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PROCLAMATION 4152

General Pulaski's Memorial Day, 1972

By the President of the United States of America

A Proclamation

On October 11, 1779, Casimir Pulaski died a hero in the Battle of Savannah. On this one hundred and ninety-third anniversary of that event, we are reminded of his gallant efforts and great sacrifice in the struggle for our independence. General Pulaski was one of the earliest of the many individuals of Polish ancestry who have contributed mightily to the cause of freedom in America.

In commemorating General Pulaski's dedication to liberty, we also honor the significant contributions made to this Nation by generations of Americans of Polish ancestry. It is fitting, in remembering General Pulaski's example, that we rededicate ourselves to the fundamental principles of freedom and justice for all on which this Nation was founded and for which Casimir Pulaski fought and gave his life.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Wednesday, October 11, 1972, as General Pulaski's Memorial Day; and I direct the appropriate Government officials to display the flag of the United States on all Government buildings on that day.

I invite all Americans to join me in observance of that historic day in appropriate ceremonies to honor the memory of General Casimir Pulaski.

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

Richard Nixon

[FR Doc.72-15808 Filed 9-13-72;1:08 pm]

PROCLAMATION 4153

National Shut-In Day, 1972

By the President of the United States of America

A Proclamation

Too few Americans realize that illness or infirmity confines several million of our fellow citizens to their homes, to nursing homes, or to other institutions.

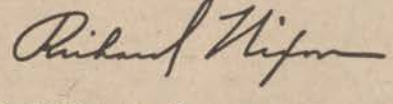
Although we are developing programs at national, State, and local levels to bring the greatest possible number of these people back into active participation in community life, there are many who will remain shut-ins for the rest of their lives. These people do not have to be shut out, shut away from our concern and from sharing in the life of their communities.

To draw attention to the plight of our shut-in citizens, and to encourage continuing efforts to lessen their isolation, the Congress, by a joint resolution approved August 7, 1972, has requested the President to issue a proclamation designating the third Sunday of October 1972 as National Shut-In Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim Sunday, October 15, 1972, as National Shut-In Day.

On that day, I urge all my fellow Americans who are fortunate enough not to be shut-ins to visit those who are less fortunate and are confined to their own homes, to nursing homes and to homes for the aged. In addition, I urge that this be the first of many visits, a new beginning of concern in the days that follow.

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



[FR Doc.72-15860 Filed 9-13-72;4:44 pm]

Rules and Regulations

Title 7—AGRICULTURE

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

SUBCHAPTER K—GENERAL CONDITIONAL PAYMENTS PROVISIONS

PART 892—GENERAL CONDITIONAL PAYMENTS PROVISIONS—MAINLAND CANE SUGAR AREA

Pursuant to the provisions of the Sugar Act of 1948, as amended, Part 833, Subchapter E of this chapter and title (34 F.R. 16422) and Part 845, Subchapter F of this chapter and title (36 F.R. 23047) are deleted and the regulations therein are incorporated in Part 892. Part 892 of Chapter VIII, Title 7 of the Code of Federal Regulations (32 F.R. 8413; 33 F.R. 62; 33 F.R. 402; 33 F.R. 9322; 35 F.R. 15361; 35 F.R. 16075) is revised to read as follows:

Subpart A—General

Sec.
892.1 Purpose.
892.2 Definitions.
892.3 Instructions and forms.
892.4 Filing application for payment.
892.5 Authority to make and computation of Sugar Act payments.
892.6 List of prescribed forms.

Subpart B—Determination of Compliance With Conditions of Payments

892.10 Obtaining information regarding eligibility for payment.
892.11 Conditions of payment not met where producer prevents obtaining information.
892.12 Compliance with child labor provisions of the Act.
892.13 Sharecropper or share tenant protection.
892.14 Compliance with acreage certification and land use provisions.
892.15 Compliance with other conditions of payment.
892.16 Credit for accredited sugarcane acreage record.
892.17 Determination of eligibility and basis for payment, review, and appeals.
892.18 Notification of shares when shares are in effect.
892.19 Harvesting within the farm's share when shares are in effect.
892.20 Notification of excess sugarcane acreage when shares are in effect.
892.21 Erroneous notice of share or of excess sugarcane acreage when shares are in effect.
892.22 Disposition of excess acreage when shares are in effect.
892.23 Eminent domain.
892.24 Harvest of illegal drug-producing plants.

Subpart C—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

892.30 Farm normal yield.
892.31 Eligibility for abandonment and crop deficiency payments.
892.32 Approval and certification.

Subpart D—Determination of Sugar Commercially Recoverable

892.35 Sugar commercially recoverable from sugarcane in the mainland cane sugar area.
892.36 Rates of recoverability, 1972 crop.

AUTHORITY: The provisions of this Part 892 issued under secs. 301, 302, 303, 304, 305, 306, 403, 61 Stat. 929, as amended, 930 as amended, 931, 932; 7 U.S.C. 1131, 1132, 1133, 1134, 1135, 1136, 1153.

