39), § 210.6-22 (caption 26), § 210.7-03 (caption 19), and § 210.7A-03 (caption 20).

§ 210.11-02 Statements of other stockholders' equity.

A summary shall be given for each class of other stockholders' equity set forth in the related balance sheet.

1. *Balance at beginning of period.* State separately the adjustments to the balance at the beginning of the first period of the report for items which were retroactively applied to periods prior to that period. (See § 210.5-03(a).)

2. *Net income or loss from income statement.*

3. *Other additions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

4. *Dividends.* For each class of shares state the amount per share and in the aggregate.

(a) *Cash.*

(b) *Other.* Specify.

5. *Other deductions.* State separately any material amounts, indicating clearly the nature of the transactions out of which the items arose.

6. *Balance at end of period.* The balance at the end of the most recent period shall agree with the related balance sheet caption.

ARTICLE 12—FORM AND CONTENT OF SCHEDULES

§ 210.12-01 Application of §§ 210.12-01 to 210.12-43.

These sections prescribe the form and content of the schedules required by §§ 210.5-04, 210.5a-07, 210.6-10, 210.6-13, 210.6-24, 210.6-34, 210.7-06, 210.7A-06, and 210.9-04 (Rules 5-04, 5A-07, 6-10, 6-13, 6-24, 6-34, 7-06, 7A-06, and 9-04).

§ 210.12-02 Marketable securities—other security investments.

Column A	Column B	Column C	Column D[3]
Name of issuer and title of each issue [1]	Number of shares of units—principal amount of bonds and notes	Amount at which shown in the balance sheet [2]	Value based on market quotations at balance sheet date

[1] (a) Each issue shall be stated separately, except that reasonable groupings, without enumeration, may be made of (1) securities issued or guaranteed by municipalities, States, the U.S. Government or agencies thereof and (2) securities issued by others for which the amounts shown in column C in the aggregate are not more than 2 percent of total assets.

(b) In the case of bank holding companies group separately (1) securities of banks and (2) other securities, and, in column C show totals for each group.

[2] State the basis of determining the amounts in column C. Column C shall be totaled to correspond to the respective balance sheet captions.

[3] This column may be omitted if all amounts that would be shown are the same as those shown in column C.

§ 210.12-03 Amounts receivable from underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates.

Column A	Column B	Column C	Column D		Column E	
			Deductions		Balance at end of period	
Name of debtor [1]	Balance at beginning of period	Additions	(1) Amounts collected [2]	(2) Amounts written off	(1) Current	(2) Not current

[1] Include in this schedule both accounts receivable and notes receivable and provide in a note hereto pertinent information, such as the due date, interest rate, terms of repayment and collateral, if any, for the amounts receivable from each person named in column A as of the date of the most recent balance sheet being filed.

[2] If collection was other than in cash, explain.

§ 210.12–04 Investments in, equity in earnings of, and dividends received from affiliates and other persons.

Column A	Column B		Column C		Column D		Column E		Column F
	Balance at beginning of period		Additions		Deductions		Balance at end of period		
	(1)	(2)	(1)	(2)	(1)	(2)	(1)	(2)	
Name of issuer and description of investment [1]	Number of shares or units.[2] Principal amounts of bonds and notes	Amount in dollars	Equity taken up in earnings (losses) of affiliates and other persons for the period	Other [4]	Distribution of earnings by persons in which earnings (losses) were taken up[5]	Other [5]	Number of shares or units [3]. Principal amount of bonds and notes	Amount in dollars [7]	Dividends received during the period from investments not accounted for by the equity methods [6]

[1] (a) Group separately securities of (1) subsidiaries consolidated; (2) subsidiaries not consolidated; (3) other affiliates; and (4) other persons, the investment in which is accounted for by the equity method, showing shares and bonds separately in each case. Investments in individual affiliates which, when considered with related advances, exceed 2 percent of total assets shall be stated separately. Dividends from (1) marketable securities and (2) other security investments shall also be included and may be shown in separate aggregate amounts.

(b) Those foreign investments, the enumeration of which would be detrimental to the registrant, may be grouped.

[2] Disclose, in the column or in a note hereto, the percentage of ownership interest represented by the shares or units, if material.

[3] The total of col. C(1) shall be reconciled with the amount of the related income statement caption.

[4] Briefly describe each item in col. C(2); if the cost thereof represents other than a cash expenditure, explain. If acquired from an affiliate (and not an original issue of that affiliate) at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[5] As to any dividends other than cash, state the basis on which they have been taken up in the accounts, and the justification for such action. If any such dividends received from affiliates have been credited in the accounts in an amount differing from that charged to retained earnings by the disbursing company, state the amount of such difference and explain.

[6] Briefly describe each item in col. D(2) and state: (a) Cost of items sold and how determined; (b) amount received (if other than cash, explain); and (c) disposition of resulting profit or loss.

[7] The total (or a subtotal) of col. E(2) shall be reconciled with the amount reported under caption 10 of the related balance sheet.

§ 210.12–05 Indebtedness of affiliates and other persons—not current.

Column A	Column B	Column C
Name of person [1]	Balance at beginning of period	Balance at end of period [2]

[1] The persons named shall be grouped as in the related schedule required for investments in affiliates and other persons. The information called for shall be shown separately for any persons whose investments were shown separately in such related schedule.

[2] For each person named in col. A, explain in a note hereto the nature and purpose of any increase during the period that is in excess of 10 percent of the related balance at either the beginning or end of the period.

§ 210.12–06 Property, plant and equipment.[1]

Column A	Column B	Column C	Column D	Column E	Column F
Classification [2]	Balance at beginning of period [3]	Additions at cost [4]	Retirements [5]	Other changes—add (deduct)—describe [6]	Balance at end of period

[1] Comment briefly on any significant and unusual additions, abandonments, or retirements, or any significant and unusual changes in the general character and location, of principal plants and other important units, which may have occurred within the period.

[2] (a) Show by major classifications, such as land, buildings, machinery and equipment, leaseholds, or functional groupings. If such classification is not present or practicable, this may be stated in one amount. The additions included in col. C shall, however, be segregated in accordance with an appropriate classification. If property, plant and equipment abandoned is carried at other than a nominal amount indicate, if practicable, the amount thereof and state the reasons for such treatment. Items of minor importance may be included under a miscellaneous caption.

(b) Public utility companies: A public utility company shall, to the extent practicable, classify utility plant by the type of service rendered (such as electric, gas, transportation, and water) and shall state separately under each of such service classifications the major subclassifications of utility plant accounts.

(c) Mining companies using §§210.5a–01 to 210.5a–07: Such mining companies shall include herein only depreciable mine property, plant, and equipment at dollar amounts required by the instructions set forth under caption 13, property, plant, and equipment, of §§210.5a–01 to 210.5a–07. A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this rule.

[3] If neither the total additions nor total deductions during any of the periods covered by the schedules amount to more than 10 percent of the ending balance of that period and a statement to that effect is made, the information required by cols. B, C, D, and E may be omitted for that period, provided that the totals of cols. C and D are given in a note hereto and provided further than any information required by instructions 4, 5, and 6 shall be given and may be in summary form.

[4] For each change in accounts in col. C that represents anything other than an addition from acquisition, and for each change in that column that is in excess of 2 percent of total assets, at either the beginning or end of the period, state clearly the nature of the change and the other accounts affected. If cost of property additions represents other than cash expenditures, explain. If acquired from an affiliate at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[5] If changes in col. D are stated at other than cost, explain if practicable.

[6] State clearly the nature of the changes and the other accounts affected. If provision for depreciation, depletion, and amortization of property, plant, and equipment is credited in the books directly to the asset accounts, the amounts shall be stated in col. E with explanations, including the accounts to which charged.

§ 210.12–07 Accumulated depreciation, depletion and amortization of property, plant, and equipment.[1]

Column A	Colump B	Column C	Column D	Column E	Column F
Description [2]	Balance at beginning of period	Additions charged to costs and expenses	Retirements	Other changes—add (deduct)—describe	Balance at end of period

[1] (a) Insofar as amounts for depreciation, depletion, and amortization are credited to the property accounts, such amounts shall be shown in the schedule of property, plant, and equipment, as there required.

(b) Mining companies using §§ 210.5a–01 to 210.5a–07: Such mining companies shall include herein only the amount of the accumulated depreciation, depletion, and amortization of mine property, plant, and equipment, and unrecovered promotional, exploratory, and development costs applicable to the amounts set forth in the schedule filed pursuant to § 210.12–06 (rule 12–06) and § 210.12–06A (rule 12–06A). A mining company falling into this category shall also, to the extent practicable, observe the other instructions set forth under this rule.

[2] If practicable, accumulated depreciation shall be shown to correspond with the classifications of property set forth in the related schedule of property, plant, and equipment, separating especially depreciation, depletion, amortization, and provision for retirement.

§ 210.12–08 Intangible assets, deferred research and development expenses, preoperating expenses and similar deferrals.[1, 2]

Column A	Column B	Column C	Column D		Column E	Column F
			Deductions [4]			
Description [3]	Balance at beginning of period [4]	Additions at cost—describe [5]	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Other changes—add (deduct)—describe	Balance at close of period

[1] The information required shall be presented in 2 parts: Part A—Intangible assets. Part B—Deferred research and development expenses, preoperating expenses, and similar deferrals.

[2] If in the accounts it is not practicable to separate intangible assets from property, plant, and equipment, the information here required may be included in the schedule for property, plant, and equipment. In such event state in the balance sheet any known amount of intangibles so included with an indication that a further unknown amount of intangibles is also so included.

[3] Show by major classifications in each part, such as franchises, goodwill, deferred research, and development expenses, etc. If such classification is not present or practicable, each part may be stated in one amount. The additions included in col. C shall, however, be segregated in accordance with an appropriate classification. Items of minor importance may be included under a miscellaneous caption in each part.

[4] If neither the total additions nor total deductions of a part during any of the periods covered by the schedules amount to more than 10 percent of the closing balance of the part for that period and a statement to that effect is made, the information required by cols. B, C, D, and E may be omitted for that part for that period by any company other than a public utility company. Any information required by instruction 5 or 6 shall, however, be given and may be in summary form.

[5] For each change in intangible asset accounts in col. C that represents anything other than an addition from acquisition, and for each change in that column in either Part A or B that is in excess of 2 percent of total assets at either the beginning or end of the period, state clearly the nature of the change and the other accounts affected. If cost of additions represents other than cash expenditures, explain. If acquired from an affiliate at other than cost to the affiliate, show such cost, provided the acquisition by the affiliate was within 2 years prior to the acquisition by the person for which the statement is filed.

[6] If provision for depreciation and amortization of intangible assets is credited in the books directly to the intangible asset account, the amounts shall be stated in col. D with explanations, including the accounts to which charged. If the changes in col. D represent anything other than regular amortization in either Part A or B, state clearly the nature of the changes.

[7] If an account for accumulated depreciation or amortization is maintained for any item of deferred research and development expenses, preoperating expenses, and similar deferrals, §210.12-09 shall apply to such accounts and that schedule shall be divided into parts A and B as shown above.

§ 210.12–09 Accumulated depreciation and amortization of intangible assets.[1]

Column A	Column B	Column C		Column D	Column E
		Additions			
Description [2]	Balance at beginning of period	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Deductions—describe	Balance at end of period

[1] Insofar as amounts for depreciation and amortization are credited to the intangible asset accounts, such amounts shall be shown in the schedule of intangible assets, as there required.

[2] If practicable, accumulated depreciation and amortization shall be shown to correspond with the classifications set forth in the related schedule of intangible assets.

[3] See instruction 7 of § 210.12-08.

§ 210.12–10 Bonds, mortgages and similar debt.

Column A	Column B	Column C	Column D		Column E	Column F	Column G	Column H	
			Amount included in column C, which is					Amount held by affiliates for which statements are filed herewith [4]	
Name of issuer and title of each issue [1]	Amount authorized by indenture	Amount issued and not retired or cancelled	(1) Held by or for account of issuer thereof	(2) Not held by or for account of issuer thereof	Amount included in sum extended under caption "bonds, mortgages, and similar debt" in related balance sheet [2]	Amount in sinking and other special funds of issuer thereof [3]	Amount pledged by issuer thereof [3]	(1) Persons included in consolidated statement [5]	(2) Others

[1] Include in this column each issue authorized, whether issued or not and whether eliminated in consolidation or not. For each issue listed give the information called for by columns B to H, inclusive.

[2] This column is to be totaled to correspond to the related balance sheet caption. If amounts shown in this column differ from face amounts shown in column C or D, explain.

[3] Indicate by means of an appropriate symbol any amounts not included in subcolumn D(1).

[4] Affiliates for which statements are filed herewith shall include affiliates for which separate financial statements are filed and those included in consolidated or combined statements, other than the issuer of the particular security.

[5] Include in this subcolumn only amounts held by persons included in the consolidated statement in support of which this schedule is being filed. If not eliminated in the consolidation, explain in a note.

§ 210.12–11 Indebtedness to affiliates and other persons—not current.

Column A	Column B	Column C
Name of person [1]	Balance at beginning of period	Balance at end of period [2]

[1] The persons named shall be grouped as in the related schedule required for investments in affiliates and other persons. The information called for shall be shown separately for any persons whose investments were shown separately in such related schedule.

[2] For each person named in column A, explain in a note hereto the nature and purpose of any increase during the period that is in excess of 10 percent of the related balance at either the beginning or end of the period.

§ 210.12–12 Guarantees of Securities of other issuers.[1]

of securities

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Name of issuer of securities guaranteed by person for which statement is filed	Title of issue of each class of securities guaranteed	Total amount guaranteed and outstanding[2]	Amount owned by person or persons for which statement is filed	Amount in treasury of issuer of securities guaranteed	Nature of guarantee[3]	Nature of any default by issuer of securities guaranteed in principal, interest, sinking fund or redemption provisions, or payment of dividends[4]

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet. If this schedule is filed in support of consolidated statements or combined statements, there shall be set forth guarantees by any person included in the consolidation or combination, except that such guarantees of securities which are included in the consolidated or combined balance sheet need not be set forth.

[2] Indicate any amounts included in column C which are included also in column D or E.

[3] There need be made only a brief statement of the nature of the guarantee, such as "Guarantee of principal and interest," "Guarantee of interest," or "Guarantee of dividends." If the guarantee is of interest or dividends, state the annual aggregate amount of interest or dividends so guaranteed.

[4] Only a brief statement as to any such defaults need be made.

§ 210.12–13 Violation and qualifying accounts and reserves.

Column A	Column B	Column C		Column D	Column E
		Additions			
Description[1]	Balance at beginning of period	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Deductions—describe	Balance at end of period

[1] List, by major classes, all valuation and qualifying accounts and reserves not included in specific schedules. Identify each such class of valuation and qualifying accounts and reserves by descriptive title. Group (a) those valuation and qualifying accounts which are deducted in the balance sheet from the assets to which they apply and (b) those reserves which support the balance sheet caption, Reserves. Valuation and qualifying accounts and reserves as to which the additions, deductions, and balances were not individually significant may be grouped in one total and in such case the information called for under columns C and D need not be given.

§ 210.12–14 Capital shares.[1]

Column A	Column B	Column C	Column D		Column E		Column F		Column G	
			Number of shares included in column C which are		Shares issued or outstanding as shown on or included in related balance sheet under caption "capital shares"		Number of shares held by affiliates for which statements are filed herewith[4]		Number of shares reserved for options, warrants, conversions and other rights	
Name of issuer and title of issue[2]	Number of shares authorized by charter	Number of shares issued and not retired or canceled	(1) Held by or for account of issuer thereof	(2) Not held by or for account of issuer thereof	(1) Number	(2) Amount at which shown[3]	(1) Persons included in consolidated statements[5]	(2) Others	(1) Directors, Officers and employees	(2) Others

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet.

[2] Include in this column each issue authorized, whether issued or not and whether eliminated in consolidation or not, provided that when this schedule is filed in support of a consolidated statement the information required by columns A to G, inclusive, need not be given as to any consolidated subsidiary if substantially all of the outstanding shares of each issue of capital shares (other than directors' qualifying shares) of such subsidiary are held by one or more of the persons included in such consolidated statement; if the answer to columns G (1) and (2) would be none; and if a note indicating such omission is given. For each issue or group listed give the information called for by columns B to G, inclusive.

[3] This column is to be totaled to correspond to the related balance sheet caption. In the case of consolidated subsidiaries only the minority interest need be set forth.

[4] Affiliates for which statements are filed herewith shall include affiliates for which separate financial statements are filed and those included in consolidated or combined statements, other than the issuer of the particular security.

[5] Include in this subcolumn only amounts held by persons included in the consolidated statement in support of which this schedule is being filed. If not eliminated in the consolidation, explain in a note.

§ 210.12–15 Warrants or rights.[1]

Column A	Column B	Column C	Column D	Column E	Column F	Column G
Title of issue of securities called for by warrants or rights	Amount of securities called for by each warrant or right	Number of warrants or rights outstanding[2]	Aggregate amount of securities called for by warrants or rights outstanding	Date from which warrants or rights are exercisable	Expiration date of warrants or rights	Price at which warrant or right exercisable

[1] Indicate in a note to the most recent schedule being filed for a particular person or group any significant changes since the date of the related balance sheet.

[2] State separately amounts held by persons for which separate financial statements are filed or which are included in consolidated or combined statements, other than the issuer of the particular security.

§ 210.12–16 Supplementary income statement information.[1]

Item	Column B[2] Charged to costs and expenses
1. Maintenance and repairs	
2. Depreciation, depletion and amortization of property, plant and equipment	
3. Depreciation and amortization of intangible assets	
4. Taxes, other than income taxes[3]	
5. Rents[4]	
6. Royalties	
7. Advertising costs[5]	
8. Research and development costs	

[1] State, for each of the items noted in column A which exceeds 1 percent of total sales and revenues as reported in the related income statement, the amount called for in column B.
[2] Totals may be stated in column B without further designation of the accounts to which charged.
[3] State separately each category of tax which exceeds 1 percent of total sales and revenues.
[4] Include rents applicable to leased personal property.
[5] This item shall include all costs related to advertising the company's name, products or services in newspapers, periodicals or other advertising media.

§ 210.12–42 Real estate and accumulated depreciation.[1]

[For certain real estate companies][1]

Column A	Column B	Column C		Column D		Column E			Column F	Column G	Column H	Column I
		Initial cost to company		Cost capitalized subsequent to acquisition		Gross amount at which carried at close of period[2 4 5 6 7]						
Description[2]	Encumbrances	Land	Buildings and improvements	Improvements	Carrying costs	Land	Buildings and improvements	Total	Accumulated depreciation	Date of construction	Date acquired	Life on which depreciation in latest income statements is computed

[1] All money columns shall be totaled.
[2] The description for each property should include type of property (e.g., unimproved land, shopping center, garden apartments, etc.) and the geographical location.
[3] The required information is to be given as to each individual investment included in col. E except that an amount not exceeding 5 percent of the total of col. E may be listed in one amount as "miscellaneous investments."
[4] In a note to this schedule, furnish a reconciliation, in the following form, of the total amount at which real estate was carried at the beginning of each period for which income statements are required, with the total amount shown in col. E.

Balance at beginning of period ..... $.....
Additions during period:
Acquisitions through foreclosure ..... $.....
Other acquisitions .....
Improvements, etc .....
Other (describe) .....
.....
Deductions during period:
Cost of real estate sold .....
Other (describe) .....
.....
Balance at close of period .....

If additions, except acquisitions through foreclosure, represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the basis of such transactions and state the amounts involved.
A similar reconciliation shall be furnished for the accumulated depreciation.
[5] If any item of real estate investments has been written down or reserved against, describe the item and explain the basis for the writedown or reserve.
[6] State in a note to col. E the aggregate cost for Federal income tax purposes.
[7] The amount of all intercompany profits included in the total of col. E shall be stated if material.

§ 210.12–43 Mortgage loans on real estate.[1]

[For certain real estate companies][1]

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H
Description[2 3 4]	Interest rate	Final maturity date	Periodic payment terms[5]	Prior liens	Face amount of of mortgages[10]	Carrying amount of mortgages[3 6 7 8 9]	Principal amount of loans subject to delinquent principal or interest[10]

[1] All money columns shall be totaled.
[2] The required information is to be given for each individual mortgage loan which exceeds 3 percent of the total of col. G.
[3] If the portfolio includes large numbers of mortgages most of which are less than 3 percent of col. G, the mortgages not required to be reported separately should be grouped by classifications that will indicate the dispersion of the portfolio; i.e., for a portfolio of mortgages on single-family residential housing. The description should also include number of loans by original loan amounts (e.g., over $100,000, $50,000 to $99,999, $20,000 to $49,000, under $20,000) and type loan (e.g., VA, FHA, conventional). Interest rates and maturity dates may be stated in terms of ranges. Data required by cols. D, E, and F may be omitted for mortgages not required to be reported individually.
[4] Loans should be grouped by categories; e.g., 1st mortgage, 2d mortgage, construction loans, etc., and for each loan the type of property; e.g., shopping center, high-rise apartments, etc., and its geographic location should be stated.
[5] State whether principal and interest is payable at level amount over life to maturity or at varying amounts over life to maturity. State amount of balloon payment at maturity, if any. Also state prepayment penalty terms, if any.
[6] In a note to this schedule, furnish a reconciliation, in the following form, of the carrying amount of mortgage loans at the beginning of each period for which income statements are required, with the total amount shown in col. G:

Balance at beginning of period ..... $.....
Additions during period:
New mortgage loans ..... $.....
Other (describe) .....
.....
Deductions during period:
Collections of principal .....
Foreclosures .....
Cost of mortgages sold .....
Amortization of premium .....
Other (describe) .....
.....
Balance at close of period .....

If additions represent other than cash expenditures, explain. If any of the changes during the period result from transactions, directly or indirectly with affiliates, explain the bases of such transactions, and the amounts involved. State the aggregate mortgages (a) renewed and (b) extended. If the carrying amount of new mortgages is in excess of the unpaid amount of the extended mortgages, explain.
[7] If any item of mortgage loans on real estate investments has been written down or reserved against, describe the item and explain the basis for the writedown or reserve.
[8] State in a note to Col. G the aggregate cost for Federal income tax purposes.
[9] The amount of all intercompany profits in the total of col. G shall be stated, if material.
[10] (a) Interest in arrears for less than 3 months may be disregarded in computing the total amount of principal subject to delinquent interest. (b) Of the total principal amount state the amount acquired from controlled and other affiliates.

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[Release No. 34-9658]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Reports To Be Made by Certain Exchange Members, Brokers, and Dealers and Related Audit Requirements of Form X-17A-5

The Securities and Exchange Commission today announced the adoption of rule amendments to require broker-dealer firms to report to customers their financial condition. The need for such requirements became apparent with the operation and back office crisis of 1968, the bear market that followed and the subsequent failure of numerous broker-dealers who held public funds and securities.[1] This action amends paragraphs (a), (b), and (c) and adopts paragraphs (k), (l), (m), (n), and (o) of Rule 17a-5, (17 CFR 240.17a-5) and amends the Audit Requirements of Form X-17A-5 (17 CFR 240.617).

The amendments require the sending directly to the customer of a broker-dealer certain information which the Commission feels essential for a customer to have in order to judge whether his broker-dealer is financially sound and able to efficiently and safely handle his securities transactions, moneys, and securities.

The rule will also require, that a complete set of financial statements be furnished to the Commission in addition to Form X-17A-5.[2]

On December 3, 1971, in Securities Exchange Act Release No. 9404, and in the FEDERAL REGISTER for December 30, 1971, at 36 F.R. 25236, the Commission published the proposed rule and amendments for comment. The Commission has considered the comments and suggestions received and has adopted the amendments as set forth below.

Paragraph (k) of the rule requires broker-dealers to file with the Commission annually, in addition to Form X-17A-5, a complete set of unconsolidated financial statements which shall be governed as to form and content by Regulation S-X (17 CFR Part 210). These statements shall be filed on a confidential basis. Paragraph (k)(2) of the rule generally exempts those broker-dealers who normally do not hold customers' funds and securities or who are engaged solely in the sale of mutual funds or variable annuity contracts.

In connection with those amendments which now require filing of audited income data with the Commission, subdivision (ii) of paragraph (a)(2) and subdivision (i) of paragraph (c)(1) have been amended to extend to sixty (60) days from the date of the financial statements, the time for filing Form X-17A-5.

Paragraph (b)(3) and the related audit requirements of Form X-17A-5 have been amended to make the accountant's letter commenting upon a material inadequacy in the firm's internal control a public document.

Paragraph (l) of the rule has been adopted to provide an alternative method of reporting for publicly owned broker-dealers and other firms who prepare general purpose certified financial statements on an annual basis.

New paragraph (m) of the rule requires that every broker or dealer who is not exempted by paragraph (k)(2) of the rule shall send to its customers at the same time as it files the information required by paragraph (k) with the Commission:

(1) An unconsolidated balance sheet with appropriate notes including information with regard to the broker or dealer's subordinated capitalization;

(2) A statement indicating the amount of the firm's net capital and its required net capital computed in accordance with the capital rule applicable to it and an explanation thereof;[3]

(3) A statement as to whether any material inadequacies in the firm's internal control were found to exist by its accountants;

(4) A statement indicating that Part I of the most recent annual report on Form X-17A-5 of the broker or dealer is available for examination and copying at the principal office of the member, broker, or dealer and at the Commission.[4]

Paragraph (n) of the rule requires the broker or dealer to send to customers quarterly an uncertified balance sheet and a statement of the firm's net capital and required net capital computed in accordance with the net capital rule to which it is subject.

Paragraph (o) defines customer to include any person, including a customer of an introducing or forwarding broker or dealer for or with whom the broker-dealer has executed a transaction or for whom he holds or owes money or securities for the month or the month following which the report is sent. This definition is intended to permit a broker or dealer to include the reports required by this rule in the mailing of customer statements.

Commission action. The Commission acting pursuant to the provisions of the Securities Exchange Act of 1934 and particularly sections 10(b); 15(c)(1), (2), and (3); 17(a); and 23(a) thereof, and deeming such action necessary in the public interest, for the protection of investors, and for the execution of its functions, hereby amends § 240.17a-5 of Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraphs (a), (b)(3), and (c)(1) thereof and adding new paragraphs (k) through (o) inclusive thereto, and also amends § 249.617 of Part 249 of said Chapter II, as follows:

1. Subdivision (ii) of paragraph (a)(2) of § 240.17a-5 is hereby amended and the last sentence in paragraph (a)(2) is hereby deleted; and as so amended paragraph (a)(2) shall read as set forth below.

2. A new paragraph (a)(3) is hereby adopted as set forth below.

3. The first sentence of paragraph (b)(3) of § 240.17a-5 is hereby amended as set forth below.

4. Subdivision (i) of paragraph (c)(1) of § 240.17a-5 is hereby amended as set forth below.

5. Paragraph (k) through (o) are added as set forth below.

§ 240.17a-5 Reports to be made by certain exchange members, brokers and dealers.

(a) * * *

(2) * * *

(ii) Such reports shall be filed not more than sixty (60) days after the date of the report of financial condition; and

(iii) Reports for any 2 consecutive years shall not be as of dates within 4 months of each other.

(3) The reports provided for in this section shall be filed in duplicate original with the Regional Office of the Commission for the region in which the member, broker, or dealer has his or its principal place of business and except as provided for in paragraph (b)(3) of this section shall be available for examination at the principal office of the member, broker, or dealer.

(b) * * *

(3) If the schedules furnished pursuant to the requirements of items (a), (b), and (c) of Part II of Form X-17A-5 (§ 249.617 of this chapter) are bound separately from the balance of the report, they shall be deemed confidential, except that they shall be available for official use by any official or employee of the United States or any State, by national securities exchanges and national securities associations of which the person filing such report is a member, and by any other person to whom the Commission authorizes disclosure of such information as being in the public interest. * * *

(c) (1) * * *

(i) The copy so included reflects his financial condition as of a date not more than sixty (60) days prior to the filing thereof with the Commission; and * * *.

* * * * *

(k) (1) Additional statements to be furnished to the Commission. Except for a broker or dealer who comes within subparagraph (2) of this paragraph, a member, broker, or dealer shall, not more than

[1] See the Commission's "Study of Unsafe and Unsound Practices of Brokers and Dealers" House Doc. 92-231, 92d Congress, 1st sess. (1971), Notice of Submission to Congress in the FEDERAL REGISTER for Jan. 13, 1972, at 37 F.R. 559.

[2] The Commission has examined the question of whether reports submitted pursuant to paragraphs (k) or (l) of the rule should be treated as confidential. The Commission is satisfied that it may and should treat those reports as confidential.

[3] For some guidance regarding an explanation of net capital, see Securities Act of 1933 Release No. 5222, Jan. 3, 1972, Appendix A.

[4] In this connection, paragraph (a)(2) of Rule 17a-5 has been adopted to provide for the availability of the form at the principal office of the broker-dealer.

thirty (30) days after the report required by paragraph (a) (1) of this section is required to be filed, or, in the event of an extension granted under paragraph (d) of this section, not more than 100 days after the date of the financial statements, file with the Regional Office of the Commission for the region in which he has his principal place of business two (2) copies of the statements specified in subparagraph (3) of this paragraph which shall be deemed confidential.

(2) The requirements of subparagraph (1) of this paragraph shall not apply to a broker or dealer: (i) Who is exempt from § 240.15c3–1 under the provisions of paragraph (b) (3) of this section, or (ii) who meets the conditions for the lowest minimum capital requirement set forth in paragraph (a) of § 240.15c3–1, or (iii) who, as introducing member, broker, or dealer forwards all of the transactions of his customers to a clearing member, broker, or dealer on a fully disclosed basis: *Provided,* That such clearing member, broker, or dealer reflects such transactions on its books and records in accounts it carries in the names of such customers and that the introducing member, broker, or dealer does not hold funds or securities for, or owe funds or securities to, customers other than funds and securities promptly transmitted to the clearing member, broker, or dealer or customer, or (iv) who is exempt from § 240.17a–13 under the provisions of paragraph (a) of this section.

(3) The statements to be furnished the Commission in accordance with subparagraph (1) of this paragraph are as follows: A balance sheet based on the report of financial condition required by paragraph (a) (1) of this section; a statement of income, a statement of source and application of funds, a statement of changes in subordinated accounts, and a statement of changes in sole proprietors' capital or the aggregate of partners' capital accounts or each component of corporate stockholders' equity for the period since the date of the immediately preceding report filed pursuant to this section. The report of a newly registered member, broker, or dealer shall cover the period since the date of the statement of financial condition included in the application for registration on Form BD (§ 249.501 of this chapter) unless such newly registered member, broker, or dealer is succeeding to and continuing the business of another member, broker, or dealer, in which event the report shall cover the period since the date of the immediately preceding report filed pursuant to this section by the predecessor member, broker, or dealer. The statements required by this paragraph shall be governed as to form and content by Regulation S–X (Part 210 of this chapter) and shall be certified by a certified public accountant or public accountant who shall be in fact independent, unless the member, broker, or dealer meets the requirements for exemption from certification in paragraph (b) of this section.

(l) If within 90 days after the close of its calendar or fiscal year a member, broker, or dealer files with the Commission certified unconsolidated financial statements which are equivalent to those required by paragraph (k) (3) of this section, then such statements may be used in lieu of the statements required in paragraph (k) of this section.

(m) Statements to be furnished customers: Every member, broker, or dealer who is subject to paragraph (k) or (l) of this section shall send to its customers (as defined in paragraph (o) of this section) the following information at the same time as it files with the Commission the information required by paragraph (k) of this section:

(1) An unconsolidated balance sheet with appropriate notes including but not limited to the nature, amounts, and maturities of subordinated capitalization which shall be certified if the financial statements furnished in accordance with paragraph (k) (3) of this section are required to be certified.

(2) A statement indicating the amount of the firm's net capital and its required net capital, computed in accordance with § 240.15c3–1 or the net capital rule of the national securities exchange to which the member, broker, or dealer is subject, with an explanation thereof;

(3) If in connection with the most recent report on Form X–17A–5 (§ 249.617 of this chapter) the independent accountant commented on any material inadequacies found to exist in the accounting system, the internal accounting control, procedures for safeguarding securities or the procedures followed in complying with § 240.17a–13 there shall be a statement by the member, broker, or dealer that a copy of such report and comments is currently available for the customer's inspection at his or its principal office and at the principal office of the Commission in Washington, D.C., and the regional office of the Commission in which the member, broker, or dealer has his or its principal place of business;

(4) A statement indicating that Part I of the most recent annual report of the member, broker, or dealer on Form X–17A–5 (§ 249.617 of this chapter) is available for examination and copying at the principal office of the member, broker, or dealer, and at the regional office of the Commission for the region in which the member, broker, or dealer has his or its principal place of business.

(n) Every member, broker, or dealer who is subject to paragraphs (k), (l), and (m) of this section shall furnish to his customers (as defined in paragraph (o) of this section) and shall file with the Commission and with the national securities exchange and the national securities association of which he is a member not later than 40 days after the end of each calendar quarter, fiscal quarter, or quarter for which the member, broker, or dealer is required to file substantially equivalent information with the national securities exchange or national securities association of which he or it is a member, the information specified in paragraphs (m) (1) and (2) of this section, except that such quarterly information shall not be required to be certified. If the annual report sent to customers is as of the end of any quarter, no quarterly report need be sent for such quarter.

(o) For purposes of paragraphs (m) and (n) of this section the term customer includes any person (other than another member, broker, or dealer, but including a person who is a customer of an introducing member, broker, or dealer who is exempted by subdivision (iii) of paragraph (k) (2) of this section) for or with whom a broker-dealer has effected a securities transaction in a particular month, which month shall be either the month of the balance sheet date or the month following the balance sheet date and in addition, any person for whom the member, broker, or dealer holds securities for safekeeping or as collateral or for whom the member, broker, or dealer carries a free credit balance in the month in which customers are determined for purposes of this section.

§ 249.617 [Amended]

The audit requirements of Form X–17A–5 are hereby amended by deleting the last sentence in the first paragraph therein that reads as follows: "These comments may be submitted in a supplementary certificate and filed pursuant to § 240.17a–5(b) (3) of this chapter."

The effective date of those amendments which require reports to be sent to customers shall be September 30, 1972. Paragraph (k) which requires additional reports to be filed with the Commission annually and those amendments to paragraphs (a) (1) and (c) (1) which extend the time for filing Form X–17A–5 reports shall become effective for calendar and fiscal years ending on or after December 31, 1972.

(Secs. 10(b), 15(c)(1), 15(c)(2), 15(c)(3), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, secs. 3, 4, 8, 49 Stat. 1377, 1379, secs. 2, 5, 52 Stat. 1075, 1076, sec. 7(d), 84 Stat. 1653; 15 U.S.C. 78j(b), 780o(c)(1), 78o(c)(2), 78o(c)(3), 78q(a), 78w(a))

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 30, 1972.