Subpart A—General

§ 892.1 Purpose.

This part prescribes the authorizations and procedures applicable to the mainland cane sugar area under title III, conditional payments provisions, of the Sugar Act of 1948, as amended, effective for 1972 and subsequent crop years.

§ 892.2 Definitions.

For the purpose of this part, the term:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(b) "Deputy Administrator" or "DAS CO" means the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(c) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State Committee under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(d) "State executive director" means the person responsible for the day-to-day operations for the Agricultural Stabilization and Conservation Service State office (herein referred to as ASCS State office) or any employee of such office authorized to act on his behalf.

(e) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and function of Agricultural Stabilization and Conservation county and community committees under section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended.

(f) "County executive director" means the person responsible for the day-to-day operations of the Agricultural Stabilization and Conservation Service county office (herein referred to as ASCS county office).

(g) "Act" or "Sugar Act" means the Sugar Act of 1948, as amended.

(h) "Producer" means a person who is legal owner, at the time of harvest or abandonment, of a portion or all of a crop of sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(i) "Processor-producer" means a producer who is determined to be also a processor. A producer shall be deemed to be also a processor:

(1) If such producer is directly engaged in the processing of sugarcane for sugar;

(2) If such producer, whether alone or in conjunction with others, controls a person directly engaged in the processing of sugarcane for sugar, either by stock ownership or otherwise; or

(3) If such producer is controlled, whether through stock ownership or otherwise, by a person directly engaged in the processing of sugarcane for sugar.

(j) "Farm" means all land within a State farmed by the same operator and shall include, in addition, any land in an adjoining State or States farmed by such operator, if any of the equipment or labor used in the operation of the land in one State is also used in the operation of the land in the other State or States.

(k) "Operator" means the producer (or producers) who has general control of the sugarcane operations on the farm. Guides to the county committee for determining the "operator" of a farm are set forth in subparagraphs (1) to (7), inclusive, of this paragraph.

(1) The county committee shall determine the person (or persons acting together) who is a producer, as defined in paragraph (h) of this section, of the sugarcane crop and who has general control of the sugarcane operations and, hence, is the operator of all lands on which sugarcane operations are under his general control. The county committee shall determine the land that constitutes a farm in accordance with the definition of a farm in paragraph (j) of this section. To assist the county committee in determining who controls a sugarcane operation, there are set forth as follows certain factors that shall be given careful consideration in determining the operator of a farm. In developing information as to who controls a sugarcane operation where a partnership or legal entity such as a corporation is involved, the county committee shall consider whether an individual rather than the partnership or legal entity has the general control of the sugarcane operations and is a producer, as defined in paragraph (h) of this section, of the sugarcane crop.

(2) As possible indicia of control of a sugarcane operation, the county committee shall ascertain the producer who performs the following functions: (i) Controls the land (by ownership or lease); (ii) arranges for financing and is responsible for repayment of any loans or advances; (iii) arranges for and

pays labor; and (iv) manages the sugarcane operations and makes the decisions with respect thereto.

(3) Also, as an indication of control over a sugarcane operation, the county committee shall ascertain whether a written record of accounts covering costs and income from such operations is maintained separately from that of any other operation in which the persons involved have an interest

(4) Generally, the person (or persons acting together) who directs the sugarcane operation and who has the authority to make the final decisions with respect to growing, harvesting, and marketing the crop shall be considered as controlling the operation and, hence, the operator of the farm. Often, such person performs the actual farming functions himself. Usually, such person (or persons) also has the majority financial interest in the crop, either by direct ownership or indirectly by stock ownership or otherwise.

(5) Wherever a person has a substantial interest in more than one sugarcane operation, the county committee shall determine whether such operations are, in fact, separate and do not constitute a device to avoid the scale-down provisions of the Sugar Act.

(6) The fact that a person has a substantial interest or the majority financial interest in the crop of sugarcane does not preclude the county committee from determining that he is not the operator where it can be shown to the satisfaction of the committee that in consideration of other pertinent factors another person is a producer of the crop and controls the operation. Also, since the definition of a producer has been construed over a long period of time as not including a creditor whose only interest in a crop results from a lien upon a crop of sugarcane, such a creditor by not being a producer of such crop would not qualify as the operator of the land on which such crop was produced. For purposes of determining whether a person qualifies as a producer, as defined, the county committee should take into consideration that bare legal title does not solely determine the legal owner.

(7) In the following situations, it would appear that control of the sugarcane operations would be as indicated:

(i) Where two or more persons have the same ownership interest in a crop of sugarcane growing or grown on one or more tracts of land, and they are the only persons engaged in farming operations on such land, they will, generally, be considered as the operator of all of such land. However, if one or more of such persons is determined by the county committee as exercising control, he or they shall be considered as the operator.

(ii) Where a husband and wife not legally separated by judgment of a court are both engaged in the production of sugarcane and one of them shares in the crop produced on the land of the other, if the county committee determines that the one who shares in the crop of the other also control the sugarcane operations of the other, the spouse exercising the control would be considered as the operator. If neither spouse shares in the sugarcane crop of the other, or the county committee determines that the indicia of control justify a conclusion that separate operations are involved, each such spouse would be considered as a separate operator.