[FR Doc.72–11244 Filed 7–20–72;8:47 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Parts 4, 17a]

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Proposed Practice and Procedure for Hearings, Decisions, and Administrative Review

Notice is hereby given that, under the authority cited in the proposed regulations set forth below, it is proposed (1) to revise the regulations appearing in Part 17a of Title 43 of the Code of Federal Regulations for purposes of effecting clarifications and adapting the regulations to proposed amendments to Part 17 of this title, published December 9, 1971 (37 F.R. 23491–23494), pursuant to recommendations of an interagency committee for uniform title VI regulations to effectuate the provisions of title VI of the Civil Rights Act of 1964, and (2) to redesignate the revised regulations and incorporate them into the Department Hearings and Appeals Procedures, contained in 43 CFR Part 4, as Subpart I thereof. Thus Part 17a will be vacated.

The proposed regulations reflect the authority delegated by the Secretary of the Interior to the Director, Office for Equal Opportunity, Department of the Interior, to initiate the formal administrative proceedings under Part 17, by the service of a notice of hearing or opportunity for hearing upon the parties concerned, and the authority delegated by the Secretary to the Director, Office of Hearings and Appeals, Office of the Secretary, and to hearing examiners of the Hearings Division of the Office of Hearings and Appeals, to issue decisions for the Department after full opportunity for hearing before such hearing examiners.

As Subpart I of the Department Hearings and Appeals Procedures, the proposed regulations will provide also that, to the extent they are not inconsistent with the rules in Subpart I, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of Part 4, will be applicable to proceedings under these proposed regulations.

Interested persons are invited to submit written comments, suggestions or objections with respect to the proposed regulations to the Director, Office of Hearings and Appeals, Attention: Special Assistant to the Director (Regulations), 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: July 14, 1972.

CHARLES G. EMLEY,
Deputy Assistant Secretary of the Interior.

Subpart I—Special Procedural Rules Applicable to Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of this Title—Nondiscrimination in Federally Assisted Programs of the Department of the Interior—Effectuation of Title VI of the Civil Rights Act of 1964

GENERAL

AUTHORITY: The provisions of this Subpart I issued under 43 CFR 17.8 and 5 U.S.C. 301.

CROSS REFERENCE: See Subpart A for the organization, authority and jurisdiction of the Office of Hearings and Appeals, including its Hearings Division. To the extent they are not inconsistent with these special rules, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in Subpart B of this part, are applicable also to proceedings under these regulations.

Subpart I—Special Procedural Rules Applicable To Practice and Procedure for Hearings, Decisions, and Administrative Review Under Part 17 of This Title—Nondiscrimination in Federally Assisted Programs of the Department of the Interior Effectuation of Title VI of the Civil Rights Act of 1964

GENERAL

§ 4.800 Scope and construction of rules.

(a) The rules of procedure in this Subpart I supplement Part 17 of this title and are applicable to the practice and procedure for hearings, decisions, and administrative review conducted by the Department of the Interior, pursuant to title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d–1) and Part 17 of this title, concerning nondiscrimination in federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior.

(b) These regulations shall be liberally construed to secure the just, prompt, and inexpensive determination of all proceedings consistent with adequate consideration of the issues involved and full protection of the rights of all interested parties including the Government.

§ 4.801 Suspension of rules.

Upon notice to all parties, the responsible Department official or the hearing examiner, with respect to matters pending before him, may modify or waive any rule in this part upon his determination that no party will be unduly prejudiced and the ends of justice will thereby be served.

§ 4.802 Definitions.

(a) The definitions set forth in § 17.12 of this title apply also to this subpart.

(b) "Director" means the Director, Office for Equal Opportunity, Department of the Interior.

(c) "Hearing examiner" means a hearing examiner designated by the Office of Hearings and Appeals, Office of the Secretary, in accordance with 5 U.S.C. secs. 3105 and 3344.

(d) "Notice" means a notice of hearing in a proceeding instituted under Part 17 of this title and these regulations.

(e) "Party" means a recipient or applicant; the Director; and any person or organization participating in a proceeding pursuant to § 4.808.

§ 4.803 Computation of time.

Except as otherwise provided by law, in computing any period of time under these rules or in an order issued hereunder, the time begins with the day following the act or event, and includes the last day of the period, unless it is a Saturday, Sunday, or Federal legal holiday, or other nonbusiness day, in which event it includes the next following day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the period of time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays and other nonbusiness days shall be excluded in the computation.

§ 4.804 Extensions of time.

A request for extension of time should be made to the designated hearing examiner or other appropriate departmental official with respect to matters pending before him. Such request shall be served on all parties and set forth the reasons for the request. Extensions may be granted upon a showing of good cause by the applicant. Answers to such requests are permitted if made promptly.

§ 4.805 Reduction of time to file documents.

For good cause, the responsible departmental official or the hearing examiner, with respect to matters pending before him, may reduce any time limit prescribed by the rules in this part, except as provided by law or in Part 17 of this title.

DESIGNATION AND RESPONSIBILITIES OF HEARING EXAMINER

§ 4.806 Designation.

Hearings shall be held before a hearing examiner designated by the Chief Hearing Examiner, Hearings Division, Office of Hearings and Appeals.

§ 4.807 Authority and responsibilities.

The hearing examiner shall have all powers necessary to preside over the parties and the proceedings, conduct the hearing, and make decisions in accordance with 5 U.S.C. secs. 554–557. His powers shall include, but not be limited to, the power to:

(a) Hold conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding.

(b) Require parties to state their position with respect to the various issues in the proceedings.

(c) Establish rules for media coverage of the proceedings.

(d) Rule on motions and other procedural items in matters before him.

(e) Regulate the course of the hearing, the conduct of counsel, parties, witnesses, and other participants.

(f) Administer oaths, call witnesses on his own motion, examine witnesses, and direct witnesses to testify.

(g) Receive, rule on, exclude, or limit evidence.

(h) Fix time limits for submission of written documents in matters before him.

(i) Take any action authorized by these regulations, by 5 U.S.C. sec. 556, or by other pertinent law.

APPEARANCE AND PRACTICE

§ 4.808 Participation by a party.

Subject to the provisions contained in Part 1 of this subtitle, a party may appear in person, by representative, or by counsel, and participate fully in any proceeding held pursuant to Part 17 of this title and these regulations. A State agency or any instrumentality thereof, a political subdivision of the State or instrumentality thereof, or a corporation may appear by any of its officers or employees duly authorized to appear on its behalf.

§ 4.809 Determination of parties.

(a) The affected applicant or recipient to whom a notice of hearing or a notice of an opportunity for hearing has been mailed in accordance with Part 17 of this title and § 4.815, and the Director, are the initial parties to the proceeding.

(b) Other persons or organizations shall have the right to participate as parties if the final decision could directly and adversely affect them or the class they represent, and if they may contribute materially to the disposition of the proceedings.

(c) Any person or organization wishing to participate as a party under this section shall submit a petition to the hearing examiner within 15 days after the notice has been served. The petition should be filed with the hearing examiner and served on the affected applicant or recipient, on the Director, and on any other person or organization who has been made a party at the time of filing. Such petition shall concisely state: (1) Petitioner's interest in the proceeding, (2) how his participation as a party will contribute materially to the disposition of the proceeding, (3) who will appear for petitioner, (4) the issues on which petitioner wishes to participate, and (5) whether petitioner intends to present witnesses.

(d) The hearing examiner shall promptly ascertain whether there are objections to the petition. He shall then determine whether petitioners have the requisite interest to be a party in the proceedings, as defined in paragraphs (a) and (b) of this section, and shall permit or deny participation accordingly. Where petitions to participate as parties are made by individuals or groups with common interests, the hearing examiner may request all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners. The hearing examiner shall give each such petitioner written notice of the decision on his petition. If the petition is denied, he shall briefly state the grounds for denial and shall then treat the petition as a request for participation as amicus curiae. The hearing examiner shall give written notice to each party of each petition granted.

(e) Persons or organizations whose petition for party participation is denied may appeal the decision to the Director, Office of Hearings and Appeals, within 7 days of receipt of denial. The Director, Office of Hearings and Appeals, will make the final decision for the Department to grant or deny the petition.

§ 4.810 Complainants not parties.

A person submitting a complaint pursuant to § 17.6 of this title is not a party to the proceedings governed by Part 17 of this title and these regulations, but may petition, after proceedings are initiated, to become an amicus curiae. In any event a complainant shall be advised of the time and place of the hearing.

§ 4.811 Determination and participation of amici.

(a) Any interested person or organization wishing to participate as amicus curiae in the proceeding shall file a petition before the commencement of the hearing. Such petition shall concisely state the petitioner's interest in the hearing and who will represent petitioner.

(b) The hearing examiner will grant the petition if he finds that the petitioner has an interest in the proceedings and may contribute materially to the disposition of the proceedings. The hearing examiner shall give the petitioner written notice of the decision on his petition.

(c) An amicus curiae is not a party and may not introduce evidence at a hearing but may only participate as provided in paragraph (d) of this section.

(d) An amicus curiae may submit a written statement of position to the hearing examiner at any time prior to the beginning of a hearing, and shall serve a copy on each party. He may also file a brief or written statement on each occasion a decision is to be made or a prior decision is subject to review. His brief or written statement shall be filed and served on each party within the time limits applicable to the party whose position he deems himself to support; or if he does not deem himself to support the position of any party, within the longest time limit applicable to any party at that particular stage of the proceedings.

(e) When all parties have completed their initial examination of a witness, any amicus curiae may request the hearing examiner to propound specific questions to the witness. The hearing examiner, in his discretion, may grant any such request if he believes the proposed additional testimony may assist materially in elucidating factual matters at issue

between the parties and will not expand the issues.

FORM AND FILING OF DOCUMENTS

§ 4.812 Form.

Documents filed pursuant to a proceeding herein shall show the docket description and title of the proceeding, the party or amicus submitting the document, the date signed, and the title, if any, and address of the signatory. The original will be signed in ink by the party representing the party or amicus. Copies need not be signed, but the name of the person signing the original shall be reproduced.

§ 4.813 Filing and service.

(a) All documents submitted in a proceeding shall be served on all parties. The original and two copies of each document shall be submitted for filing. Filings shall be made with the hearing examiner or other appropriate departmental official before whom the proceeding is pending. With respect to exhibits and transcripts of testimony, only originals need be filed.

(b) Service upon a party or amicus shall be made by delivering one copy of each document requiring service in person or by certified mail, return receipt requested, properly addressed with postage prepaid, to the party or amicus or his attorney, or designated representative. Filing will be made in person or by certified mail, return receipt requested, to the hearing examiner or other appropriate departmental official before whom the proceeding is pending.

(c) The date of filing or of service shall be the day when the matter is deposited in the U.S. mail or is delivered in person.

§ 4.814 Certificate of service.

The original of every document filed and required to be served upon parties shall be endorsed with a certificate of service signed by the party or amicus curiae making service or by his attorney or representative, stating that such service has been made, the date of service, and the manner of service.

PROCEDURES

§ 4.815 How proceedings are commenced.

Proceedings are commenced by the Director by mailing to an applicant or recipient a notice of alleged noncompliance with the Act and the regulations thereunder. The notice shall include either a notice of hearing fixing a date therefor or a notice of an opportunity for a hearing as provided in § 17.8 of this title. The notice shall advise the applicant or recipient of the action proposed to be taken, the specific provisions of Part 17 of this title under which the proposed action is to be taken, and the matters of fact or law asserted as the basis of the action.

§ 4.816 Notice of hearing and response thereto.

A notice of hearing shall fix a date not less than 30 days from the date of service of the notice of a hearing on matters alleged in the notice. If the applicant or recipient does not desire a hearing, he should so state in writing, in which case the applicant or recipient shall have the right to further participate in the proceeding. Failure to appear at the time set for a hearing, without good cause, shall be deemed a waiver of the right to a hearing under section 602 of the Act and the regulations thereunder and consent to the making of a decision on such information as is available which may be presented for the record.

§ 4.817 Notice of opportunity to request a hearing and response thereto.

A notice of opportunity to request a hearing shall set a date not less than 20 days from service of said notice within which the applicant or recipient may file a request for a hearing, or may waive a hearing and submit written information and argument for the record, in which case, the applicant or recipient shall have the right to further participate in the proceeding. When the applicant or recipient elects to file a request for a hearing, a time shall be set for the hearing at a date not less than 20 days from the date applicant or recipient is notified of the date set for the hearing. Failure of the applicant or recipient to request a hearing or to appear at the date set shall be deemed a waiver of the right to a hearing, under section 602 of the Act and the regulations thereunder and consent to the making of a decision on such information as is available which may be presented for the record.

§ 4.818 Answer.

In any case covered by § 4.816 or § 4.817, the applicant or recipient shall file an answer. Said answer shall admit or deny each allegation of the notice, unless the applicant or recipient is without knowledge, in which case the answer shall so state, and the statement will be considered a denial. Failure to file an answer shall be deemed an admission of all allegations of fact in the notice. Allegations of fact in the notice not denied or controverted by answer shall be deemed admitted. Matters alleged in the answer as affirmative defenses shall be separately stated and numbered. The answer under § 4.816 shall be filed within 20 days from the date of service of the notice of hearing. The answer under § 4.817 shall be filed within 20 days of service of the notice of opportunity to request a hearing.

§ 4.819 Amendment of notice or answer.

The Director may amend the notice of hearing or opportunity for hearing once as a matter of course before an answer is filed, and each respondent may amend his answer once as a matter of course not later than 10 days before the date fixed for hearing but in no event later than 20 days from the date of service of his original answer. Other amendments of the notice or of the answer to the notice shall be made only by leave of the hearing examiner. An amended notice shall be answered within 10 days of its service, or within the time for filing an answer to the original notice, whichever period is longer.

§ 4.820 Consolidated or joint hearings.

As provided in § 17.8(e) of this title, the Secretary may provide for proceedings in the Department to be joined or consolidated for hearing with proceedings in other Federal departments or agencies, by agreement with such other departments or agencies. All parties to any proceedings consolidated subsequently to service of the notice of hearing or opportunity for hearing shall be promptly served with notice of such consolidation.

§ 4.821 Motions.

Motions and petitions shall state the relief sought, the basis for relief and the authority relied upon. If made before or after the hearing itself, these matters shall be in writing. If made at the hearing, they may be stated orally; but the hearing examiner may require that they be reduced to writing and filed and served on all parties. Within 8 days after a written motion or petition is served, any party may file a response to a motion or petition. An immediate oral response may be made to an oral motion. Oral argument on motions will be at the discretion of the hearing examiner.

§ 4.822 Disposition of motions.

The hearing examiner may not grant a written motion or petition prior to expiration of the time for filing responses thereto, but may overrule or deny such motion or petition without awaiting response: *Provided, however,* That prehearing conferences, hearings, and decisions need not be delayed pending disposition of motions or petitions. Oral motions and petitions may be ruled on immediately.

§ 4.823 Interlocutory appeals.

Except as provided in § 4.809(e), a ruling of the hearing examiner may not be appealed to the Director, Office of Hearings and Appeals, prior to consideration of the entire proceeding by the hearing examiner unless permission is first obtained from the Director, Office of Hearings and Appeals, and the examiner has certified the interlocutory ruling on the record or abused his discretion in refusing a request to so certify. Permission will not be granted except upon a showing that the ruling complained of involves a controlling question of law and that an immediate appeal therefrom may materially advance the final decision. An interlocutory appeal shall not operate to suspend the hearing unless otherwise ordered by the Director, Office of Hearings and Appeals. If an appeal is allowed, any party may file a brief within such period as the Director, Office of Hearings and Appeals, directs. Upon affirmance, reversal, or modification of the examiner's interlocutory ruling or order, by the Director, Office of Hearings and Appeals, the case will be remanded promptly to the examiner for further proceedings.

§ 4.824 Exhibits.

Proposed exhibits shall be exchanged at the prehearing conference, or otherwise prior to the hearing, if the hearing examiner so directs. Proposed exhibits not so exchanged in accordance with the hearing examiner's order may be denied admission as evidence. The authenticity of all exhibits submitted prior to the hearing, under direction of the hearing examiner, will be deemed admitted unless written objection thereto is filed and served on all parties, or unless good cause is shown for failure to file such written objection.

§ 4.825 Admissions as to facts and documents.

Not later than 15 days prior to the date of the hearing any party may serve upon an opposing party a written request for the admission of the genuineness and authenticity of any relevant documents described in, and exhibited with, the request, or for the admission of the truth of any relevant matters of fact stated in the request. Each of the matters as to which an admission is requested shall be deemed admitted, unless within a period of 10 days, the party to whom the request is directed serves upon the requesting party a statement either (a) denying specifically the matters as to which an admission is requested, or (b) setting forth in detail the reasons why he cannot truthfully either admit or deny such matters.

§ 4.826 Discovery.

(a) *Methods.* Parties may obtain discovery as provided in these rules by depositions, written interrogatories, production of documents, or other items; or by permission to enter property, for inspection and other purposes.

(b) *Scope.* Parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the hearing.

(c) *Protective orders.* Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the hearing examiner may make any order which justice requires to limit or condition discovery in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Sequence and timing.* Methods of discovery may be used in any sequence. The fact that a party is conducting discovery shall not operate to delay any other party's discovery.

(e) *Time limit.* Discovery by all parties will be completed within such time as the examiner directs, from the date the notice of hearing is served on the applicant or recipient.

§ 4.827 Depositions.

(a) A party may take the testimony of any person, including a party, by deposition upon oral examination. This may be done by stipulation or by notice, as set forth in paragraph (b) of this section. On motion of any party or other person upon whom the notice is served, the hearing examiner may for cause shown enlarge or shorten the time for the deposition, change the place of the deposition, limit the scope of the deposition or quash the notice. Depositions of persons other than parties or their representatives shall be upon consent of the deponent.

(b) (1) The party will give reasonable notice in writing to every other party of the time and place for taking depositions, the name and address of each person to be examined, if known, or a general description sufficient to identify him or the particular class or group to which he belongs.

(2) The notice to a deponent may be accompanied by a request for the production of documents and tangible things at the taking of the deposition.

(3) A party may name as the deponent a corporation, partnership, association, or governmental agency and may designate a particular person within the organization whose testimony is desired and the matters on which examination is requested. If no particular person is named, the organization shall designate one or more agents to testify on its behalf, and may set forth the matters on which each will testify. The persons so designated shall testify as to matters known or reasonably available to the organization.

(c) Examination and cross-examination of witnesses may proceed as permitted at the hearing. The witness shall be placed under oath by a disinterested person qualified to administer oaths by the laws of the United States or of the place where the examination is held, and the testimony taken by such person shall be recorded verbatim.

(d) During the taking of a deposition a party or deponent may request suspension of the deposition on grounds of bad faith in the conduct of the examination, annoyance, embarrassment, oppression of a deponent or party or improper questions propounded. The deposition will then be adjourned. However, the objecting party or deponent must immediately move the hearing examiner for a ruling on his objections to the deposition conduct or proceedings. The hearing examiner may then limit the scope or manner of the taking of the deposition.

(e) The officer shall certify the deposition and promptly file it with the hearing examiner. Documents or true copies of documents and other items produced for inspection during the examination of the witness shall, upon the request of a party, be marked for identification and annexed to the deposition.

(f) The party taking the deposition shall give prompt notice of its filing to all other parties.

§ 4.828 Use of depositions at hearing.

(a) Any part or all of a deposition so far as admissible under § 4.835 applied as though the witness were then present and testifying, may be used against any party who was present or represented at the taking of the deposition or who had reasonable notice thereof as follows:

(1) Any deposition may be used for contradiction or impeachment of the deponent as a witness.

(2) The deposition of a party, or of an agent designated to testify on behalf of a party, may be used by an adverse party for any purpose.

(3) The deposition of any witness may be used for any purpose if the party offering the deposition has been unable to procure the attendance of the witness because he is dead; or if the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or if the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or, upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally in open hearing, to allow the deposition to be used.

(b) If only part of a deposition is offered in evidence, the remainder becomes subject to introduction by any party.

(c) Objection may be made at the hearing to receiving in evidence any deposition or part thereof for any reason which would require the exclusion of the evidence if the witness were then present and testifying.

§ 4.829 Interrogatories to parties.

(a) Any party may serve upon any other party written interrogatories after the notice of hearing has been filed. If the party served is a corporation, partnership, association, or governmental agency, an agent shall furnish such information as is available to the party.

(b) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney or other representative making them. Answers and objections shall be made within 30 days after the service of the interrogatories. The party submitting the interrogatories may move for an order under § 4.831 with respect to any objection to or other failure to answer an interrogatory.

(c) Interrogatories shall relate to any matter not privileged which is relevant to the subject matter of the hearing.

§ 4.830 Production of documents and things and entry upon land for inspection and other purposes.

(a) After the notice of hearing has been filed, any party may serve on any other party a request to produce and/or permit the party, or someone acting on his behalf, to inspect and copy any designated documents, phonorecords, and other data compilations from which information can be obtained and which are in the possession, custody, or control of the party upon whom the request is served. If necessary, translation of data

compilations shall be done by the party furnishing the information.

(b) After the notice of hearing has been filed, any party may serve on any other party a request to permit entry upon designated property in the possession or control of the party upon whom the request is served for the purpose of inspection, measuring, surveying or photographing, testing, or sampling the property or any designated object.

(c) Each request shall set forth with reasonable particularity the items to be inspected and shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

(d) The party upon whom the request is served shall respond within 15 days after the service of the request. The response shall state, with respect to each item, that inspection and related activities will be permitted as requested, unless there are objections in which case the reasons for each objection shall be stated. The party submitting the request may move for an order under § 4.831 with respect to any objection to or other failure to respond.

§ 4.831 Sanctions.

(a) A party, upon reasonable notice to other parties and all persons affected thereby, may move for an order as follows:

(1) If a deponent fails to answer a question propounded or submitted under § 4.827(c), or a corporation or other entity fails to make a designation under § 4.827(b)(3), or a party fails to answer an interrogatory submitted under § 4.829, or if a party, under § 4.830 fails to respond that inspection will be permitted or fails to permit inspection, the discovering party may move for an order compelling an answer, a designation, or inspection.

(2) An evasive or incomplete answer is to be treated as a failure to answer.

(b) If a party or an agent designated to testify fails to obey an order to permit discovery, the hearing examiner may make such orders as are just, including:

(1) That the matters regarding which the order was made or any other designated facts shall be established in accordance with the claim of the party obtaining the order;

(2) Refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(c) If a party or an agent designated to testify fails after proper service (1) to appear for his deposition, (2) to serve answers or objections to interrogatories submitted under § 4.829 or (3) to serve a written response to a request for inspection, submitted under § 4.830, the hearing examiner on motion may make such orders as are just, including those authorized under subparagraphs (1) and (2) of paragraph (b) of this section.

§ 4.832 Ex parte communications.

(a) Written or oral communications involving any substantive or procedural issue in a matter subject to these proceedings, directed to the hearing examiner, the Director, or the Director, Office of Hearings and Appeals, shall be deemed ex parte communications and are not to be considered part of any record or the basis for any official decision, unless the communication is made by motion pursuant to these rules.

(b) The hearing examiner shall not consult any person, or party, on any fact in issue or on the merits of the matter before him unless upon notice and opportunity for all parties to participate.

(c) No employee or agent of the Federal Government engaged in the investigation and prosecution of a proceeding governed by these rules shall participate or advise in the rendering of any recommended or final decision, except as witness or counsel in the proceeding.

PREHEARING

§ 4.833 Prehearing conferences.

(a) Within 15 days after the answer has been filed, the hearing examiner will establish a prehearing conference date for all parties including persons or organizations whose petition requesting party status has not been ruled upon. Written notice of the prehearing conference shall be sent by the hearing examiner.

(b) At the prehearing conference the following matters, among others, shall be considered: (1) Simplification and delineation of the issues to be heard; (2) stipulations; (3) limitation of number of witnesses; and exchange of witness lists; (4) procedure applicable to the proceeding; (5) offers of settlement; and (6) scheduling of the dates for exchange of exhibits. Additional prehearing conferences may be scheduled at the discretion of the hearing examiner, upon his own motion or the motion of a party.

HEARING

§ 4.834 Purpose.

(a) The hearing is directed primarily to receiving factual evidence and expert opinion testimony related to the issues in the proceeding. A hearing will be held only in cases where issues of fact must be resolved in order to determine whether the applicant or recipient has failed to comply with one or more applicable requirements of title VI of the Civil Rights Act of 1964 (sec. 602, 42 U.S.C. 2000d–1) and Part 17 of this title. However, this shall not prevent the parties from entering into a stipulation of the facts.

(b) If all facts are stipulated, the proceedings shall go to conclusion in accordance with Part 17 of this title and the rules in this subpart.

(c) In any case where it appears from the answer of the applicant or recipient to the notice of hearing or notice of opportunity to request a hearing, from his failure timely to answer, or from his admissions or stipulations in the record that there are no matters of material fact in dispute, the hearing examiner may enter an order so finding, vacating the hearing date if one has been set, and fixing the time for the submission of evidence by the Government for the record. Thereafter, the proceedings shall go to conclusion in accordance with Part 17 of this title and the rules in this subpart. An appeal from such order may be allowed in accordance with the rules for interlocutory appeal in § 4.823.

§ 4.835 Evidence.

Formal rules of evidence will not apply to the proceeding. Irrelevant, immaterial, unreliable, and unduly repetitious evidence will be excluded from the record of a hearing. Hearsay evidence shall not be inadmissible as such.

§ 4.836 Official notice.

Whenever a party offers a public document, or part thereof, in evidence, and such document, or part thereof, has been shown by the offeror to be reasonably available to the public, such document need not be produced or marked for identification, but may be offered for official notice as a public document item by specifying the document or relevant part thereof. Official notice may also be taken of other matters, at the discretion of the hearing examiner.

§ 4.837 Testimony.

Testimony shall be given under oath by witnesses at the hearing. A witness shall be available for cross-examination, and, at the discretion of the hearing examiner, may be cross-examined without regard to the scope of direct examination as to any matter which is material to the proceeding.

§ 4.838 Objections.

Objections to evidence shall be timely, and the party making them shall briefly state the ground relied upon.

§ 4.839 Exceptions.

Exceptions to rulings of the hearing examiner are unnecessary. It is sufficient that a party, at the time the ruling of the hearing examiner is sought, makes known the action which he desires the hearing examiner to take, or his objection to an action taken, and his ground therefor.

§ 4.840 Offer of proof.

An offer of proof made in connection with an objection taken to any ruling of the hearing examiner excluding proffered oral testimony shall consist of a statement of the substance of the evidence which counsel contends would be adduced by such testimony. If the excluded evidence consists of evidence in written form or consists of reference to documents, a copy of such evidence shall be marked for identification and shall accompany the record as the offer of proof.

§ 4.841 Official transcript.

An official reporter will be designated for all hearings. The official transcripts of testimony and argument taken, together with any exhibits, briefs, or memoranda of law filed therewith, shall be filed with the hearing examiner. Transcripts may be obtained by the parties and the public from the official reporter at rates not to exceed the applicable rates fixed by the contract with the reporter. Upon notice to all parties,

the hearing examiner may authorize such corrections to the transcript as are necessary to accurately reflect the testimony.

POSTHEARING PROCEDURES

§ 4.842 Proposed findings of fact and conclusions of law.

Within 30 days after the close of the hearing each party may file, or the hearing examiner may request, proposed findings of fact and conclusions of law together with supporting briefs. Such proposals and briefs shall be served on all parties and amici. Reply briefs may be submitted within 15 days after receipt of the initial proposals and briefs. Reply briefs should be filed and served on all parties and amici.

§ 4.843 Record for decision.

The hearing examiner will make his decision upon the basis of the record before him. The transcript of testimony, exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision and may be inspected and copied.

§ 4.844 Notification of right to file exceptions.

The provisions of § 17.9 of this title govern the making of decisions by hearing examiners, the Director, Office of Hearings and Appeals, and the Secretary. A hearing examiner shall, in any inital decision made by him, specifically inform the applicant or recipient of his right under § 17.9 of this title to file exceptions with the Director, Office of Hearings and Appeals. In instances in which the record is certified to the Director, Office of Hearings and Appeals, or he reviews the decision of a hearing examiner, he shall give the applicant or recipient a notice of certification or notice of review which specifically informs the applicant or recipient that, within a stated period, which shall not be less than 30 days after service of the notice, he may file briefs or other written statements of his contentions.

§ 4.845 Final review by Secretary.

Paragraph (f) of § 17.9 of this title requires that any final decision of a hearing examiner or of the Director, Office of Hearings and Appeals, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under Part 17 of this title or the Act, shall be transmitted to the Secretary. The applicant or recipient shall have 20 days following service upon him of such notice to submit to the Secretary exceptions to the decision and supporting briefs or memoranda suggesting remission or mitigation of the sanctions proposed. The Director shall have 10 days after the filing of the exceptions and briefs in which to reply.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 32]

MOHAIR TOP

Proposed Standards for Grades

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that pursuant to the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the Department proposes to promulgate official standards of the United States for grades of mohair top (7 CFR Part 32), provisions governing methods for determining the grade of mohair top, and provisions governing the distribution of samples representative of official mohair top grade standards as set forth below.

Statement of considerations. The mohair top grade standards are proposed under authority of the Agricultural Marketing Act of 1946 which provides for issuance of official U.S. grade standards to designate different levels of quality of agricultural products for the voluntary use of producers, buyers, and others.

Based largely on information developed by the U.S. Department of Agriculture, specifications for grades of mohair top were originally issued in 1955 by the American Society for Testing and Materials (ASTM). Some buyers, combing mills, manufacturers, and spinners have used these specifications or variations of them, while others have maintained their own requirements for the various grades.

In 1967 and 1968 a study was conducted by the Department in cooperation with the mohair industry and ASTM in which fineness and variability measurement data were gathered on several hundred lots of mohair top. As a result of these investigations, ASTM revised its standard specifications for grades of mohair top in 1969. The official mohair top grade standards now being proposed are identical with those adopted by the ASTM and are coordinated with the official standards for grades of grease mohair which were adopted August 1, 1971. These grade standards would provide a universally understood language for identifying differences in mohair top and thereby facilitate trade among dealers, manufacturers, topmakers, spinners, and international traders.

The proposed official mohair top standards as outlined herein provide specifications in terms of average fiber diameter and fiber diameter dispersion for 12 grades: Finer than 40's, 40's, 36's, 32's, 30's, 28's, 26's, 24's, 22's, 20's, 18's, and coarser than 18's. If the fiber diameter dispersion does not meet the specifications for the grade to which the average fiber diameter corresponds, the mohair top is assigned a dual-grade designation. In such cases, the first designation would indicate the grade based on average fiber diameter and the second designation would be that of the next coarser grade.

The proposed standards have been developed after extensive testing and examination of current mohair top production. In addition to the cooperative study with the Mohair Council of America, discussions were held with trade groups and other segments of the mohair industry. Their opinions and suggestions have been given careful consideration in the development of these standards.

It is proposed to establish official standards for grades of mohair top as follows:

OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF MOHAIR TOP

§ 32.100 Official mohair top grades.

The official grades for mohair top and the specifications for each shall be those set forth in table 1. However, mohair top which qualifies for a grade on the basis of its average fiber diameter but does not meet the fiber diameter dispersion requirement for that same grade shall be assigned a dual-grade designation. In such cases, the first designation shall indicate the grade based on average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 1—SPECIFICATIONS FOR THE OFFICIAL GRADES OF MOHAIR TOP

Grade	Limits for average diameter (microns)	Fiber diameter dispersion: percent [1] 30 microns and under, minimum	40 microns and under, minimum	50 microns and under, minimum	30.1 microns and over, maximum	40.1 microns and over, maximum	50.1 microns and over, maximum	60.1 microns and over, maximum	Approximate number of fiber measurements [2]
Finer than 40's	Under 23.55	80			20	1			1,000
40's	23.55 to 25.54	74			26	4			1,000
36's	25.55 to 27.54	67			33	6			1,200
32's	27.55 to 29.54	57			43	8			1,200
30's	29.55 to 31.54	47			53	13			1,400
28's	31.55 to 33.54		80			20	3		1,400
26's	33.55 to 35.54		73			27	5		1,600
24's	35.55 to 37.54		64			36	8		1,600
22's	37.55 to 39.54		56			44	13		1,800
20's	39.55 to 41.54			82			18	6	2,200
18's	41.55 to 43.54			77			23	8	2,200
Coarser than 18's	Over 43.54								2,600

[1] The 2d maximum percent shown for any grade is a part of, and not in addition to, the 1st maximum percent. In each grade, the minimum percent and the 1st maximum percent total 100 percent.

[2] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

§ 32.200 **Meaning of words.**

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 32.201 **Terms defined.**

For the purpose of this part, unless the context otherwise requires, the following terms shall be construed to mean:

(a) *Average fiber diameter.* The sum of the individual diameter measurements divided by the number of fibers measured, as described in § 32.302.

(b) *Fineness.* Average fiber diameter.

(c) *Grade.* A numerical designation used in classifying mohair top, based on average fiber diameter and dispersion of fiber diameters.

(d) *Lot.* The entire quantity of mohair, not exceeding 20,000 pounds (9,072 kg.) of a single combing, that comprises a single unit for which a test for grade is made.

(e) *Micron.* A unit of linear measurement equal to 1/1000 millimeter or 1/25,400 inch.

(f) *Mohair.* Fiber from the Angora goat.

(g) *Mohair top.* A continuous, untwisted strand of scoured mohair fibers from which the shorter fibers, i.e., noil, have been removed by combing.

(h) *Sample.* Four slivers (test specimens) of mohair top obtained as described in § 32.302(a)(4).

(i) *Standards.* The official standards of the United States for grades of mohair top.

(j) *Standard samples.* Physical samples representative of the standards.

(k) *Test.* A determination by measurement of the average fiber diameter and the fiber diameter dispersion of a sample of mohair top, conducted in accordance with procedures provided in § 32.302.

(l) *Test specimen.* A silver of mohair top at least 1 yard (0.91 m.) long, obtained as described in § 32.302(a)(4).

METHODS FOR DETERMINING GRADE OF MOHAIR TOP

§ 32.300 **General.**

The official standards of the United States for grades of mohair top as defined in § 32.100 shall be the basis for grade determination. Grade may be determined by (a) inspection or (b) measuring the number of fibers of a sample needed to attain the required confidence limits of the mean, calculating the average fiber diameter and diameter dispersion, and comparing the average diameter and dispersion with the specifications for grades of mohair top. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 32.301 **Inspection method.**

Determination of the grade of mohair top by inspection will be accomplished by comparing the fibers in the mohair top to be graded with the fibers in the mohair top samples certified by the U.S. Department of Agriculture as representative of the official grades. When using the certified samples to determine the grade of mohair top, the grade assigned shall be that of the certified sample which most nearly matches the mohair top being graded.