(iii) If a minor child and a parent live in the same household and each is engaged in the production of sugarcane, the parent who is a producer of the crop would be considered the operator unless the county committee is satisfied that the minor child controls his sugarcane operations. However, the cosigning of a note by a parent to enable the child to obtain financing shall not of itself be considered as representing control by the parent. Any land farmed by a minor as a Future Farmers of America or 4–H project shall be considered a part of the parent's farm unless the land on which the sugarcane is grown is leased by the minor from someone other than the parent and the parent has no control over the operation.

(l) "Ownership tract" means a farm or portion of a farm which is separately owned.

(m) "Proportionate share" or "share" means the proportionate share for a farm in terms of planted acreage as provided in sections 301 and 302 of the Act.

(n) "Planted acres" means the acreage of sugarcane planted within the farm proportionate share which is either harvested for the extraction of sugar or liquid sugar or is abandoned (bona fide), insofar as its use in sugar production or as seed is concerned, because of drought, flood, storm, freeze, disease, or insects.

(o) "Abandoned acres" means the planted sugarcane acreage on the farm (not in excess of the farm's share minus the acreage harvested for sugar and seed) which meets all the requirements specified in § 892.31 (a) and (b) with respect to approved abandoned acreage.

(p) "Harvested acres" means any acreage of sugarcane on which all customary harvesting operations have been performed (cutting, topping, stripping, or burning) preparatory to marketing for the extraction of sugar or liquid sugar, provided such harvesting operations were performed at a time when such sugarcane was in a condition acceptable for processing for such purpose, and at a time when sugarcane was being processed for such purpose.

(q) "Accredited acreage" or "accredited acres" means the acres on the farm (within the share for such farm if shares are in effect) for any crop as designated by year on which sugarcane was grown and marketed (or processed) for the extraction of sugar or liquid sugar, except for use as livestock feed or for the production of livestock feed, or which was harvested for seed or which was determined by the county committee to have been bona fide abandoned acreage to the extent of fulfilling at least the requirements for abandonment set forth in § 892.31 (a) and (b), as shown by office records of the county committee.

(r) "Cropland" means land suitable for the production of sugarcane on the farm.

(s) "Crop" means a crop of sugarcane and shall be designated by year to correspond to the year in which harvest begins in the mainland cane sugar area. The term "crop year" means the crop designated by year as provided in this paragraph.

(t) "Annual yield for the farm" means the average yield in hundredweight of sugar commercially recoverable per planted acre, as computed from the production records applicable to all of the land constituting the farm in the crop year for which such annual yield is established.

(u) "County yield" means the average hundredweight of sugar commercially recoverable per planted acre in the county in a crop year, except that if the total number of farms producing such sugarcane was less than five for any such year, the county yield for such year shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected that year in such county considering weather conditions and the yields obtained from other crops.

(v) "County normal yield" means the simple average of the county yields for all of the next preceding 5 crop years for which county yields are established, except that if county yields are established for less than 3 of such years on the basis of the yields which could have been reasonably expected in such years, the county normal yield shall be the yield established by the State committee on the basis of the yield which could have been reasonably expected in the county during such years considering weather conditions and the yields obtained from other crops.

(w) "Commercially recoverable sugar" means the amount of sugar in hundredweight raw value, determined annually as commercially recoverable from sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed) for the extraction of sugar.

(x) "Mainland cane sugar area" means the States of Florida and Louisiana.

§ 892.3 Instructions and forms.

DASCO shall cause to be prepared such forms and internal management instructions as are necessary for carrying out the regulations in this part and regulations hereafter issued. These forms, instructions, and data pertaining to the individual farms are available in the ASCS county office of the county in which the farm headquarters is located, or in the absence of a farm headquarters, in the ASCS county office of the county in which the major portion of land suitable for the production of sugarcane on the farm is located. A list of forms prescribed for the conditional payment program in the mainland cane sugar area is set forth in § 892.6.

§ 892.4 Filing application for payment.

(a) *Form to be used.* Applications for payments authorized under title III of

the Act with respect to sugar commercially recoverable from sugarcane grown on a farm, as well as for acreage abandonment and crop deficiency payments, shall be made on Form SU–120.

(b) *Person eligible to apply and certify compliance for payment.* The producer on the farm, or his legal representative, must sign and file the form in the ASCS county office or with a representative of such office for the county in which the farm headquarters is located or, in the absence of a farm headquarters, for the county in which the major portion of land suitable for the production of sugarcane on the farm is located. Each producer signing the application certifies that the application covers all land farmed as a unit as defined in § 892.2(j).

(c) *Closing date for filing.* Form SU–120 must be filed with respect to a crop of sugarcane no later than December 31 of the second calendar year following the year designating such crop. The producers shall be notified by the county office of the place and time the forms are available for signing.