§ 32.302 **Measurement method.**

The determination of the grade of mohair top by measurement shall be by comparison of the measured average fiber diameter and fiber diameter dispersion with the specifications for the official standards of the United States for grades of mohair top. This determination shall be made in accordance with the procedure for determining average fiber diameter and fiber diameter dispersion provided in paragraph (a) of this section and the procedure for designating grade provided in paragraph (b) of this section.

(a) *Procedure for determining average fiber diameter and fiber diameter dispersion*—(1) *Summary of procedure.* The average fiber diameter and fiber diameter dispersion are determined by sectioning the fibers in a test specimen to a designated length, mounting the sections of fibers on a slide, projecting the magnified image onto a wedge scale, and measuring the diameter of a minimum number of fibers, as specified in this section.

(2) *Apparatus and material.* The following apparatus and materials are needed and shall comply with the following provisions:

(i) *Microprojector.* The microprojector shall be capable of giving a precise magnification of at least 500 ×. This can be accomplished satisfactorily with a vertically installed microscope equipped with a 10- to 15- × eyepiece, a 20- to 21- × objective with an aperture of approximately 0.50 centimeter, a fixed-body tube, a focusable stage responsive to a coarse and fine adjustment, a focusable substage with condenser and iris diaphragm, and a searchlight microprojector bulb. The microscope must be installed so that the projection distance can be adjusted to produce the required 500 × magnification.

(ii) *Stage micrometer.* Calibrated glass slide used for accurate setting and control of the magnification.

(iii) *Cross-sectioning device, heavy duty.* An instrument approximately 2 inches (5 cm.) in height; consisting essentially of a metal plate with slot for holding a quantity of fibers, a key for compressing the fibers, and a tongue-propelling arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 1 x 3 inches (25 x 75 mm.).

(v) *Cover glasses.* No. 1 thickness, ⅞ x 2 inches (22 x 50 mm.).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index between 1.53 and 1.43 and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board imprinted with a wedge for use at a magnification of 500 ×. The wedge is usually divided into 2.5 micron intervals (cells).

(3) *Calibration.* The microscope shall be adjusted to give a magnification of 500 × in the plane of the projected image. This may be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the microscope into such adjustment that an interval of 0.20 mm. on the stage micrometer will measure 100 mm. when sharply focused in the center of the image plane.

(4) *Sampling.* The lot shall be sampled by drawing from each 20,000 pounds (9,072 kg.), or fraction thereof, four sections of sliver (test specimens) each of which shall be at least 1 yard (0.91 m.) in length and taken from different balls of mohair top, selected at random. Only one ball shall be taken from any one bale or carton. For broken mohair top (top not wound into balls), an equivalent length of sliver shall be taken at random. Only one test specimen shall be taken from any one can or package. The four test specimens shall constitute a sample.

(5) *Test condition.* Test specimens shall be preconditioned to approximate moisture equilibrium in an atmosphere of from 5 to 25 percent relative humidity at a temperature less than 122° F. (50° C.). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing; namely, 63 to 67 percent relative humidity at a temperature of 68° to 72° F. (19.9° to 22.1° C.).

(6) *Preparation of slides*—(i) *Filling cross-section device.* Each sliver (test specimen) of mohair top making up the sample shall be placed individually in the slot of the cross-section device at its midlength. The sliver shall be compacted firmly with the compression key and the latter secured with the set screw.

(ii) *Preliminary section.* The gripped fibers shall be cut off at the upper and lower surfaces of the plate. The fiber bundle shall be extruded approximately 0.50 mm. in order to take up slack in the fibers and the propulsion mechanism. The projecting fibers shall be moistened with a few drops of mineral oil. This projecting fiber bundle shall be cut off with a razor blade flush with the upper surface of the fiber holder plate and the section discarded.

(iii) *Final section.* The fiber bundle shall again be extruded, approximately 0.25 mm.; i.e., 250 microns. The fiber bundle shall be moistened with a few drops of mineral oil and the excess blotted off. The projecting fibers shall be cut off with a sharp razor blade flush with the holder plate, leaving the fiber pieces adhering to the razor blade.

(iv) *Mounting the fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle the fiber pieces shall be scraped from the razor blade onto the slide. The fibers shall be thoroughly dispersed in the oil with the dissecting needle and the slide completed with a cover glass. Sufficient oil shall be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should be permitted to flow out or be squeezed out beyond the borders of the cover glass. If

the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth. Slides shall be measured the day they are prepared.

(7) *Measurement of fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate midlength of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by (i) the fine lines of both edges when they are uniformly in focus, or (ii) the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers on all portions of the slide will be measured. Successive fibers shall be measured whose midpoints come within the field (a circle 4 inches in diameter, centrally located in the projected area). Fibers shorter than 200 microns or longer than 300 microns and those having distorted images shall be excluded from measurement. The marks on the wedge scale indicating the diameter of fibers measured are counted and combined into cells for calculation as indicated in subparagraph (10) of this paragraph. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the correct average diameter of the fiber. When measuring fiber diameters in this manner, 1 mm. is equal to 2 microns.

(8) *Nature of test.* One test shall consist of the measurement by two operators of the same four slivers (test specimens) of mohair top. The measurement of both operators shall be combined for calculation of average fiber diameter and fiber diameter dispersion.

(9) *Number of slides and fibers.* Each operator shall make a slide from each test specimen, making a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the approximate number of fibers to be measured per test by 8 (the total number of slides prepared per test). The minimum number of fiber measurements required for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micron at a probability of 95 percent. Each operator shall measure approximately one-half the required number of fibers. The approximate number of fiber measurements needed for each of the grades—as listed in § 32.100, table 1—may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation shown below:

$$n=\left(\frac{1.96\sigma}{0.40}\right)^2$$

In this equation:
n = Number of fibers to be measured, and
σ = Standard deviation of fiber diameters.

(10) *Calculation and report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below:

(i) The average diameter of fiber ($\overline{X}$):

$$\overline{X}=A+mE_1$$

(ii) The standard deviation (σ):

$$\sigma=m\sqrt{E_2-E_1^2}$$

(iii) The confidence limits of mean at 95 percent probability level=

$$\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}$$

In the formulae stated above:
A = Midpoint of cell containing the smallest measurement.
m = Cell interval.
n = Total number of fiber measurements.

$$E_1=\frac{\Sigma fx}{n} \text{ and } E_2=\frac{\Sigma fx^2}{n}, \text{ where}$$

Σ = Summation.
f = Observed frequency.
x = Deviation in Cells from A.

An example of the calculations is set forth below:

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION, AND CONFIDENCE LIMITS OF MEAN

Cell No.	Boundaries:	A	Deviation in cells from A, x	Observed frequency, f	fx	fx^2	Cumulative frequency	Cumulative percent
5	10.0 to 12.5	11.25	0	1	0	0	1	0.10
6	12.5 to 15.0	—	1	15	15	15	16	1.60
7	15.0 to 17.5	—	2	66	132	264	82	8.20
8	17.5 to 20.0	—	3	141	423	1,269	223	22.30
9	20.0 to 22.5	—	4	165	660	2,640	388	38.80
10	22.5 to 25.0	—	5	176	880	4,400	564	56.40
11	25.0 to 27.5	—	6	138	828	4,968	702	70.20
12	27.5 to 30.0	—	7	99	693	4,851	801	80.10
13	30.0 to 32.5	—	8	79	632	5,056	880	88.00
14	32.5 to 35.0	—	9	55	495	4,455	935	93.50
15	35.0 to 37.5	—	10	35	350	3,500	970	97.00
16	37.5 to 40.0	—	11	9	99	1,089	979	97.90
17	40.0 to 42.5	—	12	8	96	1,152	987	98.70
18	42.5 to 45.0	—	13	6	78	1,014	993	99.30
19	45.0 to 47.5	—	14	4	56	784	997	99.70
20	47.5 to 50.0	—	15	0	0	0	997	99.70
21	50.0 to 52.5	—	16	3	48	768	1,000	100.00
	Total			1,000	5,485	36,225		

Number of measurements (n) = 1,000.
A (midpoint of cell containing smallest diameter measurement) = 11.25 microns.
m (cell interval) = 2.5 microns.

$$E_1=\left(\frac{\Sigma fx}{n}\right)=\frac{5,485}{1,000}=5.4850 \text{ and } E_2=\left(\frac{\Sigma fx^2}{n}\right)=\frac{36,255}{1,000}=36.2250$$

Average diameter, $\overline{X}=A+mE_1=11.25+2.5\ (5.4850)=24.96$ microns.[1]

Standard deviation, $\sigma=m\sqrt{E_2-E_1^2}=2.5\sqrt{36.2250-30.0852}=2.5\ (2.4779)=6.19$ microns.[1]

Confidence limits of mean at 95 percent probability level=

$$\overline{X}\pm\frac{1.96\sigma}{\sqrt{n}}=\overline{X}\pm\frac{12.1324}{31.6127}=24.96\pm0.38 \text{ micron}^1.$$

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to 2 decimal places as follows: If the figure in the 3d decimal place is 4 or less, retain the figure in the 2d decimal place unchanged; otherwise, increase the figure in the 2d decimal place by 1.

(b) *Procedure for designating grade—*

(1) *Single grade designation.* If the measured average diameter and the fiber diameter dispersion correspond to a single grade, that shall be the grade assigned to the sample.

Example: Average fiber diameter—30.94 microns.
Fiber diameter dispersion:

	Percent
30 microns and under	51
30.1 microns and over	49
40.1 microns and over	10

Grade designation—30's.

(2) *Dual-grade designation.* If the fiber dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the mohair shall be assigned a dual-grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds.

Example: Average fiber diameter—30.94 microns.
Fiber diameter dispersion:

	Percent
30 microns and under	45
30.1 microns and over	55
40.1 microns and over	16

Grade designation—30's–28's.

SAMPLES REPRESENTATIVE OF THE OFFICIAL STANDARDS OF THE UNITED STATES FOR GRADES OF MOHAIR TOP

§ 32.402 Standard samples of mohair top grades; method of obtaining.

Samples certified as representative of the official standards of the United States for grades of mohair top will be furnished as follows, subject to other conditions of this section, upon filing of an approved application and prepayment of the cost thereof as fixed in § 32.403. The certification will be issued by the U.S. Department of Agriculture and will be signed by the Director of the Livestock Division or other official duly authorized by him.

(a) Samples representative of the standard grades of mohair top:

(1) *Complete set.* Nine certified samples of mohair top, grades 40's through 20's.

(2) *Individual sample.* Individual certified samples of mohair top, grades 40's through 20's.

(b) Each application for standard samples of mohair top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by certified check, draft, postal money order, or express money order, payable to the "Agricultural Marketing Service," in an amount to cover the cost of the samples requested and shall incorporate the following agreement:

(1) That no samples representative of the official mohair top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.403 Cost of standard samples for mohair top grades.

(a) *Complete set.* $27 each, delivered to any destination within the United States and $30 each, delivered to any destination outside the United States.

(b) *Individual sample.* $3 each, delivered to any destination within the United States, and $3.50 each, delivered to any destination outside the United States.

Any person who desires to submit written data, views, or arguments concerning the proposals set forth above may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 90 days after the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 14th day of July 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.72-11177 Filed 7-20-72;8:45 am]

Agricultural Marketing Service

[7 CFR Part 958]

ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958).

This marketing order program regulates the handling of onions grown in designated counties in Idaho and Malheur County, Oreg., and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 15 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 958.216 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1973, by the Idaho-Eastern Oregon Onion Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $116,879.40.

(b) The rate of assessment to be paid by each handler in accordance with the marketing agreement and this part shall be $0.035 per hundredweight of onions handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1973, may be carried over as a reserve.

(d) Terms used in this section have the same meaning as when used in the said marketing agreement and this part

Dated: July 17, 1972.

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

[FR Doc.72-11253 Filed 7-20-72;8:48 am]

Food and Nutrition Service

[7 CFR Part 271]

FOOD STAMP PROGRAM

Computation of Hardship Allowance

Correction

The third paragraph of F.R. Doc. 72–11103 appearing at page 14236 of the issue for Tuesday, July 18, 1972, should read as follows:

"It is proposed to revise § 271.3(c)(1) by deleting subdivision (iii) (*b*), by relettering subdivisions (iii) (*c*), (*d*), (*e*), and (*f*) as subdivisions (iii) (*b*), (*c*), (*d*), and (*e*), respectively, and by adding a new subdivision (iii) (*f*). As revised, § 271.3(c)(1)(iii) would read as follows:"

Rural Electrification Administration

[7 CFR 1701]

CONSTRUCTION OF REA-FINANCED TRANSMISSION LINES

Line Specifications and Drawings

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40–8, Construction Specifications, Drawings and Contract Forms for Distribution and Transmission Facilities, covering the revision of REA Form 805, Electric Transmission Specifications and Drawings, relating to the design for construction of electric transmission line structures on REA-financed systems. Persons interested in the information included in these revised specifications may submit written views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of the Electric Transmission Specifications and Drawings may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

REVISION OF REA FORM 805

ELECTRIC TRANSMISSION SPECIFICATIONS AND DRAWINGS

The primary purpose of the specifications and drawings is to provide the basic design of structures for REA borrowers' transmission lines. The previous REA Form 805 was dated May 1970. This revision includes the following changes or additions:

1. Crossarm sizes on all structure drawings and type members for crossarms as shown in the Crossarm Specification DT-5B dated January 1972.

2. The drilling guide drawings for transmission line crossarms to conform to the latest DT-5B Specification.

3. Five drawings to provide three types of structure designs for installations where environmental requirements dictate such use.

4. Two drawings which permit selective clearing and "feathering" of the right-of-way.

Several other very minor changes have been made in structural designs to improve assemblies.

Dated: July 17, 1972.

E. C. WEITZELL,
Acting Administrator.

[FR Doc.72-11301 Filed 7-20-72;8:52 am]

FEDERAL POWER COMMISSION

[18 CFR Ch. I]

[Docket No. R-438]

DEVELOPMENT OF FULLY AUTOMATED COMPUTER REGULATORY INFORMATION SYSTEM

Notice Denying Further Extension of Time

JULY 14, 1972.

On July 5, 1972, the NARUC Subcommittee of Staff Experts on Accounting filed a request for a further 90-day extension of time from July 14, 1972, within which to file comments on the notice of proposed rule making issued April 13, 1972 (37 F.R. 7638), in the above-designated matter.

Upon consideration, notice is hereby given that the request for a further extension within which to file comments is denied.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11275 Filed 7-20-72;8:50 am]

[18 CFR Parts 201, 204, 205, 260]

[Docket No. R-448]

CLASS A, B, C, AND D NATURAL GAS COMPANIES

Unrecovered Purchased Gas Costs

JULY 18, 1972.

Pursuant to 5 U.S.C. 553 and sections 8, 9, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, and 717o), the Commission gives notice it proposes to amend, effective for the reporting year 1972:

A. The Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

B. The Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

C. The Uniform System of Accounts for Class D Natural Gas Companies, prescribed by Part 205, Chapter I, Title 18, CFR.

D. Schedule page 110, Comparative Balance Sheet, of the Commission's Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

E. Schedule page 3, Comparative Balance Sheet, of the Commission's Form No. 2-A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18, CFR.

Order No. 452, issued April 14, 1972, in Docket No. R-406 amended the Commission regulations under the Natural Gas Act to provide that a natural gas pipeline company may, under certain conditions, include in its FPC gas tariff a purchased gas adjustment clause to flow-through changes in its cost of purchased gas. A pipeline company may defer changes in its purchased gas costs for recovery in the future under its gas tariff when, under the regulations, the costs may not be flowed through at the time of the cost change.

The Commission's Uniform Systems of Accounts for Natural Gas Companies Subchapter F, Chapter I, Title 18, Code of Federal Regulations do not contain appropriate accounts to record the aforementioned deferred costs. Therefore the Commission staff was directed to prepare an accounting change. In the interim, pipeline companies were directed to use Account 186, Miscellaneous deferred debits, to account for changes in purchased gas costs which may not be flowed through at the time of the cost change.

An amendment to the Uniform Systems of Accounts for Natural Gas Companies is proposed herein for a new and separate account to be numbered and entitled Account 191, Unrecovered purchased gas costs, to account for changes in purchased gas costs. Essentially, this new Account 191 would contain the same accounting instructions that Order No. 452 directed natural gas pipeline companies to follow during the interim period:

1. Account 191 would be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs associated with the sale subject to the Commission's rate jurisdiction.

2. Upon a change in a rate schedule recognizing the increases or decreases in purchased gas costs which have been recorded in the accounts, the account would then be debited or credited, as appropriate, with contra entries to gas purchased accounts so that the balance accumulated in the accounts will be amortized over a succeeding 6-month period.

3. Separate subaccounts would be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchased gas increases or decreases, as applicable, so as to keep each period separate.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than September 1, 1972, data, views, comments, or suggestions in writing concerning any of the proposed amendments to the Uniform Systems of Accounts and the proposed revised report forms. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. In addition, interested persons wishing to have their comments considered in the clearance of the proposed revisions in the report form pursuant to 44 U.S.C. 3501-3511 may, at the same time, submit a conformed copy of their comments directly to the Clearance Officer, Statistical Policy Division, Office of Management and Budget, Washington, D.C. 20503. Submissions to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions in the Uniform Systems of Accounts and the report forms. The Commission staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Parts 201, 204, and 205 of the Commission's Uniform System of Accounts under the Natural Gas Act, and to FPC Forms No. 2 and No. 2-A, would be issued under the authority granted the FPC by the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16. (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, and 717o.)

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

A. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, add a new account "191, Unrecovered purchased gas costs," following account "188, Research and development expenditures." As revised, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

* * * * *

2. In the text of the Balance Sheet Accounts, add new account "191, Unrecovered purchased gas costs," following account "188, Research and development expenditures." As revised, new account 191 will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

A. This account shall include purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not includible in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs.

C. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs recorded in this account is approved by the Commission, this account shall be debited or credited, as appropriate, with contra entries to the proper expense accounts so that the balance accumulated in this account will be amortized on an appropriate basis over a succeeding 6-month period.

D. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchased gas increases or decreases, as applicable, so as to keep each period separate.

NOTE: Carrying charges shall not be allowed on amounts recorded in this account.

* * * * *

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

B. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, add new account "191, Unrecovered purchased gas costs," following account "187, Deferred losses from disposition of utility plant." As revised, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

* * * * *

2. In the text of the Balance Sheet Accounts, add new account "191, Unrecovered purchased gas costs," following account "187, Deferred losses from disposition of utility plant." As revised, the new account 191 will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

A. This account shall include purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not includible in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs.

C. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs recorded in this account is approved by the Commission, this account shall be debited or credited, as appropriate, with contra entries to the proper expense accounts so that the balance accumulated in this account will be amortized on an appropriate basis over a succeeding 6-month period.

D. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchase gas increases or decreases, as applicable, so as to keep each period separate.

NOTE: Carrying charges shall not be allowed on amounts recorded in this account.

* * * * *

PART 205—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS D NATURAL GAS COMPANIES

C. The following are proposed amendments to the Uniform System of Accounts for Class D, Natural Gas Companies, in Part 205, Chapter I, Title 18 of the Code of Federal Regulations:

1. In the chart of Balance Sheet Accounts, add new account "191, Unrecovered purchased gas costs," following account "187, Deferred losses from disposition of utility plant." As revised, the chart of accounts will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

* * * * *

2. In the text of the Balance Sheet Accounts, add new account "191, Unrecovered purchased gas costs," following account "187, Deferred losses from disposition of utility plant." As revised, the new account 191 will read:

Balance Sheet Accounts

* * * * *

ASSETS AND OTHER DEBITS

* * * * *

4. DEFERRED DEBITS

* * * * *

191 Unrecovered purchased gas costs.

A. This account shall include purchased gas costs related to Commission approved purchased gas adjustment clauses when such costs are not includible in the utility's rate schedules on file with the Commission.

B. This account shall be debited or credited, as appropriate, each month for increases or decreases in purchased gas costs.

C. After a change in a rate schedule recognizing the increases or decreases in purchased gas costs recorded in this account is approved by the Commission, this account shall be debited or credited, as appropriate, with contra entries to the proper expense accounts so that the balance accumulated in this account will be amortized on an appropriate basis over a succeeding 6-month period.

D. Separate subaccounts shall be maintained for the amounts relating to the period in which the increase or decrease is accumulated and for the amortization of purchase gas increases or decreases, as applicable, so as to keep each period separate.

NOTE: Carrying charges shall not be allowed on amounts recorded in this account.

* * * * *

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

D. Effective for the reporting year 1972, it is proposed to amend Comparative Balance Sheet, schedule page 110, in FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, as set out in Attachment A.[1]

E. Effective for the reporting year 1972, it is proposed to amend Comparative Balance Sheet, schedule page 3, of FPC Form No. 2–A, Annual Report for Natural Gas Companies (Class C and Class D) prescribed by § 260.2, Chapter I, Title 18 of the Code of Federal Regulations, as set out in Attachment B.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-11274 Filed 7-20-72;8:50 am]

[1] Attachments A and B are filed as part of the original document.

Notices

DEPARTMENT OF STATE

Agency for International Development

ENGINEERING, ARCHITECTURAL AND CONSTRUCTION INDUSTRY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to section 13(2) of Executive Order 11671, notice is hereby given of a meeting of the Engineering, Architectural and Construction Industry Advisory Committee of the Agency for International Development (A.I.D.) to be held in Room 1105, New State Department Building, 21st Street and Virginia Avenue, Washington, D.C. 20523, on Wednesday, July 26, 1972, at 10 a.m. This meeting will be open to public observation.

The purpose of the subject committee is to provide for a systematic, regularized dialogue between officials of A.I.D. and representatives of the engineering, construction and architectural industries in the interests of improved policy and procedures and improved industry performance relating to A.I.D.-financed activities.

The membership of the subject committee is as follows:

William Marshall, Jr., representing American Institute of Architects.
Franklyn C. Rogers, representing American Institute of Consulting Engineers.
Charles B. Molineaux, representing American Society of Civil Engineers.
L. B. Wilder, representing Associated General Contractors of America.
Allen M. Acheson, representing Consulting Engineers Council of the U.S.
Jesse Taylor, representing National Constructors Association.
Robert Nichols, representing National Society of Professional Engineers.

The agenda for the July 26 meeting of the subject committee, to be held as aforesaid, shall be as follows:

1. Discussion of Executive Order 11671.
2. A.I.D.'s new Engineering organization.
3. A.I.D.'s current and proposed program.
4. Environmental considerations.
5. Effectiveness of and/or need for revision.
   (a) Capital Project Guidelines.
   (b) Cost Analysis Guidelines.
   (c) Cost Estimating Manual.
   (d) Preliminary Appraisal Manual.
   (e) Feasibility Study Manual.
6. Committee procedures.
7. Suggestions of additional topics for future consideration.

LUCIUS M. HALE,
Director, Office of Engineering, Agency for International Development.

JULY 18, 1972.

[FR Doc.72-11308 Filed 7-20-72;8:54 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Price Commission Ruling 1972-217]

ARM'S-LENGTH TRANSACTION

Price Commission Ruling

Facts. Landlord owns an apartment building containing five units. One of the units is substantially larger and more desirable than the others and could command a higher rental on the open market. Until recently, however, this unit has been leased to a close friend of landlord at less than half the rent of the other units.

Issue. May the lease transaction between landlord and his close friend be considered an arm's-length transaction for the purposes of the Rent Stabilization Regulations?

Ruling. No. " 'Transaction' means an arm's-length transaction between unrelated persons who are not members of a controlled group * * *" 6 CFR 301.2 (1972). The close friend is certainly unrelated to landlord, but in order to qualify as a "transaction," his lease must have been made at arm's length.

"Parties are said to deal 'at arm's length' when each stands upon the strict letter of his rights, and conducts the business in a formal manner, without trusting to the other's fairness or integrity, and without being subject to the other's control or overmastering influence." 7 C.J.S. At (1937). Since landlord could have reasonably leased his close friend's apartment at a greater rent, and in fact leased four less desirable units at a greater rent, the lease with his close friend cannot be said to have been made at arm's length. The lease is therefore not a "transaction" for the purposes of the Rent Stabilization Regulations.

This ruling applies only to the regulations in effect from December 29, 1971, until July 4, 1972.

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 18, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel, Internal Revenue Service.

Approved: July 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-11262 Filed 7-20-72;8:46 am]

[Price Commission Ruling 1972-218]

SWIMMING POOL FEE

Price Commission Ruling

Facts. X, a landlord, operates a swimming pool for the tenants of his large complex of apartments: If the tenants want to use the pool during the summer months, they must pay a $75 fee. X wants to raise the charge this summer.

Issue. Is this charge covered by the Economic Stabilization Rent Regulations?

Ruling. Rent means "the price charged, under a lease, for the right to possession and use of a residence, including any required recurrent charge therefor and any required recurrent charge for the use of service or property in connection therewith". Economic Stabilization Regulation 301.2, 37 F.R. 13226 (1972). Since the tenant is not required to pay for the use of the swimming pool as a condition of his occupancy, such a charge for the use of the pool is not rent but a service and such price adjustments are governed by Economic Stabilization Regulation, 6 CFR 300.14 (1972). See also Price Commission Ruling 1972-91, 37 F.R. 5063 (1972).

This ruling has been approved by the General Counsel of the Price Commission.

Dated: July 18, 1972.

LEE H. HENKEL, Jr.,
Chief Counsel, Internal Revenue Service.

Approved: July 18, 1972.

SAMUEL R. PIERCE, Jr.,
General Counsel, Department of the Treasury.

[FR Doc.72-11261 Filed 7-20-72;8:46 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

RECEPTION AND MEDICAL CENTER GREEN SPRINGS, LOUISA COUNTY, VA.

Notice of Availability of Draft Environmental Impact Statement

Notice is hereby given that a draft of the document entitled "[Draft] Environmental Impact Statement, Reception and Medical Center, Green Springs, Louisa County, Va.," dated July 1972 has been prepared pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 and is being placed for public examination in the offices of the Law En-

forcement Assistance Administration, Washington, D.C., the Philadelphia Regional Office, and the State Planning Agency, Richmond, Va. Persons wishing to examine a copy of the document may do so at the following offices:

Law Enforcement Assistance Administration Reading Room, 633 Indiana Avenue NW., Room 1084, Telephone 202—386-5110.

Philadelphia Regional Office, LEAA—United States Department of Justice, 928 Market Street, Second Floor, Philadelphia, Pa., Telephone 215—597-9440.

Office of the State Planning Agency, Division of Justice and Crime Prevention, Suite 101, Ninth Street Office Building, Richmond, Va., Telephone 703—770-7421.

Copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

Comments from interested persons should be forwarded to:

Law Enforcement Assistance Administration, Office of General Counsel, 633 Indiana Avenue NW., Washington, D.C. 20530.

[SEAL] JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.71-11266 Filed 7-20-72;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

LONE PINE RESERVATION, CALIF.

Ordinance Relating to Application of Federal Indian Liquor Laws

JULY 14, 1972.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Lone Pine Reservation, Calif., was adopted on May 3, 1972, by the General Council of the Lone Pine Tribes, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction oevr such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER: Therefore, be it

Resolved, That the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Lone Pine Reservation: *Provided*, That such introduction, sale, or possession is in conformity with the laws of California; and be it further

Resolved, That any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.72-11242 Filed 7-20-72;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

CENTRAL IOWA POWER COOPERATIVE

Notice of Availability of Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Central Iowa Power Cooperative, Box 389, Marion, IA 52302. This loan application, together with funds from other sources, includes financing for the installation of one 30 MW gas turbine and waste heat boiler at Creston in Union County, Iowa.

Additional information may be secured on request, submitted to Mr. James N. Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., Room 4322, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Myers at the address given above. Comments must be received within thirty (30) days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 17th day of July 1972.

E. C. WEITZELL,
Acting Administrator, Rural Electrification Administration.

[FR Doc.72-11302 Filed 7-20-72;8:52 am]

Soil Conservation Service

CHICOD CREEK WATERSHED PROJECT, PITT AND BEAUFORT COUNTIES, N.C.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a final environmental statement for the Chicod Creek Watershed Project, USDA-SCS-ES-WS-(Adm)-72-27.

The environmental statement concerns a plan for reducing flooding and providing outlets for drainage for 10,000 acres of crop and pasture land. The planned works of improvement include conservation land treatment supplemented by 66 miles of channel modification, a 12.4-acre fish lake, 11 channel pools, two wetland preservation areas, 30 water-control structures, and 10 sediment traps. Disturbed earth will be vegetated for sediment control and wildlife food and cover areas.

The final environmental statement was filed with CEQ on July 13, 1972. Copies are available for inspection during regular working hours at the following locations:

USDA, Soil Conservation Service, Washington Office, South Agriculture Building, Room 5227, 12th Street and Independence Avenue SW., Washington, DC 20250.

USDA, Soil Conservation Service, Federal Building, New Bern Avenue, Post Office Box 27307, Raleigh, NC 27611.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151 for $3 each. Please refer to the name and number of statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

KENNETH E. GRANT,
Administrator, Soil Conservation Service.

JULY 14, 1972.

[FR Doc.72-11259 Filed 7-20-72;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 26(71)-7]

ROLAND HAGN

Order Terminating Indefinite Denial Order

In the matter of Roland Hagn, 27 Rue Mozart, 78 Fontenay-le-Fleury, France, respondent; file 26(71)-7.

On February 22, 1972 (37 F.R. 4222), an order was entered against the above respondent denying him for an indefinite period, all privileges of participating in transactions involving commodities or technical data exported or to be exported from the United States. This order was issued in accordance with § 388.15 of the Export Control Regulations because respondent failed to answer interrogatories without showing good cause for such failure.

The respondent has now furnished responsive answers to the interrogatories and pursuant to § 388.15 he is entitled to have the indefinite denial order terminated. Accordingly, the above-mentioned indefinite denial order of February 22, 1972 is hereby terminated.

On May 16, 1972, there was published in the FEDERAL REGISTER a notice to the effect that a determination had been made that Hameg France S.A.R.L. was a related party to the respondent (37 F.R. 9678). By virtue of this order, the restrictions imposed on Hameg France S.A.R.L. under the related party determination are terminated.

Dated: July 17, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-11313 Filed 7-20-72;8:53 am]

Office of Import Programs

BAYLOR COLLEGE OF MEDICINE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00585-00-46040. Applicant: Baylor College of Medicine, Division of Experimental Biology, 1200 Moursund Avenue, Houston, TX 77025. Article: Projector tubes with shutters and binocular holder. Manufacturer: Siemens AG, West Germany. Intended use of article: The articles are accessories for an existing electron microscope being used for studies of tissues, cells, and submicroscopic entities including viruses and for training of students in the fundamentals of electron microscopy. Application received by Commissioner of Customs: May 30, 1972.

Docket No. 72-00618-90-46070. Applicant: University of Wyoming, Department of Geology, University Station, Box 3006, Laramie, WY 82070. Article: Scanning Electron Microscope, Model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for a wide range of research projects in the department of geology, botany, zoology, and plant science. Some of these projects will include:

A. Examination of the test porosities of species of Recent planktonic foraminifera;

B. Study of chemical reactions in sediments from cores taken by the Deep Sea Drilling Project;

C. Study of the surface textures of sand grains;

D. Study of the seeds and pollen of western North American taxa of *Chenopodium;*

E. Survey of the surface and stomatal structural features of the cuticles of the coniferous species: *Pinus contorta, Pinus flexilis, Abies lasiocarpa,* and *Piecea engelmanii.*

F. Studies of grass systematics, cell interaction and surfaces with cyclic adenosine monophosphate.

G. Mycological research and identification of immature insects.

The article will also be used to train graduate students in the operation of scanning electron microscopes in independent research. It is anticipated that a large number of doctoral candidates will use the article during their dissertation research. Application received by Commissioner of Customs: June 12, 1972.

Docket No. 72-00620-01-86500. Applicant: University of Akron, Akron, Ohio 44325. Article: Rheogoniometer, R-18. Manufacturer: Sangamo Control, Ltd., United Kingdom. Intended use of article: The article is intended to be used for a current research project involving viscoelastic effects on blood flow. Experiments must be conducted to measure normal stress effects in a number of low viscosity solutions including blood. Application received by Commissioner of Customs: June 15, 1972.

Docket No. 72-00622-00-11000. Applicant: Department of the Interior, Bureau of Sport Fisheries and Wildlife, Patuxent Wildlife Research Center, Laurel, Md. 20810. Article: LKB Leak Inlet System. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is an accessory for the LKB 9000 Gas Chromatograph - Mass Spectrometer which allows rapid introduction of liquids or solids into the mass spectrometer but bypasses the gas chromatographic system. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00623-01-07520. Applicant: The Johns Hopkins University, Purchasing Department, Charles and 34th Streets, Baltimore, Md. 21218. Article: LKB Batch Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to investigate the chemical thermodynamics of muscle proteins and larger functional fragments of muscle. Specific experiments include the thermal effects of the reaction of the muscle protein myosin with its substrate adenosine triphosphate, the reaction of glycerinated myofibrillar suspensions and actomyosin with adenosine triphosphate, and the reaction of calcium ions with sarcoplasm and muscle proteins. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00624-01-07520. Applicant: University of Georgia, Department of Biochemistry, Boyd Research Center, Athens, Ga. 30601. Article: LKB Batch Microcalorimeter. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for measurement of enthalpies of ligand binding to proteins: magnesium, salts, and substrates to yeast enolase, sodium dodecylsulfate to ovalbumin, anilinonapthalene sulfonic acid to bovine serum albumin, and AT to formyltetrahydrofolate synethetase. This is to correlate these data with data obtained previously by other methods to get a better understanding of how proteins bind ligands, and what effects ligand binding have on proteins. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00625-33-4695. Applicant: Wills Eye Hospital, 1601 Spring Garden Street, Philadelphia, PA 19130. Article: LKB 11800 Pyramitome. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of human corneas and retinas from various diseases, and malignant ocular tumors, for evaluation, at the ultrastructural level, of the deposition of abnormal storage materials in certain corneal diseases and for determination of the ultrastructure morphology of retinas from congenitally malformed eyes, and pigmented ocular tumors, benign and malignant. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00626-33-46500. Applicant: Veterans Administration Hospital, Department of Pathology, Durham, N.C. 27705. Article: Ultramicrotome, Model

LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to prepare ultrathin slices of fixed and embedded tissue so that they may be observed with an electron microscope during investigations to determine the elucidation of the ultrastructure of cells that make up tissues of the body. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00627-33-46500. Applicant: University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to cut ultrathin sections of brains and nerve tissues and liver from rhesus monkeys. This involves a research project on the chronic effects of methamphetamine administration. Application received by Commissioner of Customs: June 19, 1972.

Docket No. 72-00628-33-46040. Applicant: Oak Ridge Associated Universities, Post Office Box 117, Oak Ridge, TN 37380. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine the fine structure and isolated molecular components of normal and malignant human and experimental animal tissues. The experiments to be conducted include studies on the cellular and subcellular localization of the tumor-localizing radionuclide ^{67}Ga using high-resolution autoradiography on tissue sections and on isolated cellular components; similar materials in experimental animals after whole-body acute and chronic x-irradiation to determine the effect of x-irradiation on the ability of cells and their molecular components to concentrate or localize ^{67}Ga. Application received by Commissioner of Customs: June 16, 1972.