(d) *Exception to closing date requirement.* An application may be filed after the closing date if the State committee determines that the applicant was prevented from filing by such date because of illness or other reason beyond his control.

(e) *Person eligible to receive payment.* Payment shall be made to a producer of the sugarcane in accordance with the provisions of section 304(d) of the Act. In the event of death, disappearance, or incompetency of the producer, payment shall be made to the beneficiary designated in the application for payment by the producer, or if no such beneficiary is named, to the producer's legal representative or his heirs as determined by the county committee.

(f) *Assignments.* Sugar Act payments may not be assigned.

(g) *Receivers.* A Sugar Act payment may not be made to a receiver.

§ 892.5 Authority to make and computation of Sugar Act payments.

(a) The county committee is authorized to make payments on the conditions provided in this Part 892 with respect to sugar commercially recoverable from the sugarcane grown on a farm for the extraction of sugar or liquid sugar.

(b) In addition to the amount of sugar with respect to which payments are authorized under paragraph (a) of this section the county committee is also authorized to make payments, on the conditions provided in this Part 892, with respect to bona fide abandonment of planted acreage and crop deficiencies of harvested acreage as determined in accordance with the provisions of § 892.31. Payments are authorized on the following quantities of sugar:

(1) With respect to such bona fide abandonment of each planted acre of sugarcane, one-third of the normal yield of commercially recoverable sugar per acreage for the farm as determined by the county committee; and

(2) With respect to such crop deficiencies of harvested acreage of sugarcane, the excess of 80 percentum of the normal yield of commercially recoverable sugar for the farm, as determined by the county committee, over the actual yield.

(c) Payment is computed as to each farm, and the amount of payment is scaled down in accordance with the following table when the quantity of sugar determined as provided in paragraphs (a) and (b) of this section exceeds 7,000 hundredweight:

If the hundredweight of commercially recoverable sugar determined for a farm is—	Multiply it by—	Then add—
1 to 7,000	$0.80	$0
7,001 to 14,000	.75	350
14,001 to 20,000	.70	1,050
20,001 to 30,000	.60	3,050
30,001 to 60 000	.55	4,550
60,001 to 120,000	.525	6,050
120,001 to 240,000	.50	9,050
240,001 to 600,000	.475	15,050
More than 600,000	.30	120,050

Example: If the hundredweight of commercially recoverable sugar determined for a farm is 50,000 hundredweight: 50,000×$0.55 equals $27,500 plus $4,550 totals $32,050, the amount of payment.

§ 892.6 List of prescribed forms.

Forms prescribed for the conditional payment program in the mainland cane sugar area.

FORM NUMBER AND TITLE

SU–79—Application to Produce and Market Sugar under Bond.
SU–120—Application for Payment.
SU–120–1—Supplement to Application for Payment.
SU–122—Sugarcane Record Card.
SU–122–A—Sugarcane Record Worksheet.
SU–125—Notice of Farm Proportionate Share.
SU–126—Worksheet for Computing Farm Base and Proportionate Share.
SU–126–A—Worksheet for Dividing Proportionate Share, 19—.
SU–126–B—Worksheet for Consolidating Proportionate Share, 19—.
SU–127—Farm Normal Yield Worksheet.
SU–130—Report of Performance.
SU–130–A—Summary of Measured Sugarcane Acreage and Disposition of Acreage in Excess of Proportionate Share.
SU–132—Report of Sugarcane Deliveries.
SU–134—Daily Wage Rate Record Sheet.
SU–140—Child Labor and Wage Compliance Report.
SU–141—Request for New Producer Proportionate Share.
SU–142—Request for Additional Proportionate Share.
SU–191—Claim Against Producer for Unpaid Wages.
SU–195—Sugar Act Payment Deductions.
ASCS–578—Report of Acreage.
SU–303—Notice of Acreage Commitment.

Subpart B—Determination of Compliance With Conditions of Payment

§ 892.10 Obtaining information regarding eligibility for payment.

(a) Where it is necessary to obtain information to assist the county committee in determining compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment or the amount thereof, or

(b) Where it is necessary to assist the State committee or the Deputy Administrator in reviewing upon appeal, or upon their own initiative, any such determination by the county committee, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of Chapter VII of this title, as amended.

(c) In the absence of a provision in such Part 718 of this title for obtaining any such information, any employee of the ASCS county office or employees of the ASCS State office designated respectively by the county executive director or by the State executive director to be qualified to perform such a duty may obtain such information.

§ 892.11 Conditions of payment not met where producer prevents obtaining information.

If the producer, or his representative, on any farm with respect to which application is made for any payment authorized under title III of the Act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis of any such payment or the amount thereof, the conditions prescribed by the Act and regulations for any such payment shall be deemed not to have been met until such producer or his representative permits such information to be obtained.

§ 892.12 Compliance with child labor provisions of the Act.

(a) *Applicability.* As a condition for payment under the Act, and except for a member of the immediate family of a person who was the legal owner of not less than 40 percent of the crop at the time work was performed, no child under the age of 14 shall have been employed or permitted to work on the farm, whether for gain to such child or any person, in the production, cultivation, or harvesting of a crop of sugarcane with respect to which application for payment is made, nor be so employed or permitted to work for a longer period than 8 hours in any 1 day if 14 or 15 years old.

(b) *Deduction for noncompliance.* Payment authorized under the Act may be made notwithstanding a failure to comply with the conditions set forth in paragraph (a) of this section, but the payment made with respect to any crop shall be subject to a deduction of $10 for each child for each day, or a portion of a day, during which such child was employed or permitted to work contrary to the provisions of this section.

(c) *Proof of age.* The operator of a farm upon which a child is found by a representative of the ASCS county or State office or county or State committee to have worked or to be working in the production, cultivation, or harvesting of a crop of sugarcane shall be required upon request of the representative to furnish proof of age of the child

if such child is not a member of the immediate family of a person owning at least 40 percent of the crop of sugarcane at the time such work was performed. Proof of age may be established by (1) an age certificate issued pursuant to any child labor program carried out under State or Federal supervision or other authorized personnel such as a school superintendent or principal, (2) a birth certificate or transcript thereof, (3) a baptismal certificate showing the date of birth, (4) a passport, (5) an insurance policy, or (6) a Bible record.

(d) *Proving the child member of producer's immediate family.* It is alleged that the child is a member of the immediate family of a person who owns such 40 percent of a crop, such person or the operator of the farm must establish such relationship to the satisfaction of the representative of the ASCS county or State office or county or State committee. "Member of the immediate family" is deemed to include children who constitute the household of a person when such person is responsible for and provides the support of such children either as parent or in place of the parent.

(e) *Checking compliance with child labor provisions.* In accordance with instructions issued by DASCO, the county committee shall determine by random selection the farms on which child labor compliance checks shall be made. The farm operator shall be notified immediately of any violation of these provisions.

§ 892.13 Sharecropper or share tenant protection.

For any crop designated by year the number of share tenants or sharecroppers engaged in cane production on the farm shall not be reduced below the number so engaged for the previous crop unless such reduction is approved by the county committee. In considering such approval, the county committee shall be guided by whether the reduction resulted from voluntary action of the tenants or sharecroppers, or was otherwise beyond the producer's control. The producer shall not have entered into any leasing or cropping agreement to direct payments to him to which share tenants or sharecroppers would be entitled if their leasing or cropping agreement for the previous crop were in effect except with the approval of the county committee prior to entering into the leasing or cropping agreement for the current crop. Failure to comply with these provisions will result in the forfeiture of the Sugar Act payment.

§ 892.14 Compliance with the acreage certification and land use provisions.

When proportionate shares are in effect for a crop, if the operator of a farm located in a county designated in Part 718 of this title as a county in which farm operator's certification of the acreage and land use may be accepted in lieu of farm inspection and measurements fails to file a report in compliance with § 718.8(b)(6) of this title, or files a timely report showing that the acreage of cane is within the share for the farm and the county or State committee later determines that such acreage is in excess of the share and was knowingly reported incorrectly by the operator, no payment shall be made with respect to such farm.

§ 892.15 Compliance with other conditions of payment.

All requirements of the Act and the regulations issued pursuant thereto with respect to wage rates, farm proportionate shares (if in effect), and, in case of a processor-producer, prices paid for sugarcane shall be met to be eligible for payment under the Act.

§ 892.16 Credit for accredited sugarcane acreage record.

For the purpose of compiling sugarcane production records for use in establishing shares, the subdivisions of any farm which is subdivided shall be credited with the accredited sugarcane acreage record of such farm for the three crops immediately preceding the crop year when such farm is subdivided as provided in paragraphs (a) and (b) of this section.

(a) The county committee shall apportion such record among the subdivisions on the basis of the cropland suitable for the production of sugarcane in such subdivisions. However, if the county committee determines that the use of the cropland relationship is materially inconsistent with the accredited acreage of sugarcane of such three crops grown on any subdivision, or is not representative of the sugarcane acreage of the crop growing or grown on any subdivision in the year designating such crop when such farm is subdivided, such subdivision shall be credited with a pro rata share of the accredited acreage record of the farm for such three crops, determined either on the basis of the total accredited acreage of sugarcane of such three crops on each subdivision or on the basis of the acreage of sugarcane of the crop growing or grown and harvested on each subdivision in the year designating such crop when such farm is subdivided.

(b) If all persons concerned as owners or farm operators in the subdivision sign and file a written request with the county committee to credit each subdivision with all, a portion or none of the accredited sugarcane acreage record of the farm being subdivided as agreed to therein, each subdivision shall be credited with the accredited acreage record of the farm for such three crops as set forth in the written request, except that the portion of the accredited acreage record credited to any subdivision by the county committee on the basis of a written agreement between the interested persons shall not exceed the cropland suitable for the production of cane on such subdivision. However, if the land comprising a subdivision to which accredited sugarcane acreage record has been credited on the basis of a written agreement of all concerned persons should, within 3 years from the date of such agreement, be transferred in whole or in part from the farm in which it is included, the accredited acreage record credited to such land may not be credited on the basis of a written agreement of the persons concerned in such transfer but shall be credited on the basis of cropland suitable for production as provided in paragraph (a) of this section and if applicable as provided in paragraph (c) of this section.