Docket No. 72-00630-55-17500. Applicant: University of Washington, Purchasing Department, Seattle, Wash. 98195. Article: Two Recording Current Meters. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in a study of the currents in the Beaufort Sea area in conjunction with the Arctic Ice Deformation Joint Experiment which will involve work by graduate students on research projects. Application received by Commissioner of Customs: June 16, 1972.

Docket No. 72-00631-33-79200. Applicant: Veterans Administration Hospital, 4150 Clement Street, San Francisco, CA 94121. Article: Water Still and Condenser. Manufacturer: L. V. D. Scorah, MSc., United Kingdom. Intended use of article: The article is intended to be used in redistilling water to obtain the extreme purity needed in many special techniques in Metabolic and Endocrine Function studies. Application received by Commissioner of Customs: June 16, 1972.

Docket No. 72-00632-33-46040. Applicant: City Hospital Center at Elmhurst, 79-01 Broadway, Elmhurst, NY 11373. Article: Electron Microscope, Model HS-8 Mark II. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to study the complicated and chronic changes involved in human renal disease using a newly developed technique in which lanthium hydroxide is injected on a tracer. In addition, protein-labeled antibodies have been obtained and will be used as an adjunct to these studies. The study of human placental membranes especially in toxemia of pregnancy using a recently developed technique for isolating placental basement membrane will also be carried out. The isolation techniques will also be used to obtain antibodies in experimental animals and to determine the possible role of immunological mechanisms in placental disease. The article will also be used for the instruction of electron microscopy techniques to residents, educational fellows, medical and premedical students. Application received by Commissioner of Customs: June 16, 1972.

Docket No. 72-00633-33-43780. Applicant: Washington University, 4911 Barnes Hospital Plaza, St. Louis, MO 63110. Article: Leisegang Stereocameracolposcope, Model IIIb. Manufacturer: Leisegang Feinmechanik-Optik Gmbh & Co., West Germany: Intended use of article: The article is intended to be used in the following gynecologic research projects:

(1) Monitor of the effects of birth control pills and intrauterine contraceptive devices on the cervix uteri;

(2) Examination of patients with abnormal Papanicolaou smears (cancer screening tests) and biopsies of suspicious lesions taken under direct vision.

Photographs taken with the article of various lesions of the cervix, uteri, and vulva will be used in the teaching of medical students and medical doctors in the residency training in obstetrics and gynecology. Application received by Commissioner of Customs: June 19, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-11309 Filed 7-20-72;8:53 am]

NORTHWESTERN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00298-65-86300. Applicant: Northwestern University, The Technological Institute, 2145 Sheridan Road, Evanston, IL 60201. Article: Viscoelastometer, Model DDV-II. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article is intended to be used to assess the modulus of highly crystalline materials and relate it to existing knowledge of microstructure, study the effects of various levels of crystallinity on the mechanical losses due to noncrystalline regions and determine dynamic mechanical data needed to complement morphological information of polyethylene and polypropylene fibers.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a load sensitivity of 5×10^{-3} grams and 1×10^{-6} centimeters displacement. The most closely comparable domestic instrument, the Rheometrics mechanical spectrometer, manufactured by Rheometrics, Inc., provides a sensitivity of 100 grams full scale with no displacement sensitivity given. We are advised by the National Bureau of Standards (NBS) in its memorandum dated June 5, 1972, that the capabilities for a load sensitivity of 5×10^{-3} grams and 1×10^{-6} centimeters displacement are pertinent to the purposes for which the article is intended to be used.

We, therefore, find that the Rheometrics mechanical spectrometer is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. NBS also advises that it knows of no domestically manufactured instrument which is scientifically equivalent to the foreign article for the applicant's intended uses.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-11310 Filed 7-20-72;8:53 am]

RUSH-PRESBYTERIAN-ST. LUKE'S MEDICAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00367-33-46500. Applicant: Rush-Presbyterian-St. Luke's Medical Center, 1753 West Congress Parkway, Chicago, IL 60612. Article: Ultramicrotome, Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is

intended to be used to section human tumors, virus-induced animal tumors, tumor cell lines, cells infected in vitro with oncogenic viruses, and concentrated virus preparations to study virus-host interrelationships in these materials striving toward the elucidation of the mechanism(s) responsible for cellular transformation and virus expression, repression, and derepression.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle) is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 20 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of (June 30, 1972) that cutting speeds in excess of 4 mm./sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc. 72-11311 Filed 7-20-72;8:53 am]

Office of the Secretary

CHILDREN'S SLEEPWEAR

Notice of Amendment to Flammability Standard To Provide for Sampling Plan

On April 18, 1972, there was published in the FEDERAL REGISTER (37 F.R. 7628) a notice of finding that an amendment to the Standard for the Flammability of Children's Sleepwear, DOC FF 3-71 (36 F.R. 14062), was needed to provide for a sampling plan to protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage. A proposed sampling plan, which was preliminarily found to protect the public against such unreasonable risk, was published in the same FEDERAL REGISTER notice. It was also preliminarily found that the proposed sampling plan was reasonable, technologically practicable, and appropriate, and stated in objective terms, and that the proposed sampling plan was limited to young children's sleepwear, and fabrics or related materials which are intended or promoted for use in children's sleepwear, and which have been determined to present the unreasonable risk specified above.

The comments received in response to the above-referenced publication of the proposed sampling plan have been reviewed and analyzed. The reports of the members of the National Advisory Committee for the Flammable Fabrics Act on that proposed plan have also been reviewed and considered. Appropriate changes in the proposed sampling plan based on those reviews, considerations, and analyses and based also on additional investigations and research have been made. Based on these actions, it is hereby found that the sampling plan contained in the amendment to the Standard for the Flammability of Children's Sleepwear (DOC FF 3-71) as set out in full at the end hereof:

(a) Is needed for young children's sleepwear to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

(b) Is reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Is limited to young children's sleepwear, and fabrics of related materials which are intended or promoted for use in children's sleepwear, and which have been determined to present the unreasonable risk specified in (A) above.

Applicability of Sampling Plan. As is the case with all flammability standards issued under the Flammable Fabrics Act, the sampling plan applies to all domestic and imported children's sleepwear as defined in the Standard.

Effective Date of Amendment. The present children's sleepwear standard (DOC FF 3-71) becomes effective July 29, 1972, with a proviso temporarily requiring a permanent and conspicuous cautioning label for noncomplying goods manufactured during the 12-month period after the effective date of the Standard. All goods manufactured after July 29, 1973, are required to comply. An amendment to a flammability standard issued under the Flammable Fabrics Act normally becomes effective 12 months from the date on which such amendment is promulgated unless the Secretary of Commerce finds for good cause shown that an earlier or later date is in the public interest and publishes the reason for such finding.

It is hereby found that good cause has been shown that an earlier effective date of this amendment is in the public interest. This finding is based on information received by this Department which indicates that compliance with the children's sleepwear standard will be substantially accelerated by the addition of a sampling plan. Accelerated compliance would result in making larger quantities of flame resistant sleepwear available much sooner than would be possible without the sampling plan, thereby providing children with increased protection against unreasonable risk of the occurrence of fire leading to death or personal injury. Therefore, as stated in the notice accompanying the proposed sampling plan amendment, this amendment will be effective July 29, 1972. Further, the Standard for the Flammability of Children's Sleepwear, together with this amendment thereto, will continue to be effective July 29, 1972, with a proviso temporarily requiring a permanent and conspicuous cautioning label for noncomplying goods manufactured during the 12-month period after the effective date of the Standard.

Further, section 553 of title 5, United States Code, requires publication of an amendment to a flammability standard at least 30 days prior to its effective date unless it is found that good cause exists otherwise and the reason for such good cause is published with the amendment.

It is hereby found that good cause exists for the publication of the amended standard less than 30 days prior to its effective date for the reasons set forth above in connection with the finding that the amended standard should be effective earlier than 12 months from its publication.

Reissuance of the Standard. Inclusion of the sampling plan in the children's sleepwear standard requires that certain portions of the Standard be revised. Accordingly, section .1 "Definitions" is

amended by revising paragraph (e) thereof and adding paragraphs (i), (j), (k), (l), and (m). In addition, paragraph (b) of section .4 "Test Procedure" is revised and changes have been made in sections .2(b), .3(b) and .4(d)(4) plus former section .4(a)(12) has been deleted. Additionally, minor nonsubstantive corrections have been made in section .4(a)(1) and in drawings numbered 1, 3, and 4 appended to the Standard.

In the light of the foregoing and the nonsubstantive corrections to the Standard, heretofore announced in the FEDERAL REGISTER of November 12, 1971 (36 F.R. 21717), reissuance of the Standard to include all changes is considered appropriate. The Standard is reissued as the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71, as amended) and is appended hereto.

It is emphasized that the only substantive change made to the Standard involves the amendment necessary to include the sampling plan. This reissuance does not affect the effective date of the Standard, announced in the FEDERAL REGISTER of July 29, 1971 (36 F.R. 14062). The Standard is effective July 29, 1972, with a proviso temporarily requiring a permanent and conspicuous cautioning label for noncomplying goods manufactured until July 29, 1973. All goods manufactured on and after July 29, 1973, are required to comply with the Standard.

Issued July 17, 1972.

PETER G. PETERSON,
Secretary of Commerce.

CHILDREN'S SLEEPWEAR

STANDARD FOR THE FLAMMABILITY OF CHILDERN'S SLEEPWEAR

[DOC FF 3–71; As amended]

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and § 7.2 of the Procedures (33 F.R. 14642, Oct. 1, 1968), the following definitions apply for the purposes of this Standard:

(a) "Children's Sleepwear" means any product of wearing apparel up to and including size 6X, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for a sleeping or activities related to sleeping. Diapers and underwear are excluded from this definition.

(b) "Size 6X" means the size defined as 6X in Department of Commerce Voluntary Product Standard, previously identified as Commercial Standard, CS 151–50 "Body Measurements for the Sizing of Apparel for Infants, Babies, Toddlers, and Children." [1]

[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151.

(c) "Item" means any product of children's sleepwear, or any fabric or related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(e) "Test Criteria" means the maximum char length and residual flame time which a sample or specimen may exhibit in order to pass an individual test.

(f) "Char Length" means the distance from the original lower edge of the specimen exposed to the flame in accordflame in accordance with the procedure specified in ".4 Test Procedure" to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in .4(d)(2).

(g) "Residual Flame Time" is defined as the time from removal of the burner from the specimen to the final extinction of molten material or other fragments flaming on the base of the cabinet.

(h) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(i) "Fabric Piece" (Piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(j) "Fabric Production Unit" (Unit) means any quantity of finished fabric up to 5,000 linear yards for normal sampling or 10,000 linear yards for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in .4(b)(1). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing step as a fabric except for slitting.

(k) "Garment Production Unit" (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except for size, trim, findings, color, and print patterns as specified in .4(b)(1).

(l) "Sample" means five test specimens.

(m) "Specimen" means an 8.9 x 25.4 cm. (3.5 x 10 in.) section of fabric. For garment testing the specimen will include a seam or trim.

.2 *Scope and Application.* (a) This Standard provides a test method to determine the flammability of items as defined in .1(c).

(b) All items as defined in .1(c), are subject to requirements of this standard.

.3 *General Requirements*—(a) *Summary of Test Method.* Five conditioned Specimens, 8.9 x 25.4 cm. (3.5 x 10 in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edge for a specified time under controlled conditions. The char length and residual flame time are measured.

(b) *Test Criteria.* The test criteria when the testing is done in accordance with ".4 Test Procedure" are:

(1) *Average Char Length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full Specimen Burn.* No individual specimen shall have a char length of 25.4 cm. (10 in.).

(3) *Residual Flame Time.* No individual specimen shall have a residual flame time greater than 10 seconds.

.4 *Test Procedure*—(a) *Apparatus*—(1) *Test Chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen holder is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in .4(a)(3) and perpendicular to the front of the cabinet. The front of the cabinet shall be a close fitting door with a glass insert to permit observation of the entire test. The cabinet floor shall be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions and whose thickness is a nominal 0.3 cm. (⅛ in.). A piece of asbestos paper at least 15.2 x 15.2 cm. (6 x 6 in.) and of nominal thickness of 0.15 cm. (1/16 in.) or less shall be used to catch the drips or other fragments and this latter paper shall be changed after each specimen which drips has been tested. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Nos. 1 to 7.

(2) *Specimen Holder.* The specimen holder is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied. It shall consist of two U-shaped 0.20 cm. (14 ga. USS) thick steel plates, 42.2 cm. (16⅝ in.) long, and 8.9 cm. (3.5 in.) wide, with aligning pins. The openings in the plates shall be 35.6 cm. (14 in.) long and 5.1 cm. (2 in.) wide. The specimen shall be fixed between the plates, which shall be held together with side clamps. The holder to be used in this test method is illustrated in Figure 2 and detailed in Engineering Drawing No. 7.

(3) *Burner.* The burner shall be substantially the same as that illustrated in Figure 1 and detailed in Engineering Drawing No. 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle value. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25° from the vertical. The burner shall be equipped with an adjustable stop collar so that it may be positioned quickly under the test speci-

men. The burner shall be connected to the gas source by rubber or other flexible tubing.

(4) *Gas Supply System.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 129±13 mm. Hg (2½±¼ lbs. per sq. in.) at the burner inlet.

(5) *Gas.* The gas shall be at least 97 percent pure methane.

(6) *Hooks and Weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45° angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

TABLE 1—ORIGINAL FABRIC WEIGHT [1]

g./sq. m.	(oz./sq. yd.)	Loads	
		g.	(lb.)
Less than 101	(Less than 3.0)	54.4	(0.12)
101 to 207	(3.0 to 6.0)	113.4	(.25)
207 to 338	(6.0 to 10.0)	226.8	(.50)
Greater than 338	(Greater than 10.0).	340.2	(.75)

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 hours at 21±1.1° C. (70±2° F.) and 65±2 percent relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hours does not exceed 0.2 percent of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear scale graduated in millimeters or 0.1 inch divisions shall be used to measure char length.

(9) *Circulating Air Oven.* A forced circulation drying oven capable of maintaining the specimens at 105±2.8° C. (221±5° F.), shall be used to dry the specimen while mounted in the specimen holders.[2]

(10) *Desiccator.* An air-tight and moisture-tight desiccating chamber shall be used for cooling mounted specimens after drying. Anhydrous silica gel shall be used as the desiccant in the desiccating chamber.

(11) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-free environment surrounding the test chamber. This enclosure shall have a fan or other suitable means for exhausting smoke and/or toxic gases produced by testing.

(b) *Specimens and Sampling*—(1) *General.* The test criteria of .3(b) shall be used in conjunction with the following fabric and garment sampling plan, or any other approved by the Department of Commerce that provides at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of Unit acceptance at any percentage defective does not exceed the corresponding probability of Unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

Different colors or different print patterns of the same fabric may be included in a single Fabric or Garment Production Unit, provided such colors or print patterns demonstrate char lengths and residual flame times that are not significantly different from each other as determined by previous testing of at least three Samples from each color or print pattern to be included in the Unit.

Garments with different trim and findings may be included in a single Garment Production Unit providing the other garment characteristics are identical except for size, color, and print pattern.

For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to fiber, yarns, or fabrics, the laundering requirement of .4(d)(4) is met on subsequent Fabric Production Units if results of testing an initial Fabric Production Unit demonstrate acceptability according to the requirements of .4(b)(2), Normal Sampling, both before and after the appropriate laundering.

If the fabric has been shown to meet the laundering requirement, .4(d)(4), the garments produced from that fabric are not required to be laundered.

Each Sample (five specimens) for all Fabric Sampling shall be selected so that two specimens are in one fabric direction (machine or cross-machine) and three specimens are in the other fabric direction except for the additional Sample selected after a failure, in which case, all five specimens shall be selected in the same fabric direction in which the specimen failure occurred.

Fabric Samples may be selected from fabric as outlined in .4(b)(2) Fabric Sampling or, for verification purposes, from randomly selected garments.

Multilayer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable thread and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multilayer fabrics shall be tested with the edge finish at the bottom edge of the specimen which is used in the garment.

(2) *Fabric Sampling.* A Fabric Production Unit (Unit) is either accepted or rejected in accordance with the following plan:

Normal Sampling. Select one Sample from the beginning of the first Fabric Piece (Piece) in the Unit and one Sample from the end of the last Piece in the Unit, or select a sample from each end of the Piece if the Unit is made up of only one Piece. Test the two selected Samples. If both Samples meet all the Test Criteria of .3(b), accept the unit. If either or both of the Samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), reject the Unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject the Unit.

Reduced Sampling. The level of sampling required for fabric acceptance may be reduced provided the preceding 15 Units of the fabric have all been accepted using the Normal Sampling plan.

The Reduced Sampling plan shall be the same as for Normal Sampling except that the quantity of fabric in the Unit may be increased to 10,000 linear yards.

Select and test two Samples in the same manner as in Normal Sampling. Accept or reject the Unit on the same basis as with Normal Sampling.

Reduced Sampling shall be discontinued and Normal Sampling resumed if a Unit is rejected.

Tightened Sampling. The level of sampling required for acceptance shall be increased when a Unit is rejected under the Normal Sampling plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional Sample shall be selected and cut from a middle Piece in the Unit. If the Unit is made up of less than two Pieces, the Unit shall be divided into at least two Pieces. The division shall be such that the Pieces produced by the division shall not be smaller than 100 linear yards or greater than 2,500 linear yards. If the Unit is made up of two Pieces, the additional Sample shall be selected from the interior end of one of the Pieces. Test the three selected Samples. If all three selected Samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), reject the unit. If only one individual specimen, of the 15 selected Specimens fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), select five additional specimens from the same end of the same Piece in which the failure occurred, all five to be taken in the fabric direction in which the Specimen failure occurred. If this additional Sample passes all the test criteria, accept the Unit. If this additional Sample fails any part of the test criteria, reject

[2] Option 1 of ASTM, D2654–67T, "Method of Test for Amount of Moisture in Textile Materials," describes a satisfactory oven (1970 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103).

the Unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive Units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive Units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

Disposition of Rejected Units. The Piece or Pieces which have failed and resulted in the initial rejection of the Unit may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures in Tightened Sampling.

The remainder of a rejected Unit, after removing the Piece or Pieces the failure of which resulted in Unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed Piece. (Required locations exist on both sides of the "Middle Piece" tested in Tightened Sampling if failure of that Piece resulted in Unit rejection.) Failure of a Piece shall be deemed to have resulted in Unit rejection if Unit rejection occurred and a Sample or specimen from the Piece failed any test criterion of .3(b).

The Unit should contain at least 15 Pieces for disposition testing after removing the failing Pieces. If necessary for this purpose, the Unit shall be demarcated into at least 15 approximately equal length Pieces unless such division results in Pieces shorter than 100 linear yards. In this latter case, the Unit shall be demarcated into roughly equal length Pieces of approximately 100 linear yards each. If such a division results in five Pieces or less in the Unit for each failing Piece after removing the failing Pieces, only the individual Piece retest procedure (described subsequently) may be used.

Select and cut a Sample from each end of each adjoining Piece beginning adjacent to the Piece which failed. Test the two Samples from the Piece. If both Samples meet all the test criteria of .3(b), the Piece is acceptable. If one or both of the two selected Samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), the Piece is unacceptable. If two or more of the individual Specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), the Piece is unacceptable. If only one individual specimens, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), select five additional specimens from the same end of the Piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional Sample passes all the test criteria, the Piece is acceptable. If this additional Sample fails any part of the test criteria, the Piece is unacceptable.

Continue testing adjoining Pieces until a Piece has been found acceptable. Then continue testing adjoining Pieces until three successive adjoining Pieces, not including the first acceptable Piece, have been found acceptable or until five such Pieces not including the first acceptable Piece, have been tested, whichever occurs sooner. Unless three successive adjoining Pieces have been found acceptable among five such Pieces, testing shall be stopped and the entire Unit rejected without further testing. If three successive Pieces have been found acceptable among five such Pieces, accept the three successive acceptable Pieces and the remaining Pieces in the Unit.

Alternatively, individual Pieces from a rejected Unit containing three or more Pieces may be tested and accepted or rejected on a Piece-by-Piece basis according to the following plan, after removing the Piece or Pieces, the failure of which resulted in Unit rejection.

Select four Samples (two from each end) from the Piece. Test the four selected Samples. If all four Samples meet all the Test Criteria of .3(b), accept the Piece. If one or more of the Samples fail the 17.8 cm. (7 in.) average char length criterion, .3(b)(1), reject the Piece. If two or more of the individual Specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(1), and/or the 10 second residual flame time criteria, .3(b)(3), reject the Piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), select two additional Samples from the same end of the Piece in which the failure occurred. If these additional two Samples meet all the Test Criteria of .3(b), accept the Piece. If one or both of the two additional Samples fail any part of the Test Criteria, reject the Piece.

The Pieces of a Unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in Tightened Sampling.

Records. Records of all Unit sizes, test results, and the disposition of rejected Pieces and Units must be maintained by the manufacturer upon the effective date of this Standard. Rules and regulations may be established by the Federal Trade Commission.

(3) *Garment Sampling.* The garment sampling plan is made up of two parts: (1) Prototype Testing and (2) Production Testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment are acceptable. Garment Production Units (Units) are then accepted or rejected on an individual Unit basis.

Edge finishes such as hems and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

Prototype Testing. Preproduction prototypes of a garment style or type shall be tested to assure that satisfactory garment specifications in terms of flammability are set up prior to production.

Seams. Make three Samples (15 specimens) using the longest seam type and three Samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three Samples. Test each set of three Samples and accept or reject each seam design in accordance with the following plan:

If all three Samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, .3(b)(1), reject the seam design. If three or more of the individual Specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), accept the seam design.

If two of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), select three more Samples (15 specimens) and retest. If all three additional Samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three additional Samples fail the 17.8 cm. (7 in.) average char length criterion, .3(b)(1), reject the seam design.

If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), reject the seam design. If only one of the individual specimens, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criteria, .3(b)(3), accept the seam design.

Trim. Make three Samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached in the garment.

Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three Samples. Test the sets of three Samples and accept or reject the type of trim and design on the same basis as seam design.

Production Testing. A Unit is either accepted or rejected according to the following plan:

From each Unit select at random sufficient garments and cut three Samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample. Test the three selected Samples. If all three Samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three Samples fail the 17.8 cm. (7 in.) average char length criterion, .3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2), and/or the 10 second residual flame time criterion, .3(b)(3), reject the Unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length, .3(b)(2) and/or the 10 second residual flame time criteria, .3(b)(3), accept the Unit.

If the garment under test does not have a 10-inch seam in the largest size in which it is produced, the following selection and testing procedure shall be followed.

Select and cut specimens 8.9 cm. (3.5 in.) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three Samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the bottom of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three Samples. All specimens cut from a single garment must be included in the same Sample.

Test the three Samples. If all three Samples pass the 17.8 cm. (7 in.) average char length criterion, .3(b)(1), and if three or less individual specimens fail by charring the entire specimen length and/or exceeding the 10 second residual flame time criterion, .3(b)(3), accept the Unit. If the Unit is not accepted in the above test, three Samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 in. x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared Samples. Accept or reject the Unit as described previously in this subsection.

Disposition of Rejected Units. Rejected Units shall not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in garment production testing.

Records. Records of all Unit sizes, test results, and the disposition of rejected Units must be maintained by the manufacturer upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(4) *Compliance Market Sampling Plan by FTC.* The FTC may submit, for approval by the Secretary of Commerce, fabric and/or garment sampling plans for use in market testing of items covered by this standard. For approval, such plans shall define noncompliance of a production Unit to exist only when it is shown, with a high level of statistical confidence, those production Units represented by tested items which fail such FTC plans will, in fact, fail this standard.

Production Units found to be noncomplying under these provisions shall be deemed not to conform to this standard.

(c) *Mounting and Conditioning of Specimens.* The specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the bottom of the specimen holder. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens may be taped in the holders if the clamps fail to hold them. Place the mounted specimens in the drying oven in a manner that will permit free circulation of air at 105° C. (221° F.) around them for 30 minutes.[3]

Remove the mounted specimens from the oven and place them in the desiccator for 30 minutes to cool. No more than five specimens shall be placed in a desiccator at one time. Specimens shall remain in the desiccator no more than 60 minutes.

(d) *Testing*—(1) *Burner Adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing No. 6 and Figure 1.

(2) *Specimen Burning and Evaluation.* One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0±0.2 seconds.[4] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

If flaming drips or fragments are evident, measure the residual flame time to the nearest 0.1 second.

When afterglow has ceased, remove the specimen from the cabinet and holder, and place it on a clean flat surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge.

Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[5] Measure the char length as the distance from the end of the tear to the edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

(3) *Report.* Report the value of char length, in centimeters (inches), and the residual flame time, in seconds, for each specimen, as well as the average char length for each set of five specimens.

(4) *Laundering.* The procedures described under .4(b), .4(c), and .4(d) shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to AATCC Test Method 124–1969.[6] Items which do not withstand 50 launderings shall be tested at the end of their useful service life.

Washing procedure 6.2(III), with a water temperature of 60°±2.8° C. (140 ±5° F.), and drying procedure 6.3.2(B), shall be used. Maximum load shall be 3.64 Kg. (8 pounds) and may consist of any combination of test samples and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Federal Trade Commission.

Such laundering is not required of items which are not intended to be laundered, as determined by the Federal Trade Commission.

Items which are not susceptible to being laundered and are labeled "dryclean only" shall be drycleaned by a procedure which has previously been found to be acceptable by the Federal Trade Commission.

For the purpose of the issuance of a guarantee under section 8 of the Act, finished sleepwear garments to be tested according to .4(b) need not be laundered or drycleaned provided all fabrics used

[3] If the specimens are moist when received, permit them to air dry at laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing." ("1970 Book of ASTM Standards," Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103.)

[4] If more than 15 seconds elapse between removal of a specimen from the desiccator and the initial flame impingement, that specimen shall be reconditioned prior to testing.

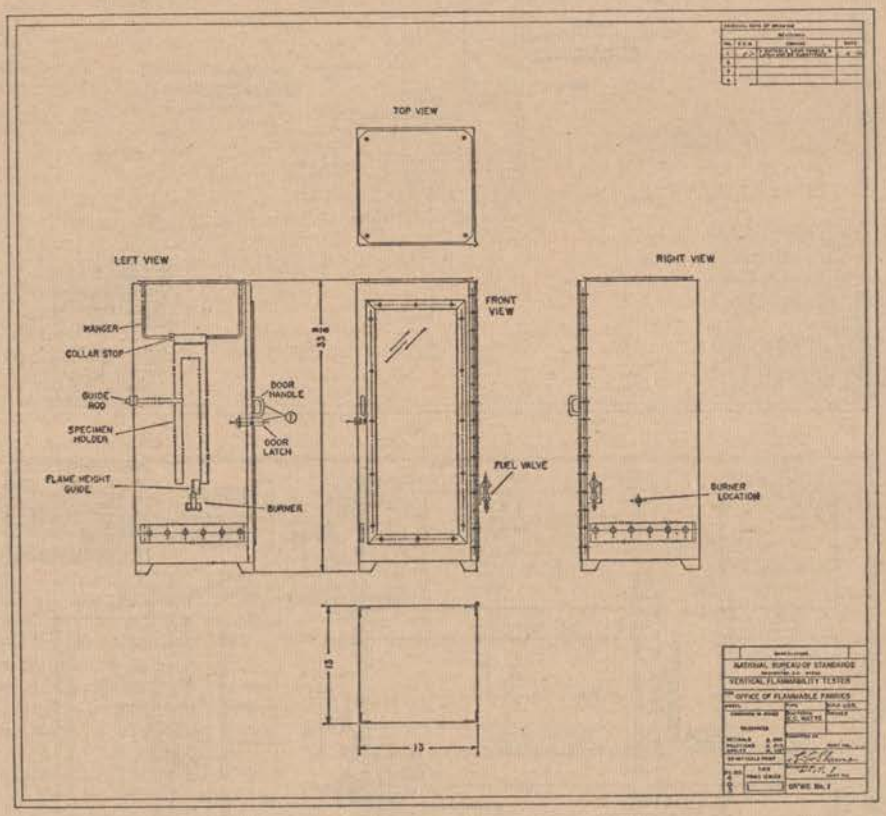
[5] A figure showing how this is done is given in AATCC 34–1969, Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

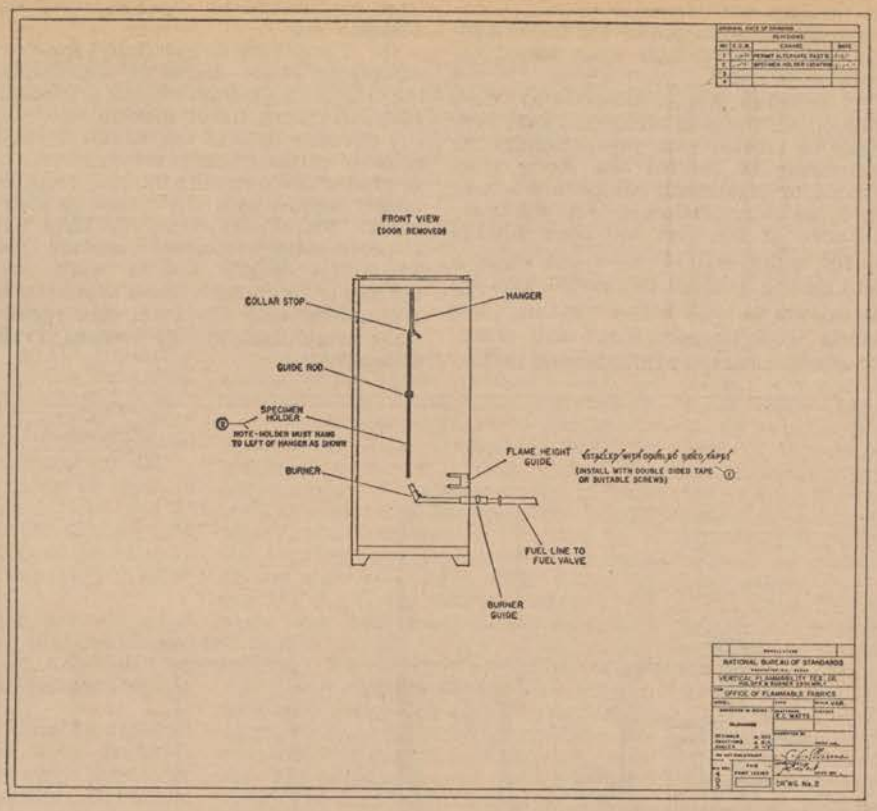
[6] Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

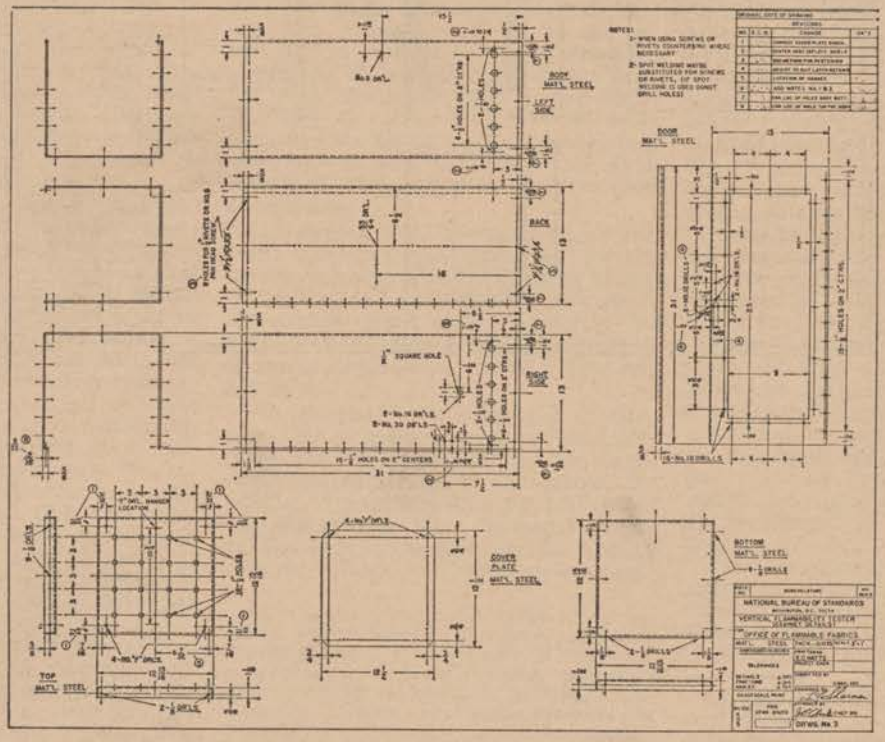
in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to .4(b).

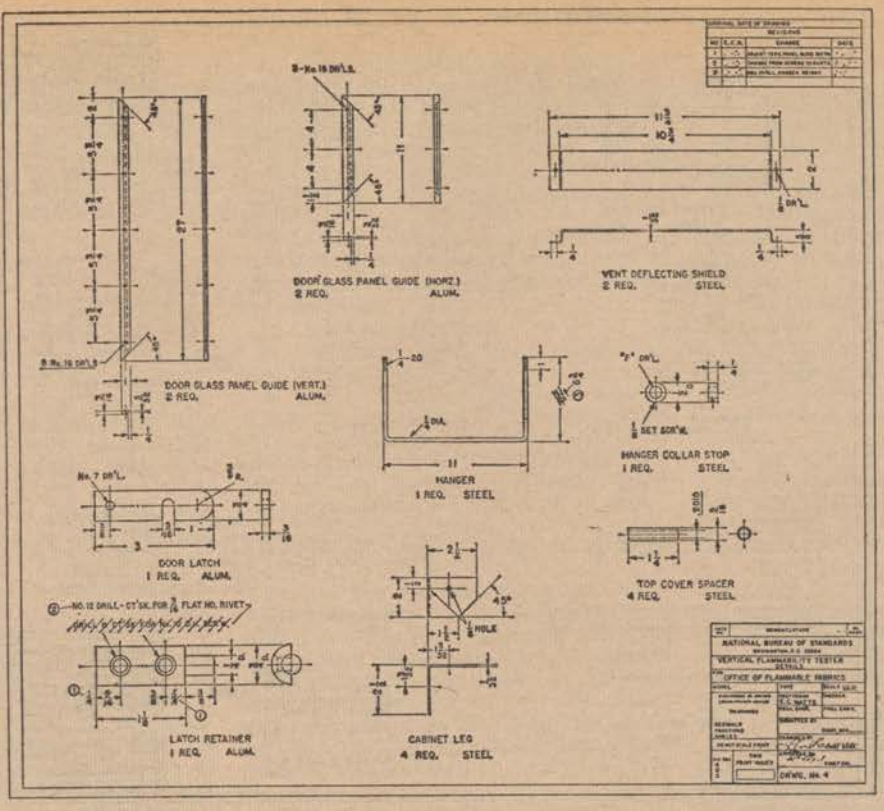
.5 *Labeling Requirements*—(a) *Care Labels.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause deterioration of their flame resistance. If the item has been initially tested under .4(d)(4) after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Federal Trade Commission.