(c) A reconstituted farm consisting of any combination of farms, combination of subdivisions of farms, or combination of farms and subdivision of farms shall be credited with the total of the accredited acreage records determined for the constituent parts of the farm for the three crops immediately preceding the crop year when such combination occurs.

§ 892.17 Determination of eligibility and basis for payment, review and appeals.

The finality provisions of section 306 of the Act apply to determinations made in conformity with the regulations in this section. Compliance with the conditions prescribed by the Act and regulations for any payment authorized under title III of the Act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee, any such determination to be subject to redetermination initiated by the county committee and to review initiated by the State committee and to approval or redetermination by the State committee. Any determination by the State committee shall be subject to redetermination initiated by the State committee and to review initiated by the Deputy Administrator and to approval or redetermination by the Deputy Administrator. Determinations and redeterminations by the county committee, the State committee or the Deputy Administrator shall be made and decided in accordance with the applicable provisions of the Act and regulations issued by the Secretary thereunder and on the facts in the individual case. The producers on the farm with respect to which such a determination or redetermination is made shall be promptly notified in writing of the substance and meaning of the determination or redetermination, the amounts of any payments and any reduction in payments which are determined; and that the producer may obtain reconsideration or review of the determination or redetermination and an informal hearing in connection therewith, by filing a written request within 15 days from the date of mailing of such written notifications. The written notification also shall state where the request for reconsideration or review should be filed and where further information in regard to appeal procedure and the hearing may be obtained. The provisions apprising producers of their rights to request reconsideration or appeal from determinations affecting their eligibility for or the amount of payments under the Act, and the procedure to follow in such instances including time limitations for filing requests for reconsideration and appeals are contained in Chapter VII, Part 780 of this title.

The procedures applicable to claims for unpaid wages are provided for in Part 863 of this chapter for Florida and Part 864 of this chapter for Louisiana.

§ 892.18 Notification of shares when shares are in effect.

Each operator of a farm for which a share is established and each applicant filing a request for a new-producer share shall be notified in writing on behalf of the county committee of the share established for his farm (even if "none" in case of a new-producer request) and of his right to appeal under § 892.17 and each such person shall be notified in writing of any adjustment or change made in the share.

§ 892.19 Harvesting within the farm's share when shares are in effect.

In addition to other conditions of payment, a producer must comply with the following provision to be eligible for payment under the Act when shares are in effect.

(a) *Harvesting for sugar.* When shares are in effect for any crop designated by year, the total acreage of cane of such crop on the farm harvested for seed, and harvested and marketed (or processed) for sugar production (except livestock sugar) shall not exceed the final share determined for the farm.

(b) *Harvested for seed.* The acreage of cane harvested for seed purposes from a farm and planted as seed on another farm will be considered as acreage of the latter farm harvested for seed for purposes of compliance with the share established for such latter farm, except where the seed cane was harvested within the share established for the farm on which grown or from an experimental farm operated by a State or Federal agency. Where such seed cane was grown on a farm for which a share was not established the operator of the farm on which the seed cane is planted shall notify the county committee prior to the acquisition of the seed cane so that the committee may determine, at the expense of the operator, the acreage to be harvested for such purpose, or in the absence of such notification the county committee shall determine at the expense of the operator the acreage harvested for such purpose, or shall determine the acreage harvested for seed by estimate or calculation from information available to it.

(c) *Harvested for sugar and seed in excess of farm share.* The producer shall be deemed to have met the requirements for payment with respect to marketings (or processings) within the share where cane was marketed (or processed) for sugar or for sugar and seed from an acreage on the farm (including acreage of seed cane attributed to such farm under this paragraph) in excess of the share: *Provided,* That (1) such excess acreage is not more than the larger of four-tenths acre or 2 percent of the share but not in excess of 5 acres, (2) the county committee finds and the State committee concurs that such marketings (or processing) were unintentional, and (3) within 1 year after the processing of such excess cane the operator arranges for the raw value equivalent of sugar produced from cane in the mainland cane sugar area, and not marketed to fill a quota for such area as provided in Part 816 of this chapter, to be made subject to a bond given pursuant to Part 816 of this chapter, which provides that a condition of such bond shall be that the sugar shall be used for livestock feed. The Sugar Act payment in any such case shall be limited to the amount of sugar commercially recoverable from cane marketed (or processed) from the acreage within such share.

§ 892.20 Notification of excess sugarcane acreage when shares are in effect.

If the county committee determines for any crop that the acreage of sugarcane on any farm is in excess of the acreage established as the share for such farm, written notice of such excess acreage and of the eligibility requirements for payment shall be mailed to the person who is listed on the ASCS county office records as the operator of the farm.

§ 892.21 Erroneous notice of share or of excess sugarcane acreage when shares are in effect.

If through error, an operator is officially notified of a share for his farm greater than the share properly established, or is furnished an incorrect notice of excess sugarcane acreage, or if the determined acreage of sugarcane is in excess of the share for the farm and notice thereof is not mailed to the operator, and it is found by the county committee that such operator, acting solely on the information contained in the erroneous notice or without a notice of excess sugarcane acreage being mailed to him, marketed sugarcane from an acreage in excess of the share properly established, the operator will be deemed to be in compliance with the share unless he harvested sugarcane for seed or marketed sugarcane for sugar from an acreage in excess of the share stated in the erroneous notice, or unless it is determined by the county committee that the error in the share or notice was so gross, or that the excess acreage was so gross as to place the operator on notice regarding the error in the share or of the existence of the excess acreage. However, the Sugar Act payment with respect to the farm shall be limited to the amount of sugar determined by the county committee to be commercially recoverable from the sugarcane marketed (or processed) from the acreage within the properly established share.

§ 892.22 Disposition of excess acreage when shares are in effect.

The provisions of this section apply if the county committee determines there is acreage of cane on a farm in excess of the share.

(a) Excess acreage which the operator elects to plow-out, abandon, or harvest for purposes other than for sugar (except livestock sugar) or seed may be disposed of at any time. Notification must be given to the county committee by the operator when and how disposition will be made to permit verification by a committee representative of the action taken. Excess acreage of cane disposed of concurrently with acreage harvested within the share must be clearly identified by the county committee representative. Such excess acreage must be so located that it may be disposed of without interfering with the harvest of the proportionate share acreage. The identity of such excess acreage must be maintained after harvest to assure that proper disposition was made: *Provided,* That if cane is harvested from excess acreage for sirup concurrently with the harvest of cane within the share for seed or sugar other than for livestock sugar, and such acreage is not identified as provided above, the producer shall not market a quantity of cane for sugar production or seed greater than the total of the tonnages of cane marketed for sugar, seed and sirup multiplied by the percentage that the acreage harvested for sugar and seed on the farm is of the total acreage of all cane so marketed.

(b) An estimate of the average tons of cane per acre growing on excess acreage which has been identified and designated for harvest for sirup or livestock sugar must be made before such harvest by a county committee representative and the farm operator. The estimate must be signed by the operator and filed at the county office.

(c) Any operator who markets cane for livestock sugar or sirup from excess acreage must furnish weight tickets to the county committee evidencing that such cane was sold by him or processed by or for him for such purposes. Where excess acreage is identified by a county committee representative and an estimate made, as provided in paragraph (b) of this section, and the average tonnage of cane per acre grown on such excess acreage, as computed by dividing the total tonnage of cane marketed for livestock sugar or sirup by the excess acreage, is less than 80 percent of the estimate made pursuant to paragraph (b) of this section, no payment shall be made until the operator furnishes acceptable proof to the county committee that the cane from all excess acreage on the farm was marketed or disposed of other than for seed or sugar production except for livestock sugar.

(d) For any crop, the operator must maintain a record of the excess acreage in each field or parts of fields and the method and purpose of disposal of cane grown on such acreage until receipt of the Sugar Act payment for such crop.

§ 892.23 Eminent domain.

The share established for a crop designated by year for a farm which was removed from cane production in its entirety or in part by acquisition within the 3 years immediately preceding the year designating such crop by an agency or entity entitled to exercise the right of eminent domain, shall, upon application by the owner of the land so removed to the appropriate ASCS State office, be added to the share established for such

crop for any land owned by the owner in the same State to the extent requested in the application, but the acreage added shall not exceed the difference between the share established for the farm from which production was removed and the share established for the part of the farm not lost by the acquisition. Where application is not made as provided in this section for the entire share or part thereof established for the farm, the share or part thereof not applied for shall be reserved by the State committee for 3 years after the date of acquisition or until application is made by the owner of the land removed, whichever is earlier: *Provided*, That such reserved share or part thereof shall be subject to any adjustments required to be made in establishing shares for old-producer farms under the regulations applicable during the period the share is reserved. The acreage of such reserved shares not applied for may not be reallocated to other old-producer farms.

§ 892.24 Harvest of illegal drug-producing plants.

In accordance with Part 796 of Chapter VII of this title, after August 10, 1971, a Sugar Act payment shall not be made to a farm if any producer with respect to such farm harvests or knowingly permits to be harvested for illegal use, marihuana or other such prohibited drug-producing plants on any lands included in the farm. Such prohibited plants are specified in § 796.2 of Chapter VII of this title.

Subpart C—Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payments

§ 892.30 Farm normal yield.

The normal yield per acre of each sugarcane farm in the mainland cane sugar area shall be established for the 1972 and subsequent crops as follows:

(a) For a farm on which there were planted acres in more than two of the next preceding 5 crop years, the normal yield shall be the simple average of all the annual yields for the farm for such crop years.