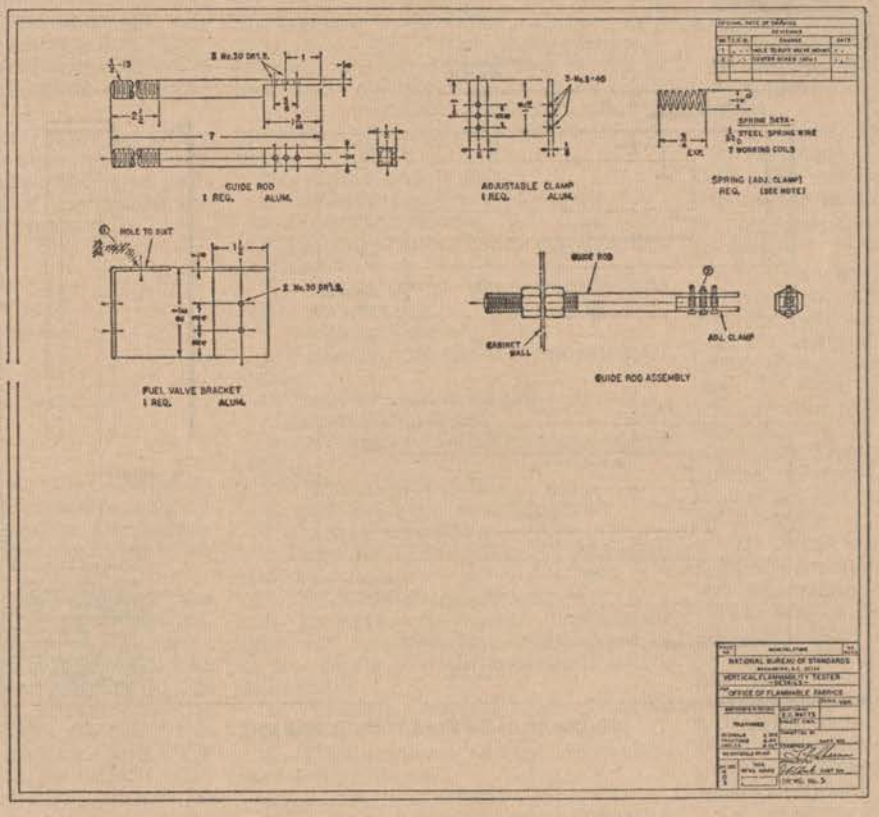
(b) *Temporary Requirement for Noncomplying Items.* Items of noncomplying children's sleepwear which are manufactured during the 12 months following the effective date of the standard shall, prior to introduction into commerce, be prominently, permanently, and conspicuously labeled with the following statement: "Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3–71.) Should not be worn near sources of fire." Such labels should be in accordance with the rules and regulations established by the Federal Trade Commission.

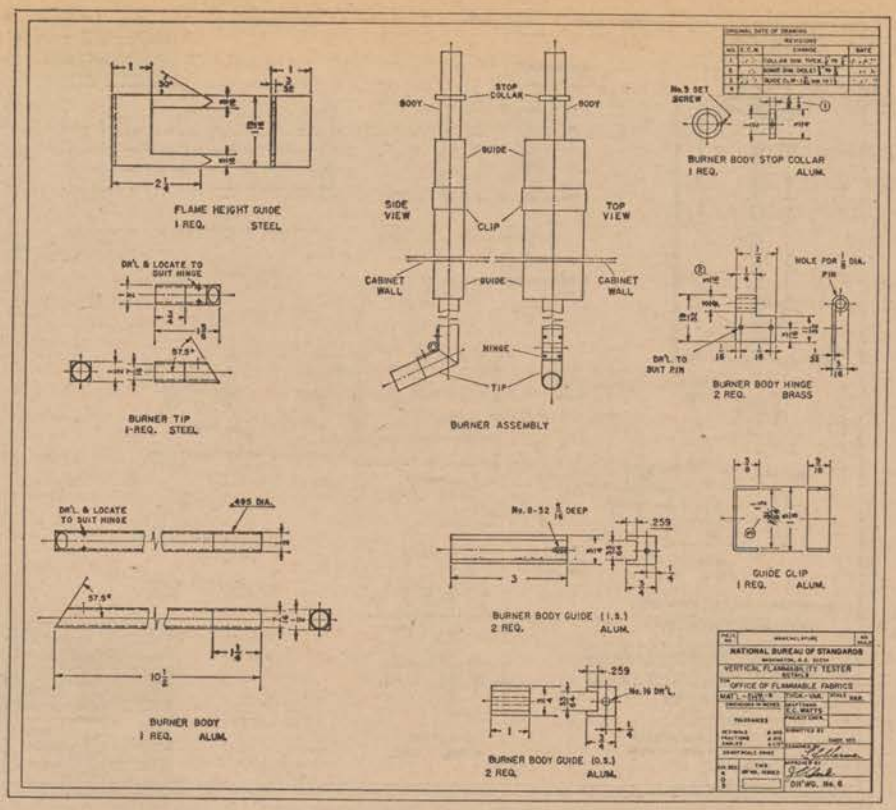


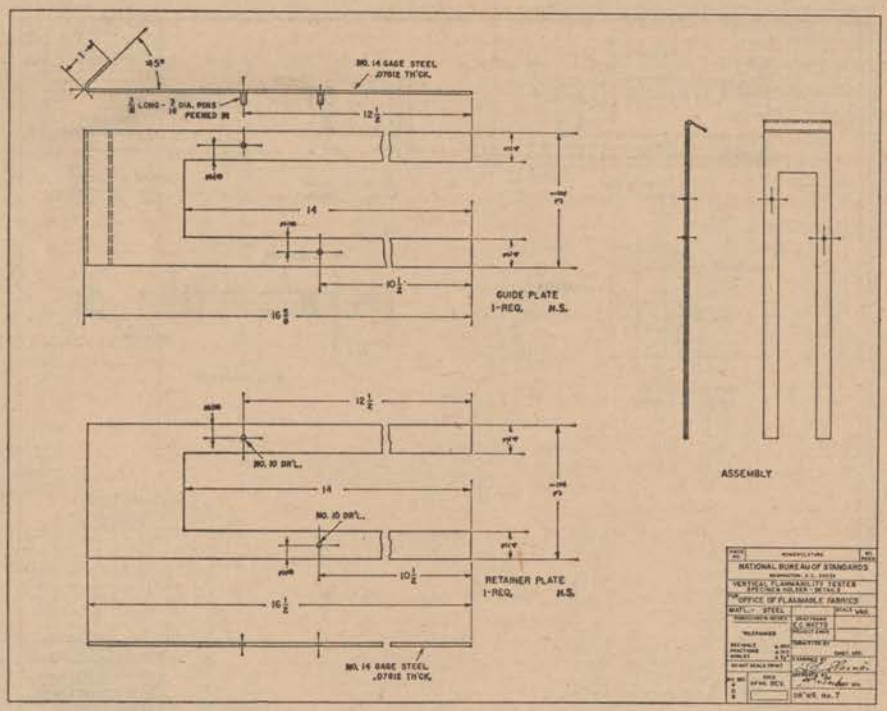

FRONT VIEW
(DOOR REMOVED)
COLLAR STOP
HANGER
GUIDE ROD
SPECIMEN HOLDER
NOTE - HOLDER MUST HANG TO LEFT OF HANGER AS SHOWN
FLAME HEIGHT GUIDE
(INSTALL WITH DOUBLE SIDED TAPE OR SUITABLE SCREWS)
BURNER
FUEL LINE TO FUEL VALVE
BURNER GUIDE
NATIONAL BUREAU OF STANDARDS
OFFICE OF FLAMMABLE FABRICS


NOTES:
1- WHEN USING SCREWS OR RIVETS COUNTERSINK WHERE NECESSARY
2- SPOT WELDING MAY BE SUBSTITUTED FOR SCREWS OR RIVETS, IF SPOT WELDING IS USED OMIT DRILL HOLES
BACK
LEFT SIDE
RIGHT SIDE
DOOR
BOTTOM
COVER PLATE
TOP
NATIONAL BUREAU OF STANDARDS
OFFICE OF FLAMMABLE FABRICS


DOOR GLASS PANEL GUIDE (VERT.)
2 REQ. ALUM.
DOOR GLASS PANEL GUIDE (HORZ.)
2 REQ. ALUM.
VENT DEFLECTING SHIELD
2 REQ. STEEL
HANGER
1 REQ. STEEL
HANGER COLLAR STOP
1 REQ. STEEL
DOOR LATCH
1 REQ. ALUM.
TOP COVER SPACER
4 REQ. STEEL
LATCH RETAINER
1 REQ. ALUM.
CABINET LEG
4 REQ. STEEL
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER
DETAILS
OFFICE OF FLAMMABLE FABRICS


GUIDE ROD
1 REQ. ALUM.
ADJUSTABLE CLAMP
1 REQ. ALUM.
SPRING (ADJ. CLAMP)
REQ. (SEE NOTE)
FUEL VALVE BRACKET
1 REQ. ALUM.
GUIDE ROD ASSEMBLY
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER
DETAILS
OFFICE OF FLAMMABLE FABRICS





[FR Doc.72-11252 Filed 7-20-72;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

OVER-THE-COUNTER INTERNAL ANALGESIC AND ANTIRHEUMATIC DRUG PRODUCTS

Safety and Efficacy Review; Request for Data and Information

The FDA is undertaking a review of all over-the-counter (OTC) drug products currently marketed in the United States, to determine that these OTC products are safe and effective for their labeled indications. This review will utilize expert panels working with FDA personnel.

A notice outlining procedures for this review was published in the FEDERAL REGISTER of May 11, 1972 (37 F.R. 9464).

To facilitate this review and a determination as to whether an OTC drug for human use is generally recognized as safe and effective and not misbranded under its recommended conditions of use, and to provide all interested persons an opportunity to present for the consideration of the reviewing experts the best data and information available to support the stated claims for these internal analgesic, including antirheumatic drug products, the administration invites submission of data, published and unpublished, and other information pertinent to all active ingredients utilized in internal analgesic, including antirheumatic drug products.

FDA is aware that the following active ingredients are used in such products and has conducted a literature search on each of them. The results of the search are available to interested persons.

Aspirin.
Phenacetin.
Caffeine.
Acetaminophen.
Salicylamide.
Calcium Carbaspirin.
Sodium Salicylate.
Potassium Salicylate.
Magnesium Salicylate.
Choline Salicylate.
Carbethyl Salicylate.

Interested persons are also invited to submit data on any other active ingredients for internal analgesic and antirheumatic drugs which they may wish to be considered.

To be considered, eight copies of the data and/or views must be submitted, preferably bound, indexed, and on standard-sized paper (approximately 8½ x 11 inches). All submissions must be in the format described in paragraph (B) below; except that data on aspirin is too voluminous to be included under the full format. Therefore, for aspirin only, an abbreviated submission should be made as follows:

(A) OTC Drug Review Information for Aspirin. I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. All animal data relevant to potential teratogenicity; all animal data relevant to chronic toxicity.

A. Controlled studies.

B. Partially controlled or uncontrolled studies.

IV. Human safety data relevant to special claims for safety, e.g., lack of gastric irritation or lack of gastrointestinal blood loss.

A. Controlled studies.

B. Pertinent marketing experiences regarding safety.

V. Data relevant to increased efficacy of greater than usual dosages, prolonged action, increased absorption, or other special claims which manufacturers believe justified in respect to their formulations of aspirin.

A. Controlled studies.

B. Partially controlled or uncontrolled studies.

VI. For the material requested above, if the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes all unfavorable information, as well as, any favorable information available to him pertinent to an evaluation of the safety, effectiveness, and labeling of such an aspirin product.

(B) OTC Drug Review Information for all Other Ingredients. I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

IV. Human safety data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.

5. Pertinent medical and scientific literature.

V. Efficacy data.

A. Individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.

5. Pertinent medical and scientific literature.

B. Combinations of the individual active components.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.

5. Pertinent medical and scientific literature.

C. Finished drug product.

1. Controlled studies.

2. Partially controlled or uncontrolled studies.

3. Documented case reports.

4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.

5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

VII. If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes all unfavorable information, as well as, any favorable information available to him pertinent to an evaluation of the safety, effectiveness, and labeling of such a product, including information derived from investigations, consumer complaints, commercial marketing, or published literature.

In order to avoid duplication, interested persons should not in their submissions include published literature listed in the FDA literature search. An abstract of all such literature will be

provided to the panel. Upon request the panel will be provided with the complete article. Interested persons may, of course, refer to such literature in their submissions by citation.

Submissions or requests for copies of the FDA literature search should be forwarded to:

Food and Drug Administration, Bureau of Drugs, OTC Drug Products Evaluation Staff (BD–109), 5600 Fishers Lane, Rockville, Maryland 20852.

Submission of data must be within 60 days from date of this publication. (Federal Food, Drug, and Cosmetic Act, sec. 701; 21 U.S.C. 371.)

Dated: July 18, 1972.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.72–11323 Filed 7–20–72;8:52 am]

Public Health Service

HYPERTENSION INFORMATION AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Executive Order No. 11671, notice is hereby given of the following meeting:

Date	Time (a.m.)	Location of conference room
July 24, 1972	10	Room 10, Bldg. 31, National Institutes of Health.
and		
July 25, 1972	9	Room 5131, HEW Bldg.
	11	Snow room, HEW Bldg.

This meeting shall be open to the public pursuant to section 13 of Executive Order 11671.

Name of person from whom rosters of committee members may be obtained: Dr. Theodore Cooper, NHLI.

Dated: July 19, 1972.

ROBERT Q. MARSTON,
Director, NIH.

[FR Doc.72–11324 Filed 7–19–72;10:18 am]

Office of the Secretary

ADVISORY COMMITTEE ON OLDER AMERICANS

Committee Meeting Announcement

HEW Advisory Committee on Older Americans will held a regular meeting on July 27, 9 a.m. to 4 p.m., Hotel Washington, 15th and Pennsylvania Avenue NW., Washington, D.C. The committee will review the status of the pending Older Americans Act amendments and the Social Security amendments and the implementation of the Nutrition Program for the Elderly. The Subcommittees on Social Services and on Health will report on their beginning activities in preparing recommendations on social services and long-term care systems for the elderly. Meeting open to public observation.

CLEONICE TAVANI,
Staff Director.

JULY 17, 1972.

[FR Doc.72–11268 Filed 7–20–72;8:49 am]

ADVISORY COMMITTEE ON OLDER AMERICANS

Subcommittee Meeting Announcement

HEW Advisory Committee on Older Americans, Health Subcommittee will hold their first meeting on July 26, 9 a.m. to 4 p.m., HEW South Building, Room 3065, 330 Independence Avenue, Washington, D.C. The committee will review HEW health-related activities for the chronic care needs of the elderly as a basis for making recommendations for future long-term care systems. Meeting open to public observation.

CLEONICE TAVANI,
Staff Director.

JULY 17, 1972.

[FR Doc.72–11267 Filed 7–20–72;8:49 am]

SECRETARY'S COMMISSION ON MEDICAL MALPRACTICE

Notice of Meeting of Consumer Issues Advisory Panel

The Secretary's Commission on Medical Malpractice Consumer Issues Advisory Panel created to provide technical assistance to the Commission on medical malpractice consumer issues will meet July 24, 1972, at 8:30 a.m., in Room 5116 of the New Executive Office Building, 726 Jackson Place NW., Washington, DC. The panel will discuss the doctrine of implied consent from the viewpoint of the consumer and patient. The meeting will be open to the public.

Dated: July 18, 1972.

ELI P. BERNZWEIG,
Executive Director.

[FR Doc.72–11269 Filed 7–20–72;8:49 am]

SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS

Notice of Meeting

In accordance with the provisions of Executive Order No. 11676, dated June 5, 1972, announcement is made of the public meeting of the Secretary's Advisory Committee on Automated Personal Data Systems, to be held beginning at 9 a.m. on Monday, July 24, 1972, and continuing through Wednesday, July 26, 1972. The Committee will meet at Stone House, (Building 16), National Institutes of Health, Bethesda, Md.

(1) *Purposes.* The Committee was appointed to advise and assist the Department of Health, Education, and Welfare in the preparation of analyses and recommendations which the Secretary determines will help the Department to take initiative in seeking to assure that the use of automated data systems will be managed to maximize their benefits and minimize their potential for harmful consequences.

(2) *Membership.* The Committee is chaired by Frances Grommers, M.D., and is composed of the following: Layman Allen, Juan Anglero, Stanley Aronoff, William Bagley, Philip Burgess, Gertrude Cox, Patricia Cross, Gerald Davey, Taylor DeWeese, Guy Dobbs, Robert Gallati, Florence Gaynor, John Gentile, Jane Hardaway, James Impara, Patricia Lanphere, Arthur Miller, Don Muchmore, Jane Noreen, Roy Siemiller, Ruth Silver, Sheila Smythe, Willis Ware, and Joseph Weizenbaum.

(3) *Activities.* This will be the fourth meeting of the Committee. As at prior meetings, representatives of governmental and private agencies and institutions appear and present to the Committee information on various aspects of specific data systems and discuss issues relating to the use of such systems and their impact on privacy, confidentiality, and due process.

(4) *Agenda.* The agenda for the July 24, 25, and 26 meeting will include presentations of evidence regarding the following automated personal data systems:

New York State Identification and Intelligence System.
Vocational Rehabilitation Case Service Report System.
Maryland Psychiatric Case Register.
National Cancer Survey.
Medical X-Ray Examination System.
National Surveillance Network.

In addition, the Committee will receive a presentation from the National Center for Health Statistics.

It is suggested that those desiring more specific information on the meeting first call the Office of the Executive Director at 963–3003.

DAVID B. H. MARTIN,
Executive Director.

JULY 18, 1972.

[FR Doc.72–11294 Filed 7–20–72;8:49 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–309]

MAINE YANKEEE ATOMIC POWER CO.

Notice of Availability of Final Environmental Statement for Maine Yankee Atomic Power Station

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 the "Final Environmental Statement Related to the Opera-

tion of the Maine Yankee Atomic Power Station, Maine Yankee Atomic Power Company, Docket No. 50-309," prepared by the Directorate of Licensing, U.S. Atomic Energy Commission, is being placed in the following locations where it will be available for inspection by members of the public: the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545 and at the Wiscasset Public Library Association, High Street, Wiscasset, ME 04578. The report is also being made available at the State Planning Office, Executive Department, State of Maine, 189 State Street, Augusta, ME 04330.

The notice of availability of the Draft Detailed Statement for the Maine Yankee Atomic Power Station and request for comments from interested persons was published in the FEDERAL REGISTER on April 29, 1972, 37 F.R. 8684. The comments received from Federal, State, local officials, and interested members of the public have been included as appendices to the Final Statement.

Single copies of the Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of July 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-11223 Filed 7-20-72;8:45 am]

[Docket No. 70-1319]

U.S. NUCLEAR, INC.

Notice of Availability of Applicant's Environmental and Supplemental Reports

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations, notice is hereby given that copies of reports entitled "Environmental Report—Test and Research Reactor Fuel Element Fabrication Plant," dated March 1972, and "Supplemental Information," dated June 1972, submitted by U.S. Nuclear, Inc., are being placed for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545. Copies of the reports are also being placed for public inspection in the Tennessee State Clearinghouse, Office of Urban and Federal Affairs, 321 Seventh Avenue, North Nashville, TN; the Regional Clearinghouse, East Tennessee Development District, 1810 Lake Avenue, Knoxville, TN; and in the Oak Ridge Public Library, Oak Ridge, Tenn. The reports discuss the environmental considerations related to the application by U.S. Nuclear, Inc., for a license to possess and use special nuclear material for operation of its Test and Research Reactor Fuel Element Fabrication Plant. Comments on the report may be submitted by interested persons to Deputy Director for Fuels and Materials, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

After the reports have been analyzed by the Commission's regulatory staff, a draft detailed statement of environmental considerations related to the proposed action will be prepared. Upon preparation of the draft detailed statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of the availability of the draft detailed 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 the comments of Federal agencies and State and local officials thereon will be made available when received.

Dated at Bethesda, Md., this 14th day of July 1972.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Technical Support Branch Directorate of Licensing.

[FR Doc.72-11224 Filed 7-20-72;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Availability of Applicant's Environmental Report, Amendments Thereto, and AEC's Draft Environmental Statement for Kewaunee Nuclear Power Plant

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 reports entitled "Environmental Report Operating License Stage; January 1971, Revised November 1971," "Amendment No. 1 to Environmental Report," "Amendment No. 2 to Environmental Report," and "Environmental Report—Cost Benefit Analysis," (collectively "the report"), for the Kewaunee Nuclear Power Plant, submitted by the Wisconsin Public Service Corp., the Wisconsin Power & Light Co., and Madison Gas & Electric Co., have been placed in the Commission's Public Document Room at 1717 H Street, NW, Washington, DC, and in the Kewaunee Public Library, 314 Milwaukee Street, NW., Washington, DC, and in the is also being made available at the State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, WI 53701, and the Brown County Planning Commission, 100 North Jefferson Street, Green Bay, WI 54301. This report discusses environmental considerations related to the Kewaunee Nuclear Power Plant, located on the west shore of Lake Michigan about 30 miles east-southeast of Green Bay in the town of Carlton, Kewaunee County, Wis.

This report has been analyzed by the Commission's Directorate of Licensing and a Draft Environmental Statement related to the Kewaunee Nuclear Power Plant has been prepared and has been made available for public inspection at the locations designated above. Copies of the Commission's Draft Environmental Statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to Appendix D to 10 CFR Part 50, interested persons may within seventy-five (75) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on the Draft Environmental Statement for the Commission's consideration on the proposed issuance of an operating license for the Kewaunee Nuclear Power Plant. (A notice of consideration of issuance of an operating license and an opportunity for hearing for the Kewaunee Nuclear Power Plant was published in the FEDERAL REGISTER on June 22, 1972, 37 F.R. 12337.) In addition, Federal agencies, State and local officials, and interested persons may, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, submit comments on the Draft Environmental Statement for the Commission's consideration on whether the provisional construction permit should be continued, modified, or terminated.

Federal and State agencies are being provided with copies of the report and the Draft Environmental Statement (local agencies may obtain these documents on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 14th day of July 1972.

For the Atomic Energy Commission.

R. C. DEYOUNG,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-11087 Filed 7-20-72;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Notice of Receipt of Application for Construction Permit and Facility License and Applicant's Environmental Report; Time for Submission of Views on Antitrust Matter

Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, NY 13202, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated June 7, 1972, for authorization to construct and operate a single cycle, forced circulation, boiling water nuclear reactor at its site, located in the town of Scriba, Oswego County, N.Y. The site consists of 900 acres and is located 300 feet due west of Nine Mile Point Unit 1 (Docket No. 50-220) on the southeast shore of Lake Ontario, approximately 7 miles northeast of the city of Oswego.

The proposed nuclear facility, designated by the applicant as Nine Mile Point Unit 2, is designed for initial operation at approximately 3,300 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after July 14, 1972.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and at the Oswego City Library, 120 East Second Street, Oswego, NY 13126.

Niagara Mohawk Power Corp. has also filed, pursuant to the National Environmental Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, a report entitled "Applicant's Environmental Report—Construction Permit Stage," dated June 1972. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed construction of Nine Mile Point Unit 2, is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, NY 12207, and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, NY 13202.

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 by the Commission. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement. The summary notice will request comments from Federal agencies, State and local officials, and interested persons on the proposed action and on the draft statement. The summary notice will also contain a statement to the effect that comments will be made available when received.

Dated at Bethesda, Md., this 6th day of July 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-10706 Filed 7-13-72;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 21851, Order 72-7-53]

ALLEGHENY AIRLINES, INC.

Order To Show Cause Regarding Pittsburgh, Pa. and Wheeling, W. Va.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of July 1972.

On January 17, 1972, Allegheny Airlines, Inc. (Allegheny), filed a motion requesting that the Board issue an order to show cause why its application in Docket 21851, should not be granted. As amended, the application requests the (1) deletion of Wheeling, W. Va., as an intermediate point on segments 3, 13, and 14 of its route 97; and (2) redesignation of Wheeling, W. Va., and Pittsburgh, Pa., as a hyphenated point to be served through the Greater Pittsburgh Airport.[1]

An objection to Allegheny's application was filed by the county of Allegheny, Pa. (County), wherein the city of Pittsburgh and the Greater Pittsburgh International Airport are situated. The county believes that the requested hyphenation would serve to promote a deluge of similar requests from other municipalities of comparable size in the three-State area served by the Greater Pittsburgh International Airport which could be detrimental to the county.

Allegheny has indicated in its motion that the city of Wheeling supports its amended application, as the hyphenation would indicate that the Wheeling area has convenient air service available at the nearby Greater Pittsburgh Airport.

Upon consideration of the pleadings and all the relevant facts, we have decided to issue an order to show cause proposing to amend Allegheny's certificate for route 97 so as to hyphenate Wheeling, W. Va., and Pittsburgh, Pa., to be served through the Greater Pittsburgh International Airport.[2] In support of our hyphenation finding, we tentatively conclude as follows: the city of Wheeling has received continuous certificated air service for many years;[3] Wheeling is conveniently connected with the Greater Pittsburgh International Airport by four-lane interstate highways; and historically the majority of the Wheeling traffic uses the certificated air service available at the Greater Pittsburgh International Airport. In support of our finding to delete Allegheny's service at Wheeling, we further tentatively conclude that historic Wheeling service and passenger enplanements show that the city has been a marginal traffic generator; that Allegheny's service has been unprofitable; that the carrier's cost of service outweighs the limited benefits;[4] and that hyphenation of Wheeling and Pittsburgh will result in a more efficient and economic operation for Allegheny. Finally, we tentatively conclude that Allegheny County's concern that the requested hyphenation would require the grant of similar requests from other communities in the Greater Pittsburgh area appears unwarranted.[5]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he

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[1] By Order 70-5-87, dated May 19, 1970, the Board granted Allegheny's request in Docket 21852 for a temporary suspension of service at Wheeling, W. Va., pendente lite of its application filed in Docket 21851.

[2] Also, we propose to delete Wheeling as an intermediate point on segments 3, 13, and 14 of Allegheny's route 97.

[3] TWA served Wheeling between November 1946 and April 1961. Allegheny had served Wheeling for many years, but was permitted by the Board to suspend service on June 1, 1970. See Order 70-5-87.

[4] During the period 1962 to 1970 passengers per departure never exceeded 3.3 passengers. In addition, we note that Keystone Aeronautics Corp. which has been providing air taxi service in the Wheeling-Pittsburgh market ceased operations as of November 1970.

[5] The county's allegation that the surrounding communities would also seek hyphenation with the Greater Pittsburgh International Airport is speculative. No other application has been filed by any surrounding community requesting hyphenation with the Greater Pittsburgh International Airport. Moreover, in similar situations involving the hyphenation of smaller communities with a regional airport, there have been no plethora of applications filed by neighboring communities seeking similar authority. We further note that Wheeling has had certificated air service since 1948 (9 CAB 131) while other communities in the Pittsburgh Airport area have never received direct certificated air service. In any event, any application from other communities will be dealt with on its merits, including the question of whether the community has ever been included in the certificated air system.

would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions made herein, and amending Allegheny's certificate of public convenience and necessity for route 97 so as to (1) delete Wheeling, W. Va. as an intermediate point on segments 3, 13, and 14; and (2) redesignate the points Wheeling, W. Va. and Pittsburgh, Pa. as Pittsburgh, Pa.-Wheeling, W. Va. (to be served through the Greater Pittsburgh International Airport);

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, or certificate amendment set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph five a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; Mayor, city of Wheeling; the Board of Commissioners of the county of Ohio; West Virginia State Aeronautics Commission, the Director, Allegheny County Department of Aviation, Greater Pittsburgh International Airport; the county of Allegheny, Pa.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-11304 Filed 7-20-72;8:52 am]

[Dockets Nos. 24316, 22973; Order 72-7-59]

ASSOCIATED NEW ENGLAND COMMUTERS, INC.

Order Regarding New England Service Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1972.

On March 15, 1972, the Associated New England Commuters, Inc. (Commuters), filed an application in Docket 24316 requesting Board approval under section 412 of the Federal Aviation Act of 1958, as amended (the Act) of the agreement among the individual owner-carriers [1] to form Commuters. In lieu of a written agreement to incorporate, the applicant has submitted a "memorandum of oral agreement" (Memorandum) which itself is incorporated into the application in Docket 24316.

According to the application "* * * the Associated Commuters [presumably the individual carriers forming the corporation and, accordingly, hereinafter treated as such and referred to as the Associated Commuters] are exempted by Part 298 of the Economic Regulations from the filing requirements of the Act * * *" Nevertheless, approval of the Memorandum is sought to obtain antitrust immunity by virtue of section 414 of the Act. In this connection, the application indicates that the Associated Commuters, in order to reduce costs of their New England operations, decided to form a basically nonprofit business corporation, Commuters, which will engage in joint activities to the economic benefit of each individual carrier.[2]

Upon consideration of the foregoing and all additional available information, the Board has decided to defer action on the Memorandum (Agreement CAB 22971) so that it may be consolidated for hearing in the New England Service Investigation in Docket 22973. The Board believes that it should consider simultaneously: (a) The impact on service to the New England area which may result from the formation of Commuters and the proposed cooperative program and (b) the various questions raised under sections 412, 408, and 409 of the Act by the formation of Commuters, the cooperative program, and Agreement CAB 22971 itself; and (c) the issues already to be considered in the Investigation. In our view these issues are inherent in the Investigation as it already stands (a fact noted in the prehearing conference report) and this action should not delay the proceeding.

The potential impact of the proposed program on service in the New England area is obvious, particularly as the Investigation will explore the possibility of certificating air taxi operators currently operating in the area.[3] Not only have the individual Associated Commuters filed section 401 applications in their own names, but Commuters itself has filed an application in Docket 24285 requesting a certificate of public convenience and necessity for operations at those points in the New England area served by the individual owner-carriers. In light of the foregoing, it becomes apparent that Commuters proposes to engage in certificated air carrier operations in the New England area and that the various cooperative activities contemplated by the participants in Commuters will play an integral part in the conduct of such operations. Accordingly, the Board cannot approve either the formation of Commuters or the cooperative activities contemplated by the owner-carriers without having considered the effect (including the anticompetitive aspects) of such formation and activities on the air-service issues to be covered in the Investigation.

The application herein raises important questions which the Board believes must be resolved in the course of the Investigation. Accordingly, we are hereby amending the scope of the proceeding to the extent necessary to include a full consideration of the sections 408 and 409 issues raised by the formation of Commuters and the relationships between and among Commuters and the Associated Commuters. We will also defer action on the section 412 agreement in Docket 24316 (Agreement C.A.B. 22971) and will consolidate that application for hearing in the Investigation.

Accordingly, it is ordered, That:

1. Action on the application in Docket 24316 and Agreement C.A.B. 22971 contained therein, be and it hereby is deferred;

2. The application of the Associated New England Commuters, Inc., in Docket 24316 and Agreement C.A.B. 22971 incorporated therein, be and they hereby are consolidated for hearing into the New England Service Investigation, Docket 22973; and

3. The scope of the New England Service Investigation, Docket 22973, be

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[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

[1] Air New England, Inc., Aroostook Airways, Inc. (Aroostook), Bar Harbor Airways, Inc. (Bar Harbor), Command Airways, Inc. (Command), Downeast Airlines, Inc. (Downeast), and Winnipesaukee Aviation, Inc. (Winnipesaukee).

[2] The areas for cooperative services and activities will be the following: Sell fuel at cost plus enplaned expense among owner-carriers, when owner-carriers have facilities to do so; negotiate bulk contracts at common points; provide free air-to-ground communications among owner-carriers in each owner-carrier's area; provide nonrevenue transportation privileges among owner-carriers; waive tiedown and landing fees among owner-carriers; provide free use of ground equipment among owner-carriers; provide joint ticket and gate agent arrangements at common points; provide joint reservations services at common points; arrange for joint use of space at common points; utilize joint bulk purchasing wherever possible in order to obtain lower unit prices; arrange loans of spare parts and equipment among owner-carriers; utilize joint data processing; utilize joint group personnel training where feasible; arrange for cooperation in use of flight equipment among owner-carriers; and utilize joint advertising such as institutional advertising.

[3] The Board notes that the application of Air New England, Inc., in Docket 23635 for a certificate of public convenience and necessity has been consolidated into the Investigation. In addition, Aroostook, Bar Harbor, Command, Downeast, and Winnipesaukee have filed applications, pursuant to section 401 of the Act, in Dockets 24286, 24287, 24288, 24289, and 24290, respectively, seeking certificates of public convenience and necessity, with route protection, authorizing inter alia, air transportation in the New England area. Furthermore, Air New England has filed an amendment to its section 401 application in Docket 23635. Finally, the Associated Commuters and Commuters have filed pursuant to Order 72-1-4, a joint motion in Docket 22973 (the Investigation) requesting the consolidation for hearing of their respective section 401 applications (in the case of Air New England the amendment to its section 401 application) into Docket 22973.

and it hereby is expanded to include the following issues: (a) Whether the formation of Associated New England Commuters, Inc., has resulted or will result in section 408 control relationships or section 409 interlocking relationships between or among the Associated New England Commuters, Inc., the individual member carriers thereof, and/or any other person; (b) whether such relationships, if any, require the Board's approval; (c) whether such approvals as might be required should be granted and, if so, pursuant to what terms and conditions; and (d) whether Agreement C.A.B. 22971, Docket 24316, should be approved and, if so, pursuant to what terms and conditions.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-11305 Filed 7-20-72;8:52 am]

[Dockets Nos. 24509, 23972]

BRITISH-CALEDONIAN AIRWAYS, LTD. AND CALEDONIAN-BRITISH UNITED AIRWAYS (CHARTER) LTD.

Notice of Reassignment of Prehearing Conference

British Caledonian Airways, Ltd., Foreign Air Carrier Permit Application, London/Manchester/Prestwick-Boston/New York/Philadelphia/Baltimore/Washington/Detroit/Chicago Service via Intermediate Points and London-Los Angeles Service via Chicago, Docket 24509; Caledonian-British United Airways (Charter) Ltd., Foreign Air Carrier Permit Renewal, Docket 23972.

Notice is hereby given that the Notice of Prehearing Conference in the above-entitled matter, assigning it for prehearing conference on August 25, 1972 (37 F.R. 14009, July 15, 1972), is withdrawn, and the matter is reassigned for prehearing conference to be held on July 26, 1972, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick.

Dated at Washington, D.C., July 18, 1972.

[SEAL] RALPH L. WISER,
Chief Examiner.

[FR Doc.72-11306 Filed 7-20-72;8:52 am]

[Docket No. 23708; Order 72-7-58]

HUGHES AIR CORP.

Order To Show Cause Regarding Seattle-Tacoma International Airport

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of July 1972.

On August 13, 1971, Hughes Air Corp. (Air West) filed an application and petition seeking issuance of an order to show cause why its certificate should not be amended so as to permit it to serve Seattle and Tacoma, Wash., through the Seattle-Tacoma International Airport (SEA/TAC). The carrier presently serves Seattle through SEA/TAC and Tacoma through the Tacoma Industrial Airport.

An answer in opposition was filed by the city of Tacoma requesting a hearing on Air West's application. No other answers were filed. Subsequently, the Board, by Order 72-2-97, dated February 29, 1972, denied the carrier's petition for an order to show cause and set for hearing Air West's application.

Thereafter, the city of Tacoma filed an amendment to its answer in opposition indicating its willingness to accept the proposal to amend the carrier's certificate so as to redesignate Tacoma and Seattle as a hyphenated point to be served through the Seattle-Tacoma International Airport. Tacoma also withdrew its request that Air West's application be set for hearing.

Upon consideration of the pleadings and all the relevant facts, including the amended answer of the city of Tacoma, we have decided to issue an order to show cause proposing to amend Air West's certificate as requested. We tentatively find and conclude that the public convenience and necessity require the amendment of Air West's certificate for route 76 so as to redesignate Tacoma and Seattle as a hyphenated point to be served through Seattle-Tacoma International Airport.

In support of our findings, we tentatively find and conclude as follows: that SEA/TAC is located 22 miles and about 30 minutes' driving time from downtown Tacoma; that traffic generation at Tacoma has decreased from a high of 13.2 passenger originations a day in calendar year 1966 to a low of 0.2 per day in calendar year 1971; that the majority of Tacoma traffic moves through SEA/TAC; that termination of service at Tacoma will result in an annual subsidy need reduction of $47,039 ($200 per passenger) according to Subpart K methodology; that Air West has made reasonable efforts to generate traffic at the Tacoma Industrial Airport; and that the hyphenation of Tacoma and Seattle will result in a more efficient and economic operation for Air West.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Air West's certificate of public convenience and necessity for route 76 so as to redesignate the points Tacoma and Seattle, Wash., as Seattle-Tacoma to be served through the Seattle-Tacoma International Airport;

2. Any interested persons having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5, below, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the city of Tacoma; Airport Manager, Tacoma Industrial Airport; city of Seattle; State of Washington; Postmaster General; and Hughes Air West.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-11307 Filed 7-20-72;8:53 am]

CIVIL SERVICE COMMISSION

EXAMINING, TESTING, STANDARDS, AND EMPLOYMENT PRACTICES

Notice of Proposed Instructions

Correction

In F.R. Doc. 72-9996 appearing at page 12984 of the issue for Friday, June 30, 1972, in the heading of Subchapter S2 of FPM Supplement 271-2 the word "Procedures" should be moved from above the heading "Subchapter S2—Applicant Appraisal", and inserted directly beneath it.

FEDERAL POWER COMMISSION

[Docket No. RP72-152]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 17, 1972.

Take notice that Alabama-Tennessee Natural Gas Co. (Company) tendered for filing on June 28, 1972, proposed changes

in its FPC Gas Tariff, Second Revised Volume No. 1, Third Revised Sheets Nos. 5, 11, and 14 to become effective August 1, 1972, or on such other date as the underlying increase of Tennessee Gas Pipeline Co. (Tennessee) becomes effective. Third Revised Sheet No. 5 provides for a reduction in the demand charge from $3.37 to $3.12 per Mcf of billing demand and an increase in the commodity charge from 31.74 to 32.61 cents per Mcf. Third Revised Sheet No. 11 provides for a reduction in the SG–1 rate from 55.63 to 55.40 cents per Mcf. Third Revised Sheet No. 14 provides for an increase in the I–1 rate from 33.74 to 34.61 cents per Mcf.

In support of its filing, Company states that the sole purpose of its filing is to enable it to reflect those changes in its cost of gas purchased from Tennessee, its sole supplier, which may be authorized by the Commission. Further, Company states that the filing is necessary to protect it from irreparable injury while protecting its customers since the proposed rates will be subject to the existing refund obligation.

Copies of this filing were served on Company's customers and interested State commissions.

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 July 24, 1972. Protests wil 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.72–11277 Filed 7–20–72;8:50 am]

[Docket No. CS69–77]

AN-SON CORP.

Notice of Petition for Waiver of Regulations

JULY 18, 1972.

Take notice that by letter filed July 10, 1972, An-Son Corp., 3814 North Santa Fe, Oklahoma City, OK 73118, small producer certificate holder in Docket No. CS69–77, requests that the Commission waive in part § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under its small producer certificate from reserves acquired in place from Sun Oil Co., a large producer.

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. An-Son Corp. states that it has acquired an 11.356-percent working interest in a well in Harper County, Okla., from which sales are authorized in Docket No. G–12972 to be made pursuant to Sun Oil Co., FPC Gas Rate Schedule No. 86 and that it will accept authorization to sell gas produced therefrom at the rate of 20.875 cents per Mcf at 14.65 p.s.i.a., the area rate as adjusted for B.t.u. content of the gas-plus-tax reimbursement.

The subject letter is being construed as a petition for waiver of Commission regulations under § 1.7(b) of the Commission's rules of practice and procedure (18 CFR 1.7(b)). Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than August 7, 1972, views and comments in writing concerning the petition for waiver. An original and 14 conformed copies should be filed with the Secretary of the Commission. The Commission will consider all such written submittals before acting on the petition.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–11278 Filed 7–20–72;8:50 am]

ARIZONA POWER AUTHORITY

[Project No. 2573]

Notice of Application for Amendment of License for Unconstructed Project

JULY 18, 1972.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Arizona Power Authority (correspondence to: James P. Bartlett, 820 Arizona Bank Building, 34 West Monroe Street, Phoenix, AZ 85003) for amendment of license for unconstructed Project No. 2573, known as the Montezuma Pumped Storage Project, located in Pinal County in the vicinity of Maricopa and Phoenix, Ariz., within the Gila River Indian Reservation. The project is not located on and does not use the water of any permanent stream.

The application seeks to change the effective date of license to October 1, 1972, and to modify the license to change the date of commencement of construction to October 1, 1973, and completion to October 1, 1977. Licensee requests the modification to the license to afford additional time during which it expects to obtain financing for the project. Such financing is contingent upon licensee's ability to qualify for tax exempt bonds. Licensee is seeking a ruling on its tax exempt status from the Internal Revenue Service.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 5, 1972, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–11276 Filed 7–20–72;8:50 am]

[Docket No. RI73–5]

ATLANTIC RICHFIELD CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 14, 1972.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-5	Atlantic Richfield Co	656	1	Northern Natural Gas Co. (Shoe Bar Atoka Pool, Lea County, N. Mex., Permian Basin).	$1,440	6-15-72		12-16-72	27.0	31.0	

* The pressure base is 14.65 p.s.i.a.

The proposed increase of Atlantic Richfield Co. is from an initial rate of 27 cents per Mcf granted under a temporary certificate to the initial contract rate of 31 cents per Mcf. Since Atlantic's proposed rate exceeds the highest certificated rate in the Permian Basin Area, it is suspended for 5 months.[1]

Atlantic's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

[FR Doc.72-11273 Filed 7-20-72;8:50 am]

[Docket No. RP73-1]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JULY 14, 1972.

Take notice that Cities Service Gas Co. (Cities) on July 3, 1972, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised in Volume No. 1,[2] to become effective August 23, 1972. The proposed rate change would increase charges for jurisdictional service by $968,187, based on sales volumes for the 6 months ending May 22, 1972, as adjusted.

In support of its filing, Cities states that the increased purchased gas costs in this filing result from suppliers' rate increases and also reflects accumulated deferred purchased gas costs from November 14, 1971, through May 22, 1972, together with carrying charges. Further, Cities states that its filing is based on the PGA provisions filed by Cities on June 8, 1972, in Docket No. RP72-142, as amended by its submittal dated June 22, 1972. The instant filing contemplates that Cities' amended PGA provision will be accepted and approved by the Commission.

Copies of this filing were served on all jurisdictional customers, interested State commissions and all parties to the proceedings in Docket No. RP71-106.

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 August 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11282 Filed 7-20-72;8:50 am]

[1] The Commission in its order issued Jan. 14, 1972, in Amoco Production Company, et al., Dockets Nos. CI71-118, et al., authorized an initial rate of 27 cents per Mcf for a Permian sale.

[2] Original Sheet PGA-1; 5th Revised Sheet No. 1; 9th Revised Sheets Nos. 17A, 22, and 24E; 20th Revised Sheets Nos. 4, 5, 7, 8, 10, 14, and 19; 21st Revised Sheet No. 12; and 23d Revised Sheet No. 16.

[Docket No. CP71-190]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JULY 18, 1972.

Take notice that on July 10, 1972, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (petitioner), Post Office Box 1087, Colorado Springs, Colo. 80901, filed in Docket No. CP71-190, a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act on May 19, 1971 (45 FPC 975), as amended on August 30, 1971 (46 FPC ____), by authorizing the deletion of authorization to construct and operate certain natural gas facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the Commission's order, as amended, petitioner was authorized to construct and operate, inter alia, an 8,000 Mcf of gas per day capacity inert gas generation plant at its Laramie Compressor Station. Petitioner states that the purpose of this generator was to reduce the heat content of the gas flowing in its Wyoming pipeline to comply with certain sales contract specifications. Petitioner indicates that it has subsequently contracted for a substantial quantity of relatively low heat content gas in the Big Horn Basin area of Wyoming and has received Commission authorization to construct and operate the facilities necessary to connect this new gas supply. Petitioner asserts that the introduction of this low heat content gas obviates the need for the inert gas generator at the Laramie Station now or in the foreseeable future.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11279 Filed 7-20-72;8:50 am]

[Docket No. E-7396]

COMMONWEALTH EDISON CO.

Notice of Application

JULY 18, 1972.

Take notice that on June 30, 1972, Commonwealth Edison Co. (applicant) of Chicago, Ill., filed an application seeking authority pursuant to section 204 of the Federal Power Act to extend to December 31, 1973, the latest issue date, extend to December 31, 1974, the final maturity date, and increase to $400 million the maximum amount authorized to be outstanding at any one time, of short-term promissory notes authorized to be issued under the Commission's order of August 29, 1969, and September 20, 1971, in Docket No. E-7396.

Applicant is incorporated under the laws of the State of Illinois, with its principal business office at Chicago, Ill., and is principally engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

The notes, including banknotes and commercial paper, are to have maturities of 12 months or less from the dates of issuance, and in any event are to be payable on or before December 31, 1974. The interest rate for notes issued to commercial banks with which the applicant has lines of credit is to be generally the prime rate in effect from time to time. The interest rate for commercial paper will be the prevailing rate in effect at the time of its issuance for paper of comparable quality and term.

The proceeds from the issuance of any notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and to reimburse the applicant's treasury for construction expenditures. Applicant's construction program, as now scheduled, calls for plant expenditures of approximately $3 billion for the 5-year period 1972–76. The extension of 1 year and the increase in maximum authorized amount are necessary to provide flexibility needed to meet financing requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 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 procedure (18 CFR 1.8 and 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.72-11281 Filed 7-20-72;8:50 am]

[Docket No. E-7748]

COMMONWEALTH EDISON CO. AND ILLINOIS POWER CO.

Notice of Application

JULY 18, 1972.

Take notice that on June 19, 1972, Commonwealth Edison Company of Chicago, Ill., and Illinois Power Co. of Decatur, Ill., filed a joint application seeking an order pursuant to section 203 of the Federal Power Act, authorizing the sale by Commonwealth and the purchase by Illinois Power of certain electric facilities comprising an interconnection point between their systems which is located approximately 4 miles southeast of Bloomington in McLean County, Ill., for $246,665.34, plus $25,000 costs incurred by Edison to accommodate the interconnection and carrying costs from the date of completion to the date of payment.

Commonwealth Edison is incorporated under the laws of the State of Illinois with its principal business office at Chicago, Ill., and is engaged in the electric utility business in a service area of approximately 13,000 square miles in northern Illinois, including the city of Chicago.

Illinois Power Co. is incorporated under the laws of the State of Illinois with its principal business office in Decatur, Ill., and is engaged in the generation, transmission, and sale of electric energy.

These facilities established a new interconnection, built solely for the convenience of Illinois Power, between the Companys' systems and are located within the territory served by Illinois Power.

Any person desiring to be heard or to make any protest with reference to such application should on or before July 31, 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). 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 proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11280 Filed 7-20-72;8:50 am]

[Docket No. CP72-300]

CONSOLIDATED GAS SUPPLY CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

JULY 18, 1972.

Take notice that on June 27, 1972, Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, W. Va. 26301, and Columbia Gas Transmission Corporation (Columbia), 20 Montchanin Road, Wilmington, Del. 19807, filed in Docket No. CP72-300 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas and the construction and operation of certain metering facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they were originally authorized to exchange up to 2,000 Mcf of natural gas per day in several West Virginia counties by Commission order issued August 27, 1965 (34 FPC 613), in Docket No. CP65-394. A rearrangement of delivery points under this exchange was later authorized by Commission order issued October 13, 1970 (44 FPC 1203), in Docket No. CP71-17. Consolidated now requests authorization to construct and operate an additional exchange point for delivery of natural gas to Columbia at a point on Columbia's 2-inch pipeline in Geary District, Roane County, W. Va. Consolidated proposes to deliver approximately 100 Mcf of natural gas per day to Columbia at this point. This gas has become available to Consolidated under an existing gas sale agreement with Pennzoil Co. Consolidated states that it does not have pipeline facilities in the area of the lease from which this gas will be produced and, therefore, the construction and operation of metering facilities on Columbia's pipeline are necessary if it is to be able to utilize said production. Applicants state that the authorization they seek does not include any increase in the maximum daily exchange limitation presently authorized.

The total estimated cost of construction of the proposed metering facilities is $1,981, which Consolidated intends to finance from funds on hand. Consolidated states that construction of the proposed delivery point will obviate the need for the construction by it of pipeline facilities which would otherwise be required to connect the volumes of gas in question to its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 7, 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 applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11283 Filed 7-20-72;8:50 am]

[Dockets Nos. CP69-345 and CP70-137]

EL PASO NATURAL GAS CO.

Notice of Petitions To Amend

JULY 17, 1972.

Take notice that on July 3, 1972, El Paso Natural Gas Co. (Petitioner), Post Office Box 1492, El Paso, TX 79978, filed in Dockets Nos. CP69-345 and CP70-137,

respectively, petitions to amend the orders of the Commission heretofore issued in said dockets pursuant to section 7(c) of the Natural Gas Act on January 20, 1970 (43 FPC 87), as amended, and on May 12, 1970 (43 FPC 723), as amended, by authorizing the construction and operation of certain additional natural gas pipeline and compressor facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By said orders, Petitioner is authorized to import and transport, inter alia, an additional 300,000 Mcf of natural gas per day purchased from its Canadian supplier and to construct and operate the facilities necessary to deliver such additional quantities, received at the Sumas, Wash., import point, to its Northwest Division System customers. Petitioner states that its request for the facilities authorized in said dockets was based on 1971 market estimates furnished by these customers. Petitioner states that the preparation of 1972 market estimates has demonstrated that geographic changes have occurred in the firm market demands of its Northwest Division distributor customers which will prevent it from delivering allocated firm contract quantities at the locations required by these distributors. Petitioner states that it can correct this problem through the installation of additional facilities. Therefore, Petitioner seeks authorization to construct and operate 9.3 miles of 30-inch loop line on its 26-inch mainline in Clark County, Wash., and one 3,000 horsepower gas turbine centrifugal compressor unit on its 16-inch Grants Pass Lateral in Marion County, Oreg.

Petitioner asserts that no additional quantities, above those presently authorized, are required to be made available to accommodate the revised firm demand deliveries.

The total cost of the proposed facilities, including filing fees, is $5,205,083, which Petitioner intends to finance from working funds, supplemented as necessary by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before August 7, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11284 Filed 7-20-72;8:51 am]

[Project No. 2715]

GREEN BAY & MISSISSIPPI CANAL CO.

Notice of Land Withdrawal in Wisconsin

JULY 11, 1972.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States, is included in power Project No. 2715 for which an application for license (major) was filed January 4, 1971, by the Green Bay & Mississippi Canal Co., Appleton, Wis., and is, from the date of the filing of the said application, reserved from entry, location, or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

4th Principal Meridian, Wisconsin.

That portion of the following described subdivision lying within the project boundary as delimited on map Exhibit K (FPC No. 2715-2) filed January 4, 1971.

T. 21 N., R. 18 E.,
Sec. 22, lot 2 (on the north side of the Fox River).

The area of U.S. land reserved pursuant to the filing of the above application is approximately 0.25 acre which was acquired by the Army Corps of Engineers for its Little Chute Locks and Dam Project.

Copies of the aforementioned project map exhibit have been transmitted to the Geological Survey, the Bureau of Land Management, the Forest Service, the Fish and Wildlife Service, the Army Corps of Engineers, and the Bureau of Reclamation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11258 Filed 7-20-72;8:48 am]

[Docket No. E-7751]

GULF STATE UTILITIES CO.

Notice of Application

JULY 18, 1972.

Take notice that on July 10, 1972, the Gulf States Utilities Co. (Applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 350,000 shares of a new series of preferred stock.

Applicant is incorporated under the laws of Texas with its principal business office at Beaumont, Tex., and is engaged in the electric utility business in portions of Louisiana and Texas. Natural gas is purchased at wholesale and distributed at retail in the city of Baton Rouge and vicinity.

The Applicant proposes to sell the new securities at competitive bidding in accordance with the Commission's regulations under the Federal Power Act. The Applicant proposes to invite bids on or about September 21, 1972, for the purchase of the new securities.

The proceeds from the sale of the new securities will be used to pay off a portion of the company's outstanding commercial paper and short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 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 procedure (18 CFR 1.8 and 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.72-11285 Filed 7-20-72;8:51 am]

[Docket No. CI73-10]

H&H GAS CO.

Notice of Application

JULY 19, 1972.

Take notice that on July 10, 1972, H&H Gas Co. (Applicant), 3703 Yoakum, Houston, TX 77006, filed in Docket No. CI73-10 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 Texas Eastern Transmission Corp. (Texas Eastern) from the Bonney Field Area, Brazoria County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to Texas Eastern on July 5, 1972, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell 3,000 Mcf of gas per day plus additional gas which may be available at 35 cents per Mcf at 14.65 p.s.i.a. Applicant states that deliveries to Texas Eastern will be made on Texas Eastern's 30-inch line located near the Bonney Field in Brazoria County, Tex.

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 July 31, 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). 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.72-11325 Filed 7-20-72;8:54 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JULY 17, 1972.

Take notice that Mississippi River Transmission Corp. (Mississippi) on July 1, 1972, tendered for filing proposed changes in its rates to its jurisdictional customers. The proposed changes would increase revenues from jurisdictional customers by $7,630,000 based on a volume of 171,515,800 Mcf for the 12 months ended March 31, 1972, as adjusted. The proposed rate change is described in the company's transmittal letter as follows:

The revenue increase based on the test period adjusted volume of sales to jurisdictional customers of 171,515,800 Mcf is $9,730,000 when compared with revenues based on June 1, 1972, jurisdictional rates as adjusted.

The above-mentioned revenue increase includes $2.1 million, which is the jurisdictional portion of gas cost increases applicable to Mississippi, resulting from the rate increase filings of Natural Gas Pipeline Co. of America at Docket No. RP72-132 and United Gas Pipe Line Co. at Docket No. RP72-145. This amount may be recovered by a PGA filing without regard to the instant filing. Thus, the revenue increase based on the rates herein when compared with revenues based on rates expected to be effective immediately prior to January 1, 1973 is $7,630,000.

The principal reasons for the revenue deficiency giving rise to the rate increase are as follows:

(1) Increase in return based upon Mississippi's test period rate base and a rate of return of 10.75 percent. This rate reflects Mississippi's "imbedded debt cost" of 8.94 percent and a return on common equity of 12.60 percent. The bases for such overall rate of return are discussed more fully in Statement F(1) to this filing and testimony in support thereof will be filed within the period prescribed by the Commission's regulations;

(2) Increase in Mississippi's book depreciation rate to 4.55 percent to reflect current conditions, particularly the gas supply shortage, and to conform Mississippi's book depreciation rate to the allowable guideline rate for Federal income tax purposes;

(3) Increased taxes, both Federal and State, including income taxes, property, and ad valorem taxes and employment taxes;

(4) Change in jurisdictional allocated costs resulting from an increase in the percentage of jurisdictional sales to total system sales.

Partially offsetting the above cost increases is a decrease in Mississippi's operating and maintenance costs resulting primarily from reduced sales volumes and more efficient operation of Mississippi's pipeline system.

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 August 8, 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.72-11286 Filed 7-20-72;8:51 am]

[Docket No. CP72-226]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

JULY 17, 1972.

Take notice that on June 26, 1972, Natural Gas Pipeline Company of America (petitioner), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP72-226 a petition to amend the order of the Commission heretofore issued on April 25, 1972 (47 FPC ____), in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing an increase in the volumes of natural gas to be exchanged and an extension of the term of the exchange, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission's order in the subject docket authorizes the exchange between petitioner and Phillips Petroleum Co. (Phillips) of up to 10,000 Mcf of natural gas daily, but no more than 1 million Mcf in total, for the limited period, June through September 1972. Phillips is authorized to make its exchange deliveries at an existing interconnection at the tailgate of its Chocolate Bayou Plant in Brazoria County, Tex. Natural is authorized to make redeliveries at the same point.

Petitioner requests herein that the Commission's order be amended to permit an increase in the total volume exchanged from 1 million Mcf to 3 million Mcf during any 12-month period and that the term be extended for a period of 3 years from the date of initial delivery and so long thereafter as is mutually beneficial to the parties. Petitioner states that the proposed amendment will be beneficial to it by enabling petitioner to secure additional volumes of gas when needed to meet system requirements.

Petitioner proposes no new facilities and states that existing facilities are sufficient to effectuate the proposed amendments herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 31, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11287 Filed 7-20-72;8:51 am]

[Project No. 2482-New York]

NIAGARA MOHAWK POWER CORP.

Notice of Availability of Environmental Statement for Inspection

JULY 17, 1972.

Notice is hereby given that on June 19, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of

the Federal Power Commission. This statement deals with an application for amendment of the license issued in accordance with the Federal Power Act for Hudson River Project No. 2482 for the removal of the Fort Edward Development of the project from the Hudson River. The development is located in the counties Saratoga and Washington, N.Y., on the Hudson River.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, D.C. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Fort Edward Development currently consists of: A 586-foot long rock filled timber crib dam and a powerhouse containing hydroelectric generating units with a total capacity of 2,850 kw. operating at a gross head of 18.5 feet.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415–B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Commission on or before 45 days from July 15, 1972. The Commission will consider all response to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–11289 Filed 7–20–72;8:51 am]

[Docket No. CP73–7]

NORTHERN NATURAL GAS CO.

Notice of Application

JULY 18, 1972.

Take notice that on July 10, 1972, Northern Natural Gas Co. (applicant), 2223 Dodge Street, Omaha, NE, filed in Docket No. CP73–7 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Minneapolis Gas Co. (Minnegasco), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Under the terms of a Natural Gas Transportation Contract dated July 5, 1972, applicant has agreed to accept, transport and redeliver to Minnegasco such volumes of gas as Minnegasco might withdraw from its Waterville Storage Field. Minnegasco will deliver the gas volumes to applicant at an existing point of interconnection of their facilities located in Steele County, Minn., while applicant will redeliver said gas to Minnegasco through existing delivery stations in and around Minneapolis, Minn. Applicant states that when it begins receiving into its system natural gas produced in the State of Montana, it will accept from Minnegasco a maximum daily volume of 50,000 Mcf of natural gas for the 1972–73 Winter Season (October 27, 1972–March 26, 1973) and 75,000 Mcf of natural gas for the 1973–1974 Winter Season (October 27, 1973–March 26, 1974). Thereafter, commencing October 27, 1974, and continuing each yearly Winter Season, until the termination of the contract, applicant's maximum daily obligation will be 75,000 Mcf of natural gas. During the 1972–73 Winter Season and until applicant commences delivering its Montana gas to its customers, such transportation service will be rendered on a best efforts basis.

For all volumes transported by applicant for redelivery to Minnegasco, Minnegasco shall pay a charge of 4½ cents per Mcf. The contract provides for a minimum annual bill amounting to 4½ cents times 60 times the maximum daily volumes.

Applicant states that no new facilities are required to effect the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 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.72–11288 Filed 7–20–72;8:51 am]

[Dockets Nos. CI71–871, CI71–909]

PENNZOIL UNITED, INC., AND UNION OIL COMPANY OF CALIFORNIA

Order Granting Motion for Reconsideration, Vacating Order in Part and Issuing Certificates of Public Convenience and Necessity

JULY 17, 1972.

Pennzoil United, Inc. (Pennzoil), on March 20, 1972, and Union Oil Company of California (Union) on April 3, 1972, filed in Dockets Nos. CI71–871 and CI71–909, respectively, motions for reconsideration of the orders granting certificates of public convenience and necessity in the subject dockets on February 23, 1972, and March 22, 1972, respectively, in Docket No. G–4579, et al.

The orders in Docket No. G–4579, et al., of February 23, 1972, and March 22, 1972, issued certificates of public convenience and necessity to Pennzoil and Union for certain Permian Basin sales of natural gas at a rate of 22 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment. Pennzoil and Union request the Commission to reconsider the orders and grant their applications for certificates at their 27- and 26.5-cent-per-Mcf contract rates, respectively, subject to B.t.u. adjustment, in view of the issuance of certificates for Permian Basin sales up to 27 cents per Mcf by Commission order of January 14, 1972, in Docket No. CI71–118, et al., Amoco Production Co., et al.

In the order of January 14, 1972, in Docket No. CI71–118, et al., the Commission noted that during the present period of critical gas shortages it should not act to discourage the finding, development, and dedications of new gas reserves and issued certificates for Permian Basin sales up to 27 cents per Mcf for the interim period prior to completion of the area rate proceeding in Docket No. AR70–1. Upon reconsideration of the orders of February 23 and March 22, 1972, it would be appropriate and proper to authorize Pennzoil and Union to charge and collect rates of 27 and 26.5 cents per Mcf, respectively for the subject sales. The orders issuing certificates in the subject dockets will be vacated as they pertain to such certificates, and new certificates of public convenience and necessity will be issued herein.

After due notice by publication in the FEDERAL REGISTER of the original applications, a notice of intervention was filed by the People of the State of California and the Public Utilities Commission of the State of California in Docket No. CI71–909 on August 12, 1971. It was subsequently withdrawn on August 23, 1971. California states that its intervention was no longer necessary since applicant in CI71–909 had been issued a temporary certificate at an initial price of 22 cents per Mcf subject to the outcome of the rulemaking proceeding in Dockets Nos. R–389 and R–389–A. Inasmuch as the subject certificate granted herein in Docket No. CI71–909 will be made subject to prospective modification at the conclusion of the proceedings pending

in Docket No. AR70–1, Area Rate Proceedings (Permian Basin Area), it does not appear that a formal hearing is necessary. No petitions to intervene, protests to the granting of the applications, or further notices of intervention have been filed.

At a hearing held on July 12, 1972, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions, as supplemented and amended, and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Pennzoil's and Union's motions for reconsideration of the orders issuing certificates in Dockets Nos. CI71–871 and CI71–909 set forth facts which warrant the reconsideration of the applications in the said dockets.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders of the Commission in Docket No. G–4579, et al., issued on February 23, 1972, and March 22, 1972, should be vacated insofar as they pertain to the certificates of public convenince and necessity issued in said orders in Dockets Nos. CI71–871 and CI71–909, respectively.

(3) Pennzoil and United are engaged in the sale for resale of natural gas in interstate commerce subject to the jurisdiction of the Commission and each is, therefore, a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(4) The sales of natural gas hereinbefore described, as more fully described in the applications in this proceeding, will be made in interstate commerce subject to the jurisdiction of the Commission; and such sales by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(5) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(6) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity; and certificates therefor should be issued as hereinafter ordered and conditioned.

The Commission orders:

(A) The orders of the Commission issued in Docket No. G–4579, et al., on February 23, 1972, and March 22, 1972, are vacated insofar as they pertain to Dockets Nos. CI71–871 and CI71–909, respectively.

(B) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Penzoil, effective February 23, 1972, and Union, effective March 22, 1972, of natural gas in interstate commerce for resale, together with the construction and operation of any facilities necessary therefor, all as hereinbefore described and as more fully described in the application.

(C) The certificates granted in paragraph (B) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission.

(D) The grant of the certificates issued in paragraph (B) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder and is without prejudice to any findings or orders which have been or which may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose or prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved does not imply approval of all of the terms of the contracts, particularly as to the cessation of the service upon termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(E) Pennzoil in Docket No. CI71–871 shall charge and collect 27 cents per Mcf at 14.65 p.s.i.a., subject to prospective modification at the conclusion of the Permian Basin Area Rate Proceeding in Docket No. AR70–1.

(F) Union in Docket No. CI71–909 shall charge and collect 26.5 cents per Mcf at 14.65 p.s.i.a., subject to prospective modification at the conclusion of the Permian Basin Area Rate Proceeding in Docket No. AR70–1.

(G) Within 90 days from the date of this order, Pennzoil in Docket No. CI71–871 and Union in Docket No. CI71–909 shall file three copies of a rate schedule-quality statement in the form prescribed in Opinion No. 468–A.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72–11290, Filed 7–20–72;8:51 am]

[Dockets Nos. CI72–762, CI72–771]

SKELLY OIL CO.

Notice of Applications

JULY 17, 1972.

Take notice that on May 23, 1972 and May 25, 1972, Skelly Oil Co. (applicant), Post Office Box 1650, Tulsa, OK, filed in Dockets Nos. CI72–762 and CI72–771 applications for certificates of public convenience and necessity authorizing sales for resale and delivery of residue gas after processing raw natural gas at its Eunice Plants in Lea County, N. Mex., to Northern Natural Gas Co. (Northern) and El Paso Natural Gas Co. (El Paso), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes in the application filed in Docket No. CI72–762 to sell to Northern 40 percent of the residue gas remaining at its two Eunice Plants after the liquefiable hydrocarbons have been removed from the gas so gathered at said plants at rates of 30 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment which is committed to the Eunice Plants on and after April 1, 1972, and 22 cents per Mcf at 14.65 p.s.i.a. subject to B.t.u. adjustment which is included under any extended or renewed gas purchase contracts or commitments otherwise made for the delivery of natural gas.

Applicant proposes in the application filed in Docket No. CI72–771 to sell to El Paso 60 percent of the residue gas remaining at its two Eunice Plants after the liquefiable hydrocarbons have been removed from the gas so gathered at said plants at a rate of 30 cents per Mcf which is attributable to raw gas developed by applicant or purchased by applicant under contracts dated subsequent to February 11, 1972, and to existing contracts or commitments which applicant may extend or renew for a period of not less than 10 years.

Applicant currently is authorized to sell residue gas from the aforesaid plants to Northern under its FPC Gas Rate Schedules Nos. 73 and 162 and to El Paso under its FPC Gas Rate Schedules Nos. 31 and 167.

Applicant states that the contracts comprising applicant's said rate schedules for the sales from the Eunice plants for various reasons, principally the vintage and pricing provisions, in light of present Federal Power Commission regulations, deter the further development and purchase by applicant of adequate supplies of raw gas to assure delivery to Northern and El Paso of the concomitant residue gas volumes anticipated under these agreements. Applicant indicates that it only has had limited success in acquiring new and additional raw gas supplies due to its inability to offer competitive prices necessary to stimulate either the development or the commitment to Skelly of new supplies of raw gas as they become available for purchase. In an effort to increase this inducement for obtaining new supplies, applicant has entered into letter agreements with Northern dated February 15, 1972, and El Paso dated February 11, 1972.

Said letter agreements have been filed simultaneously as supplements to applicants FPC Gas Rate Schedules Nos. 73 and 162 (Northern) and 7 and 167 (El Paso), and provide that the gas com-

mitted by Skelly to Northern and El Paso under the prior contracts shall be limited to that volume of residue gas attributable to raw gas sources connected as of February 15 and 11, 1972, respectively. Also, said letter agreements grant to Northern and El Paso the preferential right to purchase from time to time prior to January 1, 1987, under the terms of the Residue Gas Purchase Contracts dated March 15, 1972, and March 1, 1972, respectively, filed with the instant applications, residue gas remaining for sale attributable to raw gas developed by applicant or purchased by applicant under contracts dated subsequently to February 15 and 11, 1972, respectively, and to existing contracts or commitments which applicant may extend or renew for a period of not less than 10 years.

Applicant states that virtually all of its existing contracts with producers for this raw gas is beyond their primary term and under the terms thereof are subject to cancellation by the producer by giving 30 days written notice to any anniversary date. Applicant also mentions that it has sent letters to these producers proposing to pay them a substantially increased percentage of the net proceeds received by it from the sale of residue gas in excess of the firm price being collected, contingent upon the Commission's issuance of a certificate pursuant to the application herein, in return for extending the term of each contract for a period of 10 years from the expiration date of the existing primary term if the same has not yet expired, or, if expired, for a period of 10 years from the next succeeding anniversary date of such said contract.

Any person desiring to be heard or to make any protest with reference to said applications should on or before August 7, 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). 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, hearings will be held without further notice before the Commission on these applications 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 certificates are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notices of such hearings 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.72-11291 Filed 7-20-72;8:51 am]

[Docket No. CI72-854]

SKELLY OIL CO. ET AL.

Notice of Application

JULY 17, 1972.

Take notice that on June 23, 1972, Skelly Oil Co. (applicant), Post Office Box 1650, Tulsa, OK 74102, filed in Docket No. CI72-854 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to El Paso Natural Gas Co. (El Paso) in Howard County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell natural gas to El Paso from its East Vealmoor Plant located in Howard County, Tex., pursuant to the terms of the surplus residue gas purchase agreement between El Paso and it dated June 20, 1972. Applicant states that the residue gas remaining after the liquefiable hydrocarbons are removed from the gas presently delivered to the East Vealmoor gas processing plant has been and will continue to be delivered and sold by it to El Paso under applicant's FPC Gas Rate Schedule Nos. 72 and 233. Applicant asserts that while the contracts comprising its Rate Schedules Nos. 72 and 233 have been amended from time to time for various reasons, their vintage and pricing provisions, in light of present Commission regulations, deter the further development and purchase by it of adequate supplies of raw gas to assure delivery to El Paso of the concomitant residue gas volumes anticipated under these assignments. Applicant states that it has experienced only limited success in acquiring additional raw gas supplies in support of its residue gas delivery obligations to El Paso because of its inability to offer competitive prices necessary to stimulate either the development or the commitment to it of new supplies of raw gas as they become available for purchase.

Applicant states that the agreement of June 20, 1972, has been entered in an effort to obtain new supplies of raw gas when available. The agreement is applicable only to the new plant-producer casinghead gas purchase contracts covering the leases and acreage described therein. Applicant indicates that said acreage is newly developed and was heretofore uncommitted to any purchaser. Applicant states that it proposes to sell the gas from said acreage for 30 cents per Mcf at 14.65 p.s.i.a., subject to upward or downward B.t.u. adjustment. Applicant states that a granting of the requested authorization would avoid unnecessary expense to the ultimate consumer which would be created by unnecessary duplication of facilities and the idling of existing gas handling facilities owned by both it and El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 31, 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). 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 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.72-11292 Filed 7-20-72;8:51 am]

[Docket No. CP73-4]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JULY 18, 1972.

Take notice that Transcontinental Gas Pipe Line Corp. (applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP73-4 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the transportation of natural gas on an interruptible basis for Elizabethtown Gas Co. (Elizabethtown), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to an agreement dated May 18, 1972, applicant seeks authorization to transport natural gas for Eliza-

bethtown. The gas to be transported will be sold to Elizabethtown by a production affiliate, National Exploration Corp. (Exploration), and gathered, measured, and delivered to applicant's system for the account of Elizabethtown at mutually agreeable points in Texas or Louisiana by either Exploration or Exploration's subsidiary, National Gas Gathering Co. The gas will be delivered to Elizabethtown at existing points of delivery to Elizabethtown in New Jersey. Applicant states that this gas will serve to offset contracted volumes of gas which Elizabethtown will be unable to purchase from it because of the curtailment program in effect on its system caused by a shortage of flowing gas supply. Applicant proposes to charge 22 cents per Mcf of natural gas transported.

In order to carry out the proposed transportation, applicant states that it will be necessary to construct and operate a tap on its 24-inch McMullen Gathering Lateral in Goliad County, Tex. The cost of this tap is estimated at $5,500, including filing fees, which the applicant intends to finance from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should be on or before August 7, 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.72-11293 Filed 7-20-72;8:51 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 72-10]

EARTH RESOURCES SURVEY TECHNOLOGY SATELLITE INVESTIGATION RESULTS

Public Availability

The results of experimental Earth Resources Technology Satellite (ERTS-A) investigations supported by NASA will be placed expeditiously in the public domain and will then be freely available for purchase by private and public parties, both foreign and domestic. This is intended to afford wide and impartial access to interim as well as final findings and thereby to accelerate the flow of program benefits to the public at large. At the same time, since these results may be preliminary and, in many cases, unproven, any social or economic implications suggested by the investigations must be viewed as tentative and not as official findings or positions of the U.S. Government.

To these ends, NASA will make available the interim and final results from its investigations to the National Technical Information Service before other publication or use is made thereof. In making such results available through an established Federal outlet, NASA assumes no responsibility for validation of the reported findings but is acting in the public interest to provide broad and equitable access to the potential values of the NASA experimental results.

To make this position clear to all users of these results, each interim or final ERTS-A investigation report placed in the public domain will bear the following legend: "Made available under NASA sponsorship in the interest of early and wide dissemination of Earth Resources Survey information and without liability for any use made thereof."

JAMES C. FLETCHER,
Administrator.

[FR Doc.72-11379 Filed 7-20-72;9:25 am]

PRICE COMMISSION

[Order 8]

PERSONS ENGAGED IN THE SALES OF CERTAIN LUMBER AND WOOD PRODUCTS

Clarification Regarding Computation of Interim Prices

Order No. 8 of the Price Commission, published on July 19, 1972 (37 F.R. 14338), requires certain pricing practices on lumber and other specified wood products during the period beginning on July 20, 1972, and ending on July 30, 1972. Prices charged during that period are to be based on price lists published by certain organizations on July 14, 1972. It has been called to the Commission's attention that the order does not clearly state the manner of computing those interim prices with respect to hardwoods. To provide this clarification it is hereby ordered that Order No. 8 be amended as follows:

(1) The first sentence of the seventh paragraph is amended to read as follows:

The most recent dates for which published price lists for the industry are generally available are July 14, 1972, for Crow's Weekly Letter and Random Lengths and July 15, 1972, for the Hardwood Market Report.

(2) The last sentence of the eighth paragraph is amended to read as follows:

However, in the case of prices stated in Crow's Weekly Letter, Random Lengths, or the Hardwood Market Report as mill prices, a wholesaler or broker may add its customary initial percentage markup, not to exceed 5 percent.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11640, as amended)

Issued in Washintgon, D.C., on July 19, 1972, by direction of the Commission.

W. DAVID SLAWSON,
General Counsel,
Price Commission.

[FR Doc.72-11355 Filed 7-19-72;2:40 pm]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on July 1, 1972, and ending on December 31, 1972, is 6⅞ per centum per annum.

Dated: July 18, 1972.

RICHARD T. BURRESS,
Chairman.

[FR Doc.72-11297 Filed 7-20-72;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5204]

AMERICAN ELECTRIC POWER CO., INC., ET AL.

Notice of Proposed Acquisition of Assets of Associate Public-Utility Company

JULY 17, 1972.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2

Broadway, New York, NY 10004, a registered holding company, and two of its electric utility subsidiary companies, Applachian Power Co. (Appalachian) and Sewell Valley Utilities Co. (Sewell Valley), have filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 9, 10, and 12 of the Act and Rules 43, 44, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By order dated July 22, 1969 (Holding Company Act Release No. 16431), the Commission authorized AEP to acquire all of the outstanding securities of Sewell Valley, an electric utility company incorporated under the laws of West Virginia and distributing electric energy wholly within that State. On July 31, 1969, AEP acquired all of the outstanding securities of Sewell Valley, consisting of 500 shares of common stock in exchange for 11,000 shares of AEP's common stock. It is now proposed that Appalachian acquire all of the assets, except for $1,000 in cash, and assume all of the liabilities of Sewell Valley in exchange for 2,000 shares of common stock of Appalachian.

Sewell Valley provides electric service to 816 residential customers, 157 commercial and industrial customers, and one public street and highway lighting account in and around the town of East Rainelle, W. Va. Its facilities include approximately 24-pole miles of distribution line, transformers, and various associated items of other property. For the 12 months ended March 31, 1972, it had electric operating revenues of $214,471 and net income for the same period of $28,014. As of March 31, 1972, Sewell Valley's balance sheet showed utility plant of $189,839, depreciation reserves of $42,250, and net utility plant of $147,589.

The service area of Sewell Valley is entirely surrounded by that of Appalachian, which has been providing accounting, maintenance, and other services at cost to Sewell Valley, and from whom Sewell Valley purchases all of its electric power. It is stated that prior to July 28, 1971, Sewell Valley's rates for electric energy service were identical to Appalachian's rates for comparable service, but that thereafter a proposed rate increase of Appalachian went into effect, subject to refund in the event the Public Service Commission of West Virginia determines that such proposed rates are to any extent unreasonable or unlawful. Upon consummation of the proposed transactions, Appalachian's proposed rate would be applicable to Sewell Valley's present customers, also subject to refund. It is further stated that in the event the proposed transactions are not consummated, Sewell Valley intends to file a separate application to increase its rates for electric service to the same level as the rates proposed by Appalachian.

It is stated that the acquisition by Appalachian of the electric utility distribution system of Sewell Valley will integrate more closely the present electric utilities properties of Sewell Valley and Appalachian and will assure the continuation of adequate and reliable service in the Rainelle-East Rainelle, W. Va. area. It is further stated that Sewell Valley is not being dissolved at this time, because it may possibly be utilized as a vehicle for future transactions, which would be subject to further approval of the Commission.

Prior to the transfer of its assets to Appalachian, Sewell Valley proposes to declare a dividend to AEP, its sole shareholder, in an amount equal to its earnings since the date of its acquisition by AEP, which amount was equal to $63,456 as of March 31, 1972. To the extent necessary, AEP proposes to make a cash capital contribution to Sewell Valley, not to exceed $50,000, to provide Sewell Valley with sufficient funds to pay this dividend. Thereafter, Sewell Valley will transfer all of its assets, except for $1,000 in cash, to Appalachian in exchange for 2,000 shares of Appalachian common stock. These 2,000 shares of Appalachian common stock have been determined by the Board of Directors of Appalachian to have a stated value of approximately $116,014, the pro forma depreciated book value of the net assets on the books of Sewell Valley as of March 31, 1972. Sewell Valley will subsequently transfer the 2,000 shares of Appalachian common stock to AEP in exchange for 499 shares of Sewell Valley common stock. The acquisition by AEP of the 2,000 shares of Appalachian common stock will increase AEP's holdings of common stock of Appalachian from 9,110,000 shares to 9,112,000 shares, in each case constituting all of the outstanding common stock of Appalachian.

Appalachian proposes to record the assets and liabilities acquired from Sewell Valley at the amounts thereof shown on the books of Sewell Valley and credit its capital stock account for the shares of its common stock issued in the amount of the net book value of the assets so acquired. Sewell Valley will record the shares of Appalachian common stock received as an investment in an associated company in the amount of the net book value of the assets and liabilities exchanged therefor, and upon the exchange of these shares of Appalachian common stock for 499 shares of Sewell Valley common stock owned by AEP, Sewell Valley will record such shares as treasury stock and credit the investment account in like amount. Upon receipt of the 2,000 shares of Appalachian common stock from Sewell Valley, AEP will record 99.8 percent (499/500) of the amount of its previous investment in Sewell Valley as an additional investment in Appalachian.

It is requested that the Commission's order herein recite that the transactions are necessary or appropriate to effectuate the provisions of section 11(b) of the Public Utility Holding Company Act of 1935 and necessary or appropriate to the integration or simplification of the AEP system.

The application-declaration states that requisite authorizations of the proposed transactions will be obtained from the Virginia State Corporation Commission, the Public Service Commission of West Virginia, and the Tennessee Public Service Commission and that no other State commission and no 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 estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than August 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 application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive 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.72-11245, Filed 7-20-72;8:47 am]

[File No. 500-1]

CRESCENT GENERAL CORP.

Order Suspending Trading

JULY 14, 1972.

The common stock, $0.10 par value of Crescent General Corp. being traded on the Intermountain Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Crescent General Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange 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 12:30 p.m., e.d.t., on July 14, 1972, through July 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11246, Filed 7-20-72;8:47 am]

[File No. 500-1]

ILLUSTRATED WORLD ENCYCLOPEDIA, INC.

Order Suspending Trading

JULY 14, 1972.

The common stock, $0.50 par value, of Illustrated World Encyclopedia, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Illustrated World Encyclopedia, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchange and otherwise than on a national securities exchange is required in the public interest 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 12:30 p.m. (e.d.t.) on July 14, 1972, through July 23, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11247 Filed 7-20-72;8:47 am]

[File No. 500-1]

TOPPER CORP.

Order Suspending Trading

JULY 17, 1972.

The common stock, $1 par value of Topper Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Topper Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such 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 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from July 18, 1972, through July 27, 1972.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.72-11248 Filed 7-20-72;8:48 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The material contained in three amendments thereto, effective June 30, 1972, is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these amendments are set forth in full as follows:

Paragraph 7 of section 624.4 was revised to read as follows:

"7. Recording devices will not be utilized during any personal appearance before the local board, nor will the making of a verbatim transcript be permitted."

Paragraph 2.b.(3) of section 628.17 was revised to read as follows:

"(3) 'Z' indicates that the registrant is unacceptable for any service in the Armed Forces."

Paragraph 3.c. of section 628.17 was revised to read as follows:

"c. A symbol with the letter 'Z' appearing in one or more of the three elements indicates that the registrant is unacceptable for any service in the Armed Forces. For example, 'X-X-Z'."

Attachment 628.3 was revised to read as follows:

SAMPLE LETTER REGARDING RBJ

Dear _____,

You have been found unacceptable for induction into the Armed Forces at your Armed Forces examination performed on _____ (date). However, it has been recommended that you be reexamined in _____ months, as your physical condition may have improved sufficiently by that time to qualify you for service.

If you are classified in an available class (1-A, 1-A-O, 1-O) or 1-H, you will be retained in that class until a final determination is made regarding your acceptability for induction or until it is determined you will not be reexamined.

If you are in a *deferred* classification you will be continued in such classification: (1) As long as you are eligible for deferment, (2) until a final determination is made regarding your acceptability for induction or, (3) until it is determined you will not be reexamined.

If you have a question concerning your status please contact your local board.

_____
Executive Secretary

BYRON V. PEPITONE, *Acting Director.*

JULY 17, 1972.

[FR Doc.72-11296 Filed 7-20-72;8:49 am]

TARIFF COMMISSION

[TEA-W-149]

ABEX CORP. DENISON DIVISION

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Columbus, Ohio, plant of the Denison Division of the Abex Corp., a subsidiary of Illinois Central Industries, Inc., the U.S. Tariff Commission, on July 18, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with hydraulic presses (of the types provided for in item 674.35 of the Tariff Schedules of the United States) and industrial hydraulic valves (of the types provided for in items 680.22 and 680.27) manufactured by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company, or an appropriate subdivision thereof.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 18, 1972.

By order of the Commission:

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.72-11321 Filed 7-20-72;8:54 am]

[TEA-W-148]

FRANK H. PFEIFFER CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of the Frank H. Pfeiffer Co., Worcester, Mass., the U.S. Tariff Commission, on July 17, 1972, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women and misses (of the types provided for in items 700.32, 700.43, 700.45, 700.66, and 700.68 of the Tariff Schedules of the United States) manufactured by said firm are being imported into the United States in such increased quantities as to cause, or

threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, 8th and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: July 18, 1972.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.72-11320 Filed 7-20-72;8:54 am]

TENNESSEE VALLEY AUTHORITY

EXPERIMENTAL SO_2 REMOVAL SYSTEM AND WASTE DISPOSAL POND AT WIDOWS CREEK STEAM PLANT

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a document entitled "Environmental Statement, Experimental SO_2 Removal System and Waste Disposal Pond Widows Creek Steam Plant" has been prepared in draft pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and Became available to the public on June 30, 1972. Copies of the document are accessible for public examination in the office of the Director of Information, Tennessee Valley Authority, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, D.C. 20444. The statement describes an experimental project on the removal of SO_2 from power plant stack gasses and the related construction of a waste disposal pond.

Single copies of the draft statement will be furnished upon request addressed to the Director of Information, Tennessee Valley Authority, at the above address.

Dated at Knoxville, Tenn., this the 14th day of July 1972, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.72-11249 Filed 7-20-72;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 35]

ASSIGNMENT OF HEARINGS

JULY 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.

MC 103926 Sub 26, W. T. Mayfield Sons Trucking Co., MC 113495 Sub 52, Gregory Heavy Haulers, Inc., hearing continued to August 21, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 136386 Sub 1, Go Lines, Inc., now being assigned hearing September 12, 1972 (1 day), at San Francisco, Calif., in a hearing room to be later designated.

MC-F-11376, F-B Truck Line Co.—Purchase (portion)—Larmer Transfer Co., now being assigned hearing September 18, 1972 (3 days), MC 61592 Sub 213, Jenkins Truck Line, Inc., now being assigned hearing September 21, 1972 (2 days), at Portland, Oreg., in hearing rooms to be later designated.

MC 3700 Sub 66, Manhattan Transit Co., now assigned July 24, 1972, at Newark, N.J., hearing is postponed indefinitely.

MC 84528 Sub 18, Automobile Transport Co. of Calif., now being assigned continued hearing September 13, 1972 (3 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 32882 Sub 65, Mitchell Bros. Truck Lines, now assigned hearing September 25, 1972 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-F-11481, Cherokee Hauling & Rigging, Inc.—Control and merger—Virginia Hauling Co., now assigned hearing September 6, 1972, MC 117574 Sub 215, Daily Express, Inc., now assigned hearing September 7, 1972, MC-128383 Sub 13, Pinto Trucking Service, Inc., now assigned hearing September 12, 1972, MC 128383 Sub 14, Pinto Trucking Service, Inc., now assigned hearing September 19, 1972, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107295 Sub 560, Pre-Fab Transit Co., now assigned August 2, 1972, at Chicago, Ill., is postponed indefinitely.

MC 83539 Sub 321, C & H Transportation Co., Inc., now being assigned hearing September 11, 1972 (3 weeks), at Los Angeles, Calif., in a hearing room to be later designated.

MC 128527 Sub 22, May Trucking Co., now assigned August 21, 1972, at Portland, Oreg., cancelled and reassigned to August 21, 1972, at Boise, Idaho, in a hearing room to be later designated.

MC 668 Sub 95, Inter City Transportation Co., Inc., Donald A. Robinson, trustee, now assigned August 7, 1972, at Newark, N.J., is postponed indefinitely.

MC 128527 Sub 24, May Trucking Co., now being assigned hearing August 21, 1972, at Boise, Idaho, in a hearing room to be later designated.

MC 32882 Sub 66, Mitchell Bros. Truck Lines, now being assigned hearing August 28, 1972 (1 week), at Portland, Oreg., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11318 Filed 7-20-72;8:53 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 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. 42480—*Resin Plasticizer to Cincinnati, Ohio.* Filed by Southwestern Freight Bureau, agent (No. B-335), for interested rail carriers. Rates on resin plasticizer, in tank carloads, as described in the application, from specified points in Texas, to Cincinnati, Ohio.

Grounds for relief—Water competition.

Tariff—Supplement 217 to Southwestern Freight Bureau, agent, tariff I.C.C. 4834. Rates are published to become effective on August 16, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-11317 Filed 7-20-72;8:53 am]

[Notice 94]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-73620. By order of July 12, 1972, the Motor Carrier Board approved the transfer to F.A.S.J. Corp., Carlstadt, N.J., of the operating rights in Permit No. MC-124959 issued November 6, 1963, to R & H Trucking Co., Inc., Belleville, N.J., authorizing the transportation of prefabricated stairs, doors, windows, locksets, precut trim and plywood, and material used to install the same, for the account of Craftwood Products of Belleville, N.J., from Belleville, N.J., to points in Connecticut, Delaware, Maryland, New York, and Pennsylvania. Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102, attorney for applicants.

No. MC–FC–73737. By order of July 12, 1972, the Motor Carrier Board approved the transfer to Paulie Brazier, doing business as Paulie Brazier Co., Lawrenceburg, Tenn., of the operating rights in Permits Nos. MC–116204, MC–116204 (Sub-No. 2), MC–116204 (Sub-No. 4), MC–116204 (Sub-No. 5), and MC–116204 (Sub-No. 7) issued July 5, 1957, April 14, 1961, March 6, 1962, March 6, 1962, and May 6, 1963, respectively, to Van E. Hamlett, Nashville, Tenn., authorizing the transportation of fertilizer from and to specified points and areas in Tennessee, Kentucky, Alabama, and Virginia. Harold Seligman, 1704 Parkway Towers, Nashville, Tenn. 37219, attorney for applicants.

No. MC–FC–73773. By order entered July 12, 1972, the Motor Carrier Board approved the transfer to Gerald L. Kruger, doing business as North Bend Transfer, North Bend, Nebr., of the operating rights set forth in Certificate No. MC–120465 (Sub-No. 1), issued August 25, 1964, to Gerald L. Kruger and Mayme Kruger, doing business as North Bend Transfer, North Bend, Nebr., authorizing the transportation of general commodities, with the usual exceptions, between North Bend, Nebr., and Omaha, Nebr., serving no intermediate points, over specified routes. Gerald L. Kruger, 131 East Seventh Street, North Bend, NE 68649, representative for applicants.

No. MC–FC–73795. By order of July 12, 1972, the Motor Carrier Board approved the transfer to Floyd Fowler and Ray Fowler, doing business as Fowler Brothers, Silver City, N. Mex., of Permit No. MC–36534 and subs thereunder, issued September 6, 1949, and April 4, 1956, to Strong & Harris, Inc., Vanadium, N. Mex., authorizing the transportation of: Ore, ore concentrates, lumber, mine and mining equipment, between specified points and areas in New Mexico and Arizona. J. Wayne Woodbury, attorney, Post Office Box 857, Silver City, NM 88061.

No. MC–FC–73810. By order entered July 12, 1972, the Motor Carrier Board approved the transfer to Rodney L. Tyler, doing business as Rod Tyler Transport Co., Kalamazoo, Mich., of the operating rights set forth in Permits Nos. MC–24549, MC–24549 (Sub-No. 4), and MC–24549 (Sub-No. 6), issued May 2, 1962, April 26, 1965, and July 1, 1968, to Jean E. Vermeulen and Gary T. Vermeulen, doing business as G. Vermeulen Trucking, Oshtemo, Mich., authorizing the transportation of: Feed, ice cream mix, empty milk cans, powdered milk, frozen fruit, frozen eggs, condensed milk, sweet cream, and pallets and empty containers used in the transportation of the above-specified commodities, from and to specified points in Illinois, Indiana, and Michigan. Ronald R. Pentecost, 1018 Michigan National Tower, Lansing, Mich. 48933, attorney for applicants.

No. MC–FC–73811. By order entered July 12, 1972, the Motor Carrier Board approved the transfer to Turfland Express Ltd., Vancouver, British Columbia, Canada, of the operating rights set forth in Certificate No. MC–116815 (Sub-No. 4), issued April 22, 1964, to Ronnie Williams Ltd., Aldergrove, British Columbia, Canada, authorizing the transportation of: Horses, other than ordinary, and, in the same vehicle with such horses, stable supplies and equipment used in their care and exhibition, mascots, and personal effects of attendants, trainers, and exhibitors, between ports of entry on the United States-Canada boundary line at or near Blaine, Sumas, and Lynden, Wash., on the one hand, and, on the other, Portland, Oreg., and points in Washington; and between Portland, Oreg., on the one hand, and, on the other, points in Washington. A. C. Robertson, 14th Floor, 1030 West Georgia, Vancouver, British Columbia, Canada, representative for applicants.

No. MC–FC–73818. By order of July 11, 1972, the Motor Carrier Board approved the transfer to Morse Moving Co., Inc., Stamford, Conn., of Certificate No. MC–106995, issued July 23, 1946, to John T. Smith and Louis J. Gardella, a partnership, doing business as L. J. Reynolds & Son, Norwalk, Conn., authorizing the transportation of: Household goods, from Norwalk, Conn., and points in Connecticut within 25 miles thereof, to points in Massachusetts, Rhode Island, New York, and New Jersey; and from points in the above-specified destination territory, to points in Connecticut west of the Connecticut River. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72–11319 Filed 7–20–72;8:53 am]

[Rev. S.O. 994; ICC Order 70, Amdt. 1]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Rerouting or Diversion of Traffic

Upon further consideration of ICC Order No. 70 (Wellsville, Addison & Galeton Railroad Corp.) and good cause appearing therefor:

It is ordered, That:

ICC Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., September 15, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., July 21, 1972, and that this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 18, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.72–11314 Filed 7–20–72;8:53 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–72–190]

DEPUTY ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND MANAGEMENT AND THE DIRECTOR, OFFICE OF NEW COMMUNITIES DEVELOPMENT

Delegation of Authority To Act as General Manager

The Deputy Assistant Secretary for Community Planning and Management, or any official formally acting in that position, and the Director, Office of New Communities Development, or any official formally acting in that position, may exercise at any time the authority of the General Manager to carry out the executive management of the Community Development Corporation as provided in its bylaws or as prescribed from time to time by its Board of Directors: *Provided, however,* That such individuals shall not approve grants or loans authorized under the Urban Growth and New Community Development Act of 1970.

During my absence, the Deputy Assistant Secretary for Community Planning and Management, or any official formally acting in that position, shall have the full authority of the General Manager, including the authority to approve such grants or loans.

This delegation shall be filed with the records of the Community Development Corporation.

(Secs. 726, 729 title VII of the Housing and Urban Development Act of 1970, 42 U.S.C. 4501 et seq.; Bylaws of Community Development Corp., 37 F.R. 10665, May 26, 1972)

Effective date. This delegation is effective as of February 15, 1972.

SAMUEL C. JACKSON,
General Manager, Community Development Corporation.

[FR Doc. 72–11271 Filed 7–20–72;8:49 am]

Office of Assistant Secretary for Housing Management

[Docket No. D–72–189]

DIRECTOR, OFFICE OF PROPERTY DISPOSITION, ET AL.

Redelegation of Authority and Assignment of Functions

The redelegation of authority and assignment of functions by the Assistant Secretary for Housing Management to

the Director, Office of Property Disposition, et al., published at 35 F.R. 4021, March 3, 1970, as amended (35 F.R. 10927, July 7, 1970 and 36 F.R. 14164, July 30, 1971), with respect to certain programs and matters, is amended in the following respects:

1. Section B is amended to read as follows:

SEC. B. *Director, Reconditioning and Contracting Staff, and Supervisory Contract Officer.* To the positions of Director, Reconditioning and Contracting Staff, and the Supervisory Contract Officer, there is redelegated the authority, as contracting officers, to enter into and administer procurement contracts and make related determinations except determinations under sections 302(c) (11), (12), and (13) of the Federal Property and Administrative Services Act, as amended (41 U.S.C. 252(c) (11), (12), and (13)), with respect to all contracts for goods and services for repair, construction, improvement, removal, demolition or alteration, maintenance, and operation of acquired properties, including properties held by HUD as mortgagee in possession, and broker management services in connection with such properties, the publication of notices and advertisements in newspapers, magazines, and periodicals; and contracts for credit reports.

2. The present section C is revoked.

(Secretary's delegation of authority published at 36 F.R. 5005, Mar. 16, 1971)

Effective date. This amendment of redelegation of authority and assignment of functions is effective as of April 30, 1972.

NORMAN V. WATSON,
Assistant Secretary for Housing Management.

[FR Doc.72-11270 Filed 7-20-72;8:49 am]

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federal register

FRIDAY, JULY 21, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 141

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

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 are set forth below general Area Wage Determination Decisions Nos. AP–402 and AP–403 of the Secretary of Labor. These decisions specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein. These decisions are applicable to Federal and federally assisted construction in the described localities in the State of West Virginia.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, and of Secretary of Labor's Orders 12–71 and 15–71 (36 F.R. 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

These wage determinations are effective for a period of 120 days from the date of publication in the FEDERAL REGISTER and are to be used in accordance with the provisions of 29 CFR Part 5. Accordingly, the applicable determination together with any modifications 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 contract by contractors and subcontractors on the work.

The area wage determination decisions for localities within the above State are set forth below.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO AREA WAGE DETERMINATION DECISIONS

Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1,591; AM–1,592; AM–1,594; AM–1,595; AM–1,596.	Aug. 6, 1971.
AM–1,850	Aug. 20, 1971.
AM–2,450(AP–203); AM–3,625.	Aug. 25, 1971.
AM–8,583(AP–107)	Feb. 11, 1972.
AM–9,685; AM–9,686	Mar. 10, 1972.
AM–11,408; AM–11,410	Mar. 31, 1972.
AM–9,691; AM–9,692; AM–11,411; AM–11,412; AM–11,413.	Apr. 14, 1972.
AM–9,693	Apr. 21, 1972.
AM–11,416; AM–11,417	Apr. 28, 1972.
AM–8,606(AP–106); AM–9,695; AM–9,696; AM–9,697.	May 5, 1972.
AM–11,422	June 2, 1972.
AM–8,620; AM–8,622	June 9, 1972.
AM–8,624(AP–4); AM–11,424; AM–11,425.	June 16, 1972.
AM–8,626; AM–9,699	June 30, 1972.
AP–101; AP–102; AP–103; AP–300.	July 7, 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 modifications and/or supersedeas decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since these determinations were issued.

The determinations of prevailing rates and fringe benefits made in these modifications and/or supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 F.R. 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon 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 modifications and/or supersedaes 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 modifications and/or supersedaes 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 July 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

NEW DECISION

STATE: West Virginia COUNTY: Kanawha
DECISION NO.: AP-402 DATE: July 21, 1972
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

20-W-VA 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.85	.26	.25		.05	
Boilermakers	6.80	.30	.50		.01	
Boilermakers' helpers	6.55	.30	.50		.01	
Bricklayers	7.85	.35	.25		e	
Carpenters	8.85	.25	.25		.02	
Cement masons	7.70					
Electricians	7.85	.30	1%+.07	.27	.04	
Cable splicers	8.635	.30	1%+.07	.27	.04	
Elevator constructors	7.29	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	5.10	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.645					
Glaziers	7.50					
Ironworkers, structural ornamental	8.10	.40	.65		.05	
Ironworkers, reinforcing	8.10	.40	.65		.05	
Lathers	7.00					
Line construction:						
Linemen	7.35	.20	1%+.17	1.02	.02	
Groundmen	5.87	.20	1%+.17	1.02	.02	
Mechanized equipment operators	7.35	.20	1%+.17	1.02	.02	
Painters:						
Brush	5.775					
Structural steel	6.75					
Spray	6.025					
Piledrivermen	9.10	.25	.25		.02	
Plasterers	7.75					
Plumbers	7.92	.30	.30		.03	
Roofers	7.28	.20	.10		.02+f	
Sheet metal workers	8.18	.20	.25		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.59	.20	.15	.20	.03	
Stone masons	7.85	.35	.25		e	
Truck drivers:						
Pick-up, stationwagons, panel trucks, flatbody material truck (straight job), dump trucks (up to 5 cu. yds. greasers, washers, tiremen, gas pump attendants.	4.50	c	d			
Mechanic helpers, material checkers and receivers.	4.85	c	d			
Tank trucks (straight)	4.60	c	d			

20-W-VA 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers: (cont'd)						
Dump trucks (5 cu. yds. & over), semi dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by tractors), agitators or mixer trucks (up to 5 cu. yds.), farm type tractor, tank truck (semi).	$4.75	c	d			
Low boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, mono-rail truck.	4.80	c	d			
Euclids, dumpsters, turnarockers, ross carriers, Athey wagons or semilar equipment, A-frame, hydro-lift, dual purpose trucks	5.15	c	d			
Welders - receive rates 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% of 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. 6 paid holidays: A through F.
c. $20.15 per month for employees employed over 30 days.
d. $26.00 per month.
e. Employer contribution of $20.00 per year.
f. Employer contribution of $150.00 per year to the joint apprentice committee.

1-LAB-W.VA-1-A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Common laborers, flagmen, demolition worker boy, fire watch, landscape laborer	$5.42	.25	.25		.03	
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	5.72	.25	.25		.03	
Burner & powdermen, air track op., pipelayer	6.07	.25	.25		.03	

4-W.Va-PEO-1- F 1 of 1

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators						
Class I						
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18,000 pound line pull or over.	$8.15	.20	.25		.04	
Class II						
All mechanics, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard.)	7.65	.20	.25		.04	
Class III						
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	7.25	.20	.25		.04	
Class IV						
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) brick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan, push cat, all tractors, oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	6.85	.20	.25		.04	
Class V						
Roller and compactor, concrete mixer, (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.15	.20	.25		.04	

NEW DECISION

STATE: West Virginia COUNTY: Cabell

DECISION NO.: AP-403 DATE: July 21, 1972

DECRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.

6-W.VA.-1-W 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.85	.26	.25		.05	
Boilermakers	6.80	.30	.50		.01	
Boilermakers' helpers	6.55	.30	.50		.01	
Bricklayers	8.60				d	
Carpenters	8.85	.25	.25		.02	
Cement masons	6.95	.45	.70			
Electricians:						
Electricians	7.15	.30	1% + .27	1.02	.04	
Cable splicers	7.865	.30	1% + .27	1.02	.04	
Elevator Constructors	7.74	.17	.185	½%+e&f	.005	
Elevator Constructors helpers	5.42	.17	.185	½%+e&f	.005	
Elevator Constructors helpers (Prob.)	3.87					
Ironworkers:						
Structural and Ornamental	8.10	.40	.55	.01		
Reinforcing	8.10	.40	.55	.01		
Lathers	7.05		.10			
Line Construction:						
Linemen	7.35	.20	1% + .17	1.02	.02	
Groundman	5.87	.20	1% + .17	1.02	.02	
Mechanized Equipment Operators	7.35	.20	1% + .17	1.02	.02	
Marble Setters	7.35				d	
Marble Setters' helpers	6.075				d	
Painters:						
Brush	5.20	.20	.25		.02	
Steel	6.07	.20	.25		.02	
Piledrivermen	9.10	.25	.25		.02	
Plasterers	6.95	.45	.70		.01	
Plumbers	7.87	.40	.60		.02	
Roofers	7.05					
Sheet metal workers	5.90	.20		.20		
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.87	.40	.60		.02	
Stonemasons	8.60				d	
Terrazzo workers	7.35				d	
Terrazzo workers' helpers	6.075				d	
Tile setters	7.35				d	
Tile setters' helpers	6.075				d	
Truck drivers:						
Pickups; Stationwagons; Panel Trucks; Flatbody Material; Dumps (to 5 cu. yds.)	6.60	a	c	b		
Tank Trucks (Straight)	6.70	a	c	b		

6-W.VA.-1-W 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (Cont'd)						
Dumps (5 cu. yds. & over); Semi-Dumps; Semi-Trailers; Agitators or Mixer Truck (to 5 cu. yds.); Tanks Trucks (Semi)	$6.85	a	c	b		
Low Boy Trailers; Winch Trucks; Fork Trucks; Distributor Trucks (Front End & Back End); Truck Crane Driver; Monorail truck	6.90	a	c	b		
Agitator or Mixer Truck (5 cu. yds. & over)	7.00	a	c	b		
Euclid; Dumpster; Turnarocker; Ross Carriers; Athey Wagons; A-Frames; Hydro-lift; Dual Purpose Trucks	7.25	a	c	b		
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. $28.50 per month for employees employed over 30 days.

b. Employees working a minimum of 480 hours receive 1 hour pay for each 40 hours worked with limit to 52 hours pay.

c. $26.00 per month for employees employed over 30 days.

d. Employer contributes $20.00 per year.

e. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

f. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

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1-LAB-W.VA-1-A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Common laborers, flagmen, demolition worker boy, fire watch, landscape laborer	$5.42	.25	.25		.03	
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	5.72	.25	.25		.03	
Burner & powdermen, air track op., pipelayer	6.07	.25	.25		.03	

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4-W.Va-PEO-1- F 1 of 1

BUILDING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Power Equipment Operators						
Class I						
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18,000 pound line pull or over.	$8.15	.20	.25		.04	
Class II						
All mechanics, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard.)	7.65	.20	.25		.04	
Class III						
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	7.25	.20	.25		.04	
Class IV						
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) brick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer, tractor and pan, push cat, all tractors, oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	6.85	.20	.25		.04	
Class V						
Roller and compactor, concrete mixer, (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.15	.20	.25		.04	

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-8620 - Mod. #1 (37 FR 11625 - June 9, 1972) Mobile County, Alabama						
Change:						
Asbestos Workers	$7.80	.395	.75		.02	
Boilermakers	6.85	.40	.60		.01	
Glaziers	5.80			e		
DECISION #AM-11,416 - Mod. #3 (37 FR 8621 - April 28, 1972) Pulaski County, Arkansas						
Change:						
Lathers	$6.45		.10	.25	.01	
Plasterers	6.49				.02	
DECISION #AM-9,693 - Mod. #3 (37 FR 7928 - April 21, 1972) New Haven County, Connecticut						
Change:						
Building, Heavy & Highway Construction:						
Asbestos workers	8.715	.42	.28			
Glaziers (Wallingford) outside	8.01	.47	.32			
DECISION #AM-9,699 - Mod. #1 (37 FR 13023 - June 30, 1972) Statewide, Delaware						
Change:						
Millwrights	$9.37	.47	.52			
Plumbers (New Castle Co., & Kent Co., North of the Southern Boundary of Dover City)	7.71	.55	.50	9% + j	.05	
Steamfitters (Sussex Co., & Kent Co., South of the Southern Boundary of Dover City)	7.50	.45	.35	1.25+d	.02	
Plumbers (Sussex Co., & Kent Co., South of the Southern Boundary of Dover City)	7.50	.45	.35	1.25+d	.02	
Plasterers	8.42	.25			.01	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,591 - Mod. #6 (36 FR 14552 - August 6, 1971) Litchfield County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers:						
Remainder of county	$8.715	.42	.28			
DECISION #AM-1,592 - Mod. # 6 (36 FR 14556 - August 6, 1971) Middlesex County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers	8.715	.42	.28			
Electricians:						
Remainder of county	8.40	.40	1%+.20		5%	
Glaziers (Outside)	8.01	.47	.32			
Sheet metal workers	8.45	.50	.36		.02	
DECISION #AM-1,594 - Mod. #5 (36 FR 14564 - August 6, 1971) New London County, Connecticut						
Change:						
Building, Heavy, & Highway Construction:						
Asbestos workers:						
Remainder of county	8.715	.42	.28			
Glaziers (Outside)	8.01	.47	.32			
DECISION #AM-1,595 - Mod. #5 (36 FR 14568 - August 6, 1971) Tolland County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers:						
Remainder of county	8.715	.42	.28			
Glaziers (Outside)	8.01	.47	.32			

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,596 - Mod. #4 (36 FR 14571 - August 6, 1971) Windham County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers						
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	8.715	.42	.28			
DECISION #AM-9,691 - Mod. #4 (37 FR 7452 - April 14, 1972) Fairfield County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers	$8.715	.42	.28			
Carpenters, soft floor layers (Building only)						
Darien-Stamford-New Canaan-Wilton-Ridgefield	8.55	.40	.30		.05	
Electricians:						
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20		½%	
Remainder of County	8.35	.33	1%+.20		½ of 1%	
Painters:						
Greenwich:						
Brush	6.80	3%	9%	4%		
Structural steel	6.80	3%	9%	4%		
Spray	6.80	3%	9%	4%		
Plumbers, Steamfitters:						
Greenwich	9.00	.30	.30			
Bethel-Brookfield-Danbury-New Fairfield-Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
Stamford-Darien	9.00	.40	.30	4%		
DECISION #AM-9,692 - Mod. #4 (37 FR 7455 - April 14, 1972) Hartford County, Connecticut						
Change:						
Building, Heavy and Highway Construction:						
Asbestos workers:						
Remainder of County	8.715	.42	.28			
Glaziers, outside	8.01	.47	.32			

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-9,695 - Mod. #1 (37 FR 9172 - May 5, 1972) Bay County, Florida						
Change:						
Date of Decision #AM-9,695 from April 28, 1972 to May 5, 1972.						
Sprinkler Fitters	$8.01	.25	.40		.07	
DECISION #AM-9,696 - Mod. #1 (37 FR 9174 - May 5, 1972) Alachua County, Florida						
Change:						
Date of Decision #AM-9,696 from April 28, 1972 to May 5, 1972.						
Sprinkler Fitters	8.01	.25	.40		.07	
DECISION #AM-9,697 - Mod. #1 (37 FR 9175 - May 5, 1972) Duval County, Florida						
Change:						
Date of Decision #AM-9,697 from April 28, 1972 to May 5, 1972.						
Sprinkler Fitters	8.01	.25	.40		.07	
DECISION #AP-101 - Mod. #1 (37 FR 13446 - July 7, 1972) Alachua County, Florida						
Omit:						
Entire Decision #AP-101 from 37 FR 13446 - July 7, 1972.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-102 - Mod. #1 (37 FR 13449 - July 7, 1972) Bay County, Florida						
Omit: Entire Decision #AP-102 from 37 FR 13449 - July 7, 1972.						
DECISION #AP-103 - Mod. #1 (37 FR 13452 - July 7, 1972) Duval County, Florida						
Omit: Entire Decision #AP-103 from 37 FR 13452 - July 7, 1972.						
DECISION #AM-8,626 - Mod. #1 (37 FR 13029 - June 30, 1972) Cook County, Illinois						
Omit: Schedule for Dredging as issued in original decision.						

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-3,625 - Mod. #5 (37 FR 16859 - August 25, 1971) Sedgwick County, Kansas						
Change:						
Building Construction:						
Bricklayers	$7.18	.45	.25		.02	
Elevator Constructors	7.57	.195	.20	2%+a+b		
Ironworkers	6.78	.20	.25		.02	
Laborers:						
Common laborers	5.15	.45	.25			
Machine tool operators (air or electric); all sewer & drain in tile layers; mortar mixers & hod carriers and plaster tenders; all men erecting scaffolds and directly tending masons and mortar mixers for cement finishers; pipe dopers and pipe painters; work on swing scaffold; power buggies taking place of wheel barrows & concrete buggies; powdermen; gunnite nozzleman; gunite rodman; core driller wagon drill-diamond; air track drill; sandblaster, nozzleman and/or potman	5.30	.45	.25			
Stonemasons	7.18	.45	.25		.02	
Truck Drivers:						
Pickups and station wagons	5.25	.45	.25			
Flat beds--12,000# and under GVW license capacity	5.25	.45	.25			
Flat beds--16,000# GVW license capacity	5.325	.45	.25			
Flat beds--20,000# over GVW license capacity	5.40	.45	.25			
Dump, batch and water trucks, single axle	5.40	.45	.25			
Lowboys, semi-trailers, dumptors, A-frame tandems winch trucks, when used as such & transit mix	5.50	.45	.25			

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,410 - Mod. #5 (37 FR 6614 - March 31, 1972) Orleans, Jefferson, Plaquemines & St. Bernard Parishes, Louisiana						
Change:						
Plumbers:						
Plumbers; Steamfitters; Pipefitters; Pipe welders; Refrigeration mechanic	$7.65	.30	.40		.06	
DECISION #AM-11,417 - Mod. #5 (37 FR 8637 - April 28, 1972) Caddo & Bossier Parishes, Louisiana						
Change:						
Carpenters:						
Carpenters	6.15		.20		.03	
Piledrivers	6.40		.20		.03	
Millwrights	6.65		.20		.03	
Lathers	6.675				.01	
Plasterers	6.05				.01	
Sheet metal workers	6.67	.30	.25		.05	
Power Equipment Operators:						
Heavy Duty Operators:						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	6.65	.10	.15			

MODIFICATIONS P. 8

AM-11,417 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Duty Operators:						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	$5.72	.10	.15			
Scaleman	5.50	.10	.15			
Oiler-Driver	5.46	.10	.15			
Mechanic Helper	5.23	.10	.15			
Oiler	5.02	.10	.15			
DECISION #AM-11,424 - Mod. #2 (37 FR 12028 - June 16, 1972) East Baton Rouge Parish, Louisiana						
Change:						
Ironworkers:						
Structural; Ornamental; Reinforcing	7.425	.20	.15		.015	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-300 - Mod. #1						
(37 FR 13455 - July 7, 1972)						
Rapides Parish, Louisiana						
Change:						
Laborers:						
Powderman	$4.00	.15				
Asphalt rakers & tampers; asphalt smoothers & shovelers; blasters helpers; pipelayers (concrete & clay); Kettlemen	3.65	.15				
Chain saw operator	3.60	.15				
Track laborers; sewer pipe joiners & setters; concrete workers (vibrators); hod carriers; creosote material handlers & acid workers; air tool operator (jackhammer, vibrator); mason tenders (cement); mortar mixers (dry & wet); buggy operators (concrete)	3.55	.15				
Laborers, building & construction Laborers, concrete; unskilled; mason tenders; plasterers' tenders; stone mason helpers; carpenter helpers	3.35	.15				
Power Equipment Operators:						
Heavy Duty Operators:						
Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, (2 drums and over); Hydrolifts; Heavy duty mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on Asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor-vators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	6.65	.10	.15			

AP-300 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Duty Operators:						
Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Fork-lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories ; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch truck, A-Frame (other than handling steel or pipe)	$5.72	.10	.15			
Scaleman	5.50	.10	.15			
Oiler-Driver	5.46	.10	.15			
Mechanic Helper	5.23	.10	.15			
Oiler	5.02	.10	.15			
DECISION #AM-9,685 - Mod. #5						
(37 FR 5172 - March 10, 1972)						
Essex County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Carpenters & Soft floor layers: Gloucester	$7.20	.20	.20			
DECISION #AM-9,686 - Mod. #4						
(37 FR 5174 - March 10, 1972)						
Hampden County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters: Remainder of County	8.60	.45	.40		.02	

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,411 - Mod. #7 (37 FR 7461 - April 14, 1972) Tulsa County, Oklahoma						
Change:						
Bricklayers	$6.96	.30	.40	.33	.04	
Carpenters	6.41	.25	.25		.03	
Sheet Metal Workers	7.36	.30	.40		.06	
DECISION #AM-11,412 - Mod. #7 (37 FR 7462 - April 14, 1972) Oklahoma County, Oklahoma						
Change:						
Carpenters	$6.40	.20			.02	
Glaziers	6.12					
Plumbers & Pipefitters	7.56	.35	.35		.09	
DECISION #AM-1,850 - Mod. #8 (36 FR 16260 - August 20, 1971) Dauphin County, Pennsylvania						
Change:						
Building						
Electricians	$8.15	.29	1%+.11		.02	
DECISION #AM-8622 - Mod. #1 (37 FR P 11632 - June 9, 1972) Davidson County, Tennessee						
Change:						
Bricklayers	$6.75					
Cement Masons	5.24	.25				
Electricians	6.31	.30	1%		.25%	
Line Construction:						
Linemen	6.31	.30	1%		.25%	
Cable Splicers	6.56	.30	1%		.25%	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-11,408 - Mod. #6 (37 FR 6617 - March 31, 1972) Harris County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing	$6.975	.25	.40		.05	
Plasterers	6.825	.27	.30		.02	
DECISION #AM-11,413 - Mod. #4 (37 FR 7464 - April 14, 1972) Galveston County, Texas						
Change:						
Building Construction:						
Ironworkers:						
Structural; Ornamental; Reinforcing	6.975	.25	.40		.05	
Plasterers	6.825	.27	.30		.05	
DECISION #AM-11,422 - Mod. #3 (37 FR 11145 - June 2, 1972) Travis County, Texas						
Change:						
Building Construction:						
Power Equipment Operators:						
Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader-towed; Flex plane; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; pump 2½" or larger; Pneumatic roller; Mixer-less than 14 cu. ft.; Pulsometer; Truck crane driver & oiler combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts & loaders, 1/3 cu. yd. or less	5.585		.30			

AM-11,422 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction:						
Power Equipment Operators (Cont'd):						
Backfiller; Backhoe; Blade grader, self-propelled; Bull clam; Bulldozer and all types of cat tractors; Cableway; Clamshell operator; Crane-power operated, all types; Derricks-power operated, all types; Dragline; Elevating grader, self-propelled; Euclid operator; Foundation boring machine; Grad-all; Heavy duty mechanic; High lifts and loader, over 1/3 cu. yd. capacity; Hoist-motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mix-mobile; Paving mixer-all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scoopmobile; Scraper; Shovel-power operated; Trenching machine-all types; Two 125 cu. ft. compressors; Welding machines-6 to 12; Winch truck; Well points, including installations	$6.375		.30			
Fireman	4.72		.30			
Oiler	4.62		.30			
DECISION #AM-11,425 - Mod. #2 (37 FR 12014 - June 16, 1972) Nueces County, Texas						
Change:						
Building Construction:						
Sheet metal workers	5.95		.25		.01	

AM-11,425 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction:						
Power Equipment Operators:						
Light Equipment:						
Air compressor (1); Blade grader (towed); Conveyor; Fireman; Form grader; Flex-plane; Generator (gas or diesel over 1500 watts); Hoist (1 drum); Lubrication truck driver; Mixer (less than 14 cu. ft.); Pulsometer; Pump (1); Roller (towed); Tractor (wheel type); Truck crane driver-oiler; Wagon drill; Welding machines (3 to 6) other than electric; All other equipment of similar nature coming with light equipment class when power operated	$4.975	.15	.20			
Oiler:						
Oiler, first year	4.375	.15	.20			
Oiler, second year	4.525	.15	.20			
Heavy Equipment:						
Air compressors (2); Asphalt plant mixer; Backfiller; Back-hoe; Batch plant (concrete); Blade grader; Boring machine; Bull clam; Bulldozer; Cable-way; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevator grader; Elevator, building (used on construction); Euclids & similar type machines; Fork-lift; Grade-all; Hi-lifts; Hoist (2 drums or more); Loco-motive and switch engines; Mixer (paving); Mixer (con-crete); Piledriver; Pumps (2); Pumpcrete machine; Push cat or pull cat; Roller (flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench machine; Tugboat (on con-struction); Turnapulls and similar machines; Welding mach-ines (7 to 13) other than electric; Well point; Winch truck; Mechanic; All other equipment of similar nature coming with heavy equipment class when power operated	5.55	.15	.20			

SUPERSEDEAS DECISION

STATES: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.

DECISION NUMBER: AP-4 DATE: July 21, 1972

Supersedes Decision No. AM-8,624 dated June 16, 1972 in 37 FR 12202

DESCRIPTION OF WORK: Dredging on the Great Lakes, their connecting and tributary waters, including the Illinois Waterway to the lock at Lockport, Illinois, and in the New York State Barge Canal System between Tonawanda, New York, and Waterford, New York, and Oswego, New York and on the St. Lawrence River eastward to the International Boundry near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DIPPER AND HYDRAULIC DREDGING						
Chief engineer	$7.5850	.25	.15	a		
Operators	7.52875	.25	.15	a		
Assistant engineers	7.25125	.25	.15	a		
Firemen, oilers	6.49375	b 3.00	.25	a		
Welder	7.17125	.25	.15	a		
Deckhands	6.40375	b 3.00	.25	a		
Scowman - Chicago and South Chicago	6.425	b 3.00	.25	a		
Scowman - other ports	6.40375	b 3.00	.25	a		
Pipeline men	6.40375	b 3.00	.25	a		
Cranemen - Dipper Dredging	7.17125	.25	.15	a		
Spill barge operator - hydraulic dredging	7.17125	.25	.15	a		
DRILL BOATS						
Engineers	7.1575	.25	.15	c		
Blasters	7.2575	.25	.15	c		
Firemen	6.88	.25	.15	c		
Drillers, welders or machinists	7.15875	.25	.15	c		
Oilers & helpers	6.73875	.25	.15	c		
TUG ENGINEERS AND OPERATORS	6.94125		.40	a		
TUG FIREMEN, LINEMEN AND OILERS						
Chicago and South Chicago (Michigan City, Indiana to Waukegan, Illinois both included)	6.54	b 3.00	.25	a		
All other ports	6.505	b 3.00	.25	a		
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)						
Engineer & operator	8.55 f			d & e		
Equipment operator	7.86 f			d & e		
Firemen	7.47 f			d & e		
Oilers	7.18 f			d & e		
ENGINEER HELPERS, RANGEMEN, RODMEN SWEEPERS:						
Engineer helpers, rangeme, rodmen or sweepmen	4.73	b 3.00		a		
Service truck drivers	5.10	b 3.00		a		

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. 8 paid holidays; A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each of the next 3 periods of 26 days of service, and for 208 days or over of service 13 days of vacation with pay, all in one calendar year. Employee not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

b. Per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day; 6½ days vacation with pay for 104 days of service, one additional day of vacation with pay for each additional 21 2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive one day's vacation with pay for each full 24 days of service in one calendar year.

d. 8 paid holidays, A through F plus Washington's Birthday and Veterans Day.

e. ½ day vacation for each full 12 days employment in one calendar year.

f. Plus $.80 in fringe benefits.

SUPERSEDEAS DECISION

STATE: Georgia COUNTIES: Fulton, Cobb & DeKalb
DECISION NO.: AP-106 DATE: July 21, 1972
Supersedes Decision No. AM-8606, dated May 5, 1972, in 37 FR 9177.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.95	.30	.15		.01	
Boilermakers	6.85	.40	.60		.01	
Bricklayers:						
Bricklayers	5.40	.15	.20			
Stonemasons	5.40	.15	.20			
Marble masons	5.40	.15	.20			
Terrazzo workers	5.40	.15	.20			
Tile setters	5.40	.15	.20			
Carpenters:						
Carpenters & soft floor layers	7.40	.35	.35		.015	
Millwrights	7.80					
Piledrivermen	7.55	.35	.35		.015	
Cement masons	6.75	.25	.45			
Electricians	8.40	4%	6%		.25%	
Elevator constructors	6.62	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.15	.15	.10	.10	.01	
Ironworkers:						
Structural, Ornamental & Reinforcing	7.00	.40	.27		.05	
Lathers	7.10	.20	.10	.50	.04	
Leadburners	6.90	.30		c	.01	
Painters:						
Brush	7.05	.15	.25		.03	
Spray & Sandblasting	8.05	.15	.25		.03	
Steel	8.05	.15	.25		.03	
Plasterers	7.32	.25	.45			
Plumbers & Steamfitters	7.85	.35	.45		.03	
Roofers:						
Roofers & weatherproofers	5.65	.20	.20			
Slate, tile, asbestos shingles	5.80	.20	.20			
Sheet metal workers	7.75	.20	.25		.03	
Sprinkler fitters	7.30	.25	.40		.05	
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. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

60 - Georgia LAB C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group A						
Batch plant men, Buggy rollers (Ga.), Cleaners (Brick or Lumber, Clearing of Right of Way and Building Site (hand tools), Concrete Curer-Sealer and Liquid hardner, Conveyor operator (used by tenders of plasterers and bricklayers), Electrician laborer, Excavator, Backfiller grader (hand), Forklift operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal pan handler, Plumber-Laborer, Pipe Doper, Precast Slab Layer (floors, roofs, walks, curbs), Concrete Puddlers, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffolds, and staging for masons and plasterers, Erecting and Removing Scarifyer, concrete (mechanical and hand), Sheeting and shoring laborers, Steam Jennies, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch handler (manual)	$4.60	.15	.15			
Group B						
Bucket-dumpman (concrete), Mixer-mortar, Grout clay, etc. (hand or machine), Power post hole digger, Power cleaning machine operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	4.72	.15	.15			
Group C						
Burner-demolition, Chain saw operator, Power concrete saw operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) Jack or screw type	4.82	,15	,15			
Group D						
Wagon Drill Operator, (Track or wheel type), and like used in drilling for blasting	4.90	.15	.15			
Group E						
Powderman-helper	5.10	.15	.15			
Group F						
Powderman, nozzleman (concrete pneumatic)	5.50	.15	.15			
Group G						
Caisson holeman	5.35	.15	.15			
25¢ Above rate for classification working: Chimney or stacks isolated						

BUILDING CONSTRUCTION

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Group A						
Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Ridley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-75 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor	$ 7.00	.25	.15		.07	
Group B						
Bulldozer operator; Dozer shovel operator; Drill operator-Quarry master type; Fireman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity	6.58	.25	.15		.07	
Group C						
Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;	5.58	.25	.15		.07	
Group D						
Oiler-truck or locomotive cranes	5.78	.25	.15		.07	
Group E						
Oiler-unspecified; Pump operator, over 4", up to batteries of 4; Welding machine operator, batteries of two-300 amps and over	5.03	.25	.15		.07	
Group F						
Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operator; Well drill operator;	5.38	.25	.15		.07	

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POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
Group C						
Air compressor operator, up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft.; Conveyor operator, chain or belt type; Sand blasting machine operator; water pump operator 4" or less; Water pump operator over 4" (one only); Welding machine operator, 300 amps and over	4.36	.25	.15		.07	

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BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks up to and including 2½ tons tractor, farm types	$4.00					
Trucks from 2½ tons up to and including 5 tons-all low-boys and other trailer pulled by tractor except farm type tractors, with ratings up to and including 5 tons	4.10					
Trucks over 5 tons including all euclids up to and including 10 tons	4.35					
Euclids over 10 tons	4.40					

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GA Zone 4 1 of 1

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

STATE: Georgia COUNTY: Chatham
DECISION NO.: AP-107 DATE: July 21, 1972
Supersedes Decision No. AM-8583, dated February 11, 1972, in 37 FR 3153.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$5.90	.20	.13		
Boilermakers	6.25	.30	.50		.01
Boilermakers' helpers	6.00	.30	.50		.01
Bricklayers:					
Bricklayers	6.25	.20	.20		
Stone masons	6.25	.20	.20		
Marble masons	3.00				
Terrazzo workers	3.00				
Tile setters	3.00				
Carpenters:					
Carpenters	5.70	.25	.05		
Piledrivermen	5.95	.25	.05		
Millwrights	6.20	.25	.05		
Soft floor layers	5.70	.25	.05		
Cement masons	5.25				
Electricians:					
Electricians	6.40	.30	1%		.2%
Cable splicers	6.65	.30	1%		.2%
Elevator constructors	5.80	.17	.185	2%+a&b	.005
Elevator constructors' helpers	4.06	.17	.185	2%+a&b	.005
Elevator constructors' helpers (Prob.)	2.90				
Glaziers	5.00				
Ironworkers:					
Structural & Sheeter	6.25	.40	.30		.01
Ornamental & Reinforcing	6.25	.40	.30		.01
Laborers:					
Unskilled laborers	3.25	.10			
Mason tenders	3.40	.10			
Mortar mixers	3.50	.10			
Air tool & vibrator operator	3.40	.10			
Plasterers' tenders	3.40	.10			
Pipelayers	3.50	.10			
Lathers	4.50				
Painters:					
Brush	5.00				
Rollers	5.25				
Steel, brush	5.50				
Tapers	5.25				
Stage work & window jack work	5.50				
Paperhangers	5.25				
Paint burners	5.25				
Spray painting & sandblasting	5.75				
Plasterers	3.75				
Plumbers & Pipefitters:					
Plumbing, heating, & piping contracts, $2,000 or less	6.52	.25	.30		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers & pipefitters: (Cont'd)					
Plumbing, heating, & piping contracts, over $2,000	7.17	.25	.30		.02
Air conditioning mechanics:					
Contracts, $2,000 or less	5.92	.25	.30		.02
Contracts, over $2,000	6.57	.25	.30		.02
Roofers	3.00				
Helpers	1.65				
Sprinkler fitters	7.30	.25	.40		.05
Sheet metal workers	6.05			.15	
Truck drivers:					
Pick-ups and all other trucks up to and including 2½ tons, tractor-farm type	4.05				
Trucks from 2½ tons up to and including 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 tons (except farm type tractors), forklift	4.15				
Truck over 5 tons including all euclids up to and including 10 tons	4.40				
Euclids over 10 tons	4.45				
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

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Ga. - 2 PEO J

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Air Compressor, batchplant, bulldozers, mixers, endloaders, scrapers, patrols and tuggers	$5.85	.25	.25			
Cranes, derricks, draglines, sidebooms, mechanics, piledrivermen, and backhoes	6.45	.25	.25			
Distributors, finishing machines, rollers, plain tractors, firemen	5.60	.25	.25			
Hoist, boom truck	6.20	.25	.25			
Trenching machines, small backhoes	6.05	.25	.25			
Oiler & helpers	5.45	.25	.25			
Pump operator	5.50	.25	.25			
Master mechanic	6.95	.25	.25			

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GA Zone 5 J

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Carpenters	$2.75					
Cement masons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.00					
Tractor, crawler	2.50					
Truck drivers, up to 2½ tons	1.60					
Truck drivers, over 2½ tons	2.07					
Welders	2.50					

STATE: Iowa
DECISION NUMBER: AP-203
Supersedes Decision #AM-2,450, dated August 25, 1971, in 36 FR 16802
COUNTY: Des Moines (City of Burlington and abutting municipalities; and Burlington Ordnance Plant)
DATE: July 21, 1972

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

82-IOWA-PEO-1-2-3-d (1-?)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.25	.25		.10	
BOILERMAKERS	7.80	.30	.85		.02	
BOILERMAKERS' HELPERS	7.55	.30	.85		.02	
BRICKLAYERS; Stonemasons	7.20					
CARPENTERS:						
Carpenters	6.10	.20	.35		.01	
Millwrights	6.75	.20	.35		.01	
Piledrivermen	6.60	.20	.35		.01	
CEMENT MASONS	6.80					
ELECTRICIANS	7.58	.20	1%		1%	
GLAZIERS	6.63	.15	.30	.2748		
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.10	.20	.20			
LABORERS:						
Common laborers; Signal man; Wrecking	5.00	.10				
Deck hand	5.05	.10				
Plaster tender; Mortar mixer; Mason tender; Stone & marble setter tender; Drill op.; Jackhammer man; Air tamper; Air spade, (electric or pneumatic); Spraying equipment; & all mechanical operated tools; Excavation work over 6' deep below ground level or basement level	5.15	.10				
Tile layers (sewers)	5.25	.10				
Gunniting & sandblasting	5.35	.10				
Tunnel & sewer mucker & miner over 6' deep; Caisson worker & drill op. in tunnel & caisson; Powderman	5.45	.10				
PAINTERS:						
Brush	5.50					
Rollers	5.60					
Sign	6.00					
Spray; Structural steel; Swing stage	6.50					
PLASTERERS	6.45					
PLUMBERS; Steamfitters	6.75	.27	.27			
ROOFERS	5.30			.10		
SHEET METAL WORKERS	7.33	.17			.005	
SOFT FLOOR LAYERS	6.10	.20	.35		.01	
SPRINKLER FITTERS	8.00	.25	.40		.05	

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ALL HOIST OR STEEL ERECTING EQUIPMENT USED TO HOIST OR ERECT, IN CONJUNCTION WITH THE CREW OF A SPECIALTY TRADE	$8.00	.30	.40		.08	
CRANE; Shovel; Clamshell; Dragline; Backhoe; Derrick; Tower Crane; Cable way; Concrete spreader (servicing 2 pavers); Asphalt spreader; Asphalt mixer plant engineer; Dipper dredge; Dipper dredge craneman; Dual purpose truck (boom or winch); Leverman or engineman (hydraulic dredge); Mechanic; Paving mixer with tower attached (2 operators required); Piledriver; Boom tractor; Stationary, portable or floating mixing plant; Trenching machine (over 20 h.p.); Building hoist (2 drums); Hot paint wrapping machine; Cleaning & priming machine; End loader (½ cu. yd. or over, on basement excavation work); Backfiller (throw bucket); Locomotive engineer; Qualified welder; Tow or push boat; Concrete paver; Seaman Trav-L-Plant or similar machines; CMI autograder or similar machines; Slip form pavers Caisson augering machine; Mucking machine; Asphalt heater planer unit; Hydarulic cranes	7.58	.30	.40		.08	
ATHEY; Barber-Green; Euclid or Haiss loader; Asphalt pug mill; Fireman & drier; Concrete pump; Concrete Spreader (servicing one paver); Bulldozer; End loader (other than mentioned above); Forklift; Elevating grader; Group equipment greaser; Letourneaupul & similar machines; DW-10; Straddle carrier; Hyster winch & similar machines; Motro patrol; Power blade; Push cat; Tractor pulling elevating grader or power blade; Tractor operating scoop or scraper; Tractor with power attachs; Roller on asphalt or blacktop; Single drum hoist; Jaeger mix & placer machine; Pipe bending machine; Welding machines (3 or4); Fuller Kenyon cement						

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POWER EQUIPMENT OPERATORS Cont'd	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
pump or similar machines; Automatic cement & gravel batch-plants (one stop set-up); Seaman Pulvi-Mixer or similar machines; Blastholer self-propelled rotary drill or similar machines; Work boat; Combination concrete finishing machine and float; Self-propelled sheep foot roller or compactor (used in conjunction with a grading spread); Mud jack; Underground boring machine (over 8 inches); Apsco spreader or similar machine	$7.41	.30	.40		.08	
ASPHALT BOOSTER; Fireman & pump op. at asphalt plant; Compressor (500 cu. ft. & over); Concrete finishing machine; Form grader with roller on earth; Mixers (3 bag to 16E); Power operated bull float; Tractor w/o power attachs; Dope pot (agitating motor); Dope chop machine; Distributor (back end); Flexplane or similar machine; Portable machine fireman; Hydrohammer; Power winch or paving work; Self-propelled roller or compactor (other than provided for above); Pump (more than one well-point pump); Portable crusher; Trench machine (20 h.p. & under); Power subgrader (on forms) or similar machines; Asphalt spreader screed op.; Conveyor	6.52	.30	.40		.08	
AIR COMPRESSOR (under 50 cu. ft.); Driver on truck crane or similar machines; Light plant; Mixer (1 or 2 bags); Power batching machine (cement auger or conveyor); Boiler (engineer or fireman); Water pumps; Welding machine; Mechanical broom; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors (not incl. backhoes or end loaders); Self-propelled curing machine	6.11	.30	.40		.08	
OILER; Mechanic's helper; Water pump (pumping water to paver); Mechanical heater (other than steam boiler); Belt machine; Small outboard motor boat	5.50	.30	.40		.08	

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BUILDING CONSTRUCTION

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WAREHOUSEMAN; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; Batch trucks 2-34E batches or less; Chip spreaders	$5.05	8.50p/w				
CHEATER AXLE; Tandems; 6 wheel trucks; Semi-trailers; Carryall; Winch; Mixers; Batch over 2-34E batches; "A" Frame; Pole trailers	5.25	8.50p/w				
TRACK TRUCKS; Euclid type truck; Oil distributors; Front & rear; All types of dumpsters; Pavement breakers	5.35	8.50p/w				

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS; Piledrivermen	$5.20		.21			
CEMENT MASONS	4.85					
LABORERS:						
Sandblasters; Powderman & blaster; Pipelayer, sewer, water, telephone conduits etc.; Sewer utility man; Gunnite nozzleman; Diamond & core drills, powered by air, all work performed by laborers working from a bos'n chair, swinging stage, life belt, tag line, or block & tackle; Drill op. of air tracs, wagon drills & similar drills	4.55	.10	.10			
Tree climber; Form setters; Rakers; Box-tenders; Asphalt cur machines; Potmen (not mechanical); Bull float, hand operated; Scalers; Timbermen; Underpinning & shoring; Caissons (over 12'); Grade checker & cutting torches on demolition work	4.30	.10	.10			
Power buggyman; Concrete & paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker & jointer & painter; Timber & chain-saw man; Mechanical grouters; Boring machine; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete (on or off the job); Powdermen helpers	4.05	.10	.10			
Form tamper; Air, gas & electric tool op., vibrator barco hammer, paving breaker, spader, tamper, electric drills; Hammer & jackhammer; Tree groumdmen; Chuck tender; Drill helpers, tool room men & checkers; Sandblaster helper; Concrete processing material & monitors; Cement finishers helpers	3.90	.10	.10			
Fence erectors; Handling & placing of metal mesh, dowel bars, reinforcing bars & chairs; Dumpmen & spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching & planting of trees, shrubs & flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work	3.80	.10	.10			
POWER EQUIPMENT OPERATORS:						
Power shovel & crane type equipment (over ½ cy); Central mix plant op. (concrete 5 cy & over); Dredge op. & leverman concrete mixer-paver; Hoisting engineer (steel erection); Tractor operating						

POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
scrapers in tandem; Motor patrol on finishing work; Master mechanic (when 4 or more mechanics are employed); Tow or push boat; Piledriver machine	5.35	.30	.20		.01	
Asphalt plant; Asphalt paver; Asphalt pugmill; Power shovel (crane type equipment, under ½ cy); Front end loader (all types 40 HP or over); Mechanics & welders; Tournapull (DW 10 & all similar equipment, over 10 cy struck cap); All self-loading scrapers; Tractor, bulldozer, push cats, pulling scraper or rooter & sideboom tractor; Churn & rotary drill; Trenching machine (Cleveland 80 or similar cap.); Self-propelled sheepsfoot roller (100,000 lbs. & over); Central mix plant (concrete, under 5 cy)	5.20	.30	.20		.01	
Motor patrol (on other work); Asphalt roller (high type surfacing); Asphalt spreader (back end); Concrete curb breaking machine; Concrete widening machine; Elevating grader & Athey loader; Tournapul (DW 10 & all similar equipment under 10 cy struck cap); Paving breaker (drop or pneumatic); Spreader box (self propelled) or tractor-pushed); Subgrade Stab. (P&H & similar sizes); Boiler (2 or one boiler & dryer); Subgrading machine (CMI); Slip form paver	4.95	.30	.20		.01	
Self-propelled roller (other than high type asphalt); Distributor; Screening & washing plant; Spreader (concrete tank car heater, combination boiler & booster); Self-propelled vibrating compactor; Trenching machine; (other) pumps on well points & deep wells for dewatering mechanical broom; Steel placing machine; Boat op.; Compressor; Concrete mixer (side loader); Conveyor; Crusher feeder; Finishing machine on concrete; Flex-plane; Bull float; Form grade; Group equipment greaser; Motor crane combination driver & oiler	4.75	.30	.20		.01	
Boiler (single); Apprentice engineer or oiler or mechanic's helper; self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine; Pump op. (other than dredge); Boom & winch truck; Hydro seeder op; Mulcher blower op.	4.55	.30	.20		.01	

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11-IOWA-2-3 (3-3)

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)						
Batching plant (dry); Front end loader, rubber-tired (with backhoe attachment, under 3/8 cy); Farm tractor pulling pneumatic roller; Farm tractor with attachments	4.25	.30	.20		.01	
TRUCK DRIVERS:						
Truck drivers (not otherwide specified); Warehousemen; Drivers on: 4-wheel service trucks, bus hauling men, carry all & winch trucks, dumpcretes & scoopmobiles	4.00	.10				
Truck drivers for semi & tandem; Ready mix; Dumpster; Drivers on: Korking & similar dumpsters, track trucks, euclids, hug bottom drums, tournapull or similar equipment used for transportation, pavement breakers, pole trailers, air compressors & welding machines, incl. those pulled by separate units	4.10	.10				

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