(b) For a farm on which there were planted acres in only one or two of the next preceding 5 crop years, the normal yield shall be the product derived by multiplying the county normal yield by the percentage obtained by dividing the simple average of the annual yields of the farm for such year or years by the the simple average of the county yields for such year or years, except that the normal yield for such farm shall be not less than 80 percent nor more than 120 percent of the county normal yield.

(c) For a farm on which there were planted acres in none of the next preceding 5 crop years, the normal yield shall be 90 percent of the county normal yield.

§ 892.31 Eligibility for abandonment and crop deficiency payments.

For each crop, each farm having abandonment of planted sugarcane acreage, or having a crop deficiency of harvested sugarcane acreage below 80 percent of the normal yield for such acreage, or having both such abandonment and deficiency, shall be approved by the county committee for payments relating thereto if the following conditions with respect to the farm are met:

(a) The abandonment or deficiency was caused directly by drought, flood, storm, freeze, disease, or insects.

(b) The planted acres that were abandoned, or the harvested acres with respect to which there was such a crop deficiency, were suitable for the production of sugarcane and were cared for up to the time of harvest or abandonment, as the case may be, in a manner which could have been expected under average conditions to produce a normal crop of sugarcane.

(c) There was compliance with all the other conditions for payment prescribed by the Act.

§ 892.32 Approval and certification.

Approval by a member of the county committee on behalf of such committee of an application for an abandonment payment or a crop deficiency payment, or both, shall constitute a determination that the farm with respect to which such application is made is eligible for an abandonment or a deficiency payment, or both, as the case may be.

Subpart D—Determination of Sugar Commercially Recoverable

§ 892.35 Sugar commercially recoverable from sugarcane in the mainland cane sugar area.

(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means leaves, that portion of the sugarcane which removed by topping in the field, growth above the last formed joint of the sugarcane which has not been topped or has been topped above the last formed joint in the field, dirt and all other extraneous material.

(2) "Gross weight" of sugarcane means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for sugar production.

(3) "Net weight" of sugarcane means:

(i) In Florida, the gross weight of sugarcane delivered by a producer to a processor's mill minus a deduction equal to the average percentage weight of trash determined to have been delivered with all sugarcane ground during the current season at such mill.

(ii) In Louisiana, the weight obtained by deducting the weight of trash determined to have been in sugarcane delivered by a producer from the gross weight of such sugarcane.

(4) "Base period" means the last five crops immediately preceding the crop year for which rates of recoverability are to be established.

(b) *Recoverable sugar.* The amount of sugar, raw value, commercially recoverable from sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability determined as follows:

(1) (i) The rates of sugar commercially recoverable at the various normal juice sucrose levels shall be calculated from data reported to the Department by the processors of sugarcane for sugar in each of the States of Florida and Louisiana. This data is to be determined and reported in accordance with procedures and reporting requirements of the Agricultural Stablization and Conservation Service. The calculation for the various normal juice sucrose levels shall use data representing averages in each State for the base period of each of the factors of normal juice extraction (the weight of normal juice extracted expressed as a percentage of the weight of gross sugarcane ground for all producers), boiling house efficiency (the ratio of the amount of sugar produced to the amount that could theoretically be produced), polarization of the sugar produced, and net sugarcane as a percent of gross sugarcane. The calculation shall also use the purity or retention factor which correlates purity of normal juice with sugar recovery based on the Winter-Carp formula. That formula, expressed mathematically, is as follows: Purity or retention factor $=(1.4-40/p)$ in which "P" is purity of normal juice. For the purpose of this section, the computed average purity at each of the available normal juice sucrose levels for the base period are used.

(ii) In calculating sugar commercially recoverable, the data shall be used in the following manner: The product of normal juice extraction and boiling house efficiency is divided by the product of the polarization of sugar produced and net sugarcane as a percent of gross sugarcane. The result so obtained is multiplied by 2,000 to obtain a factor which when multiplied by a given normal juice sucrose and the purity or retention factor for that normal juice sucrose gives pounds of sugar per ton of net sugarcane. By use of the applicable raw value conversion factor, in accordance with section 101(h) of the Act, pounds of sugar per ton of net sugarcane are converted into sugar, commercially recoverable, raw value.

(iii) Expressed mathematically, the formula reads:

$$CRS, RV = \frac{NJE \times BHE \times 2{,}000 \times NJS \times PR \times RVCF}{\text{(Polarization of sugar)} \quad \text{(net sugarcane, percent gross sugarcane)}}$$

(c) *Delegation and effectiveness.* The Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service of the Department, is hereby authorized to establish the rates of sugar commercially recoverable applicable to the 1973 and subsequent crops in accordance with the terms of paragraph (b) (1) of this section and such rates for each crop shall become effective when published in the FEDERAL REGISTER.

§ 892.36 Rates of recoverability, 1972 crop.

For the 1972 crop of sugarcane, the amount of sugar, in hundredweight, raw value, commercially recoverable from sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be obtained by multiplying the net weight of the sugarcane in tons by the rate of recoverability specified for the average percentage of sucrose in the normal juice of such sugarcane, as follows:

(a) For farms in Louisiana:

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
5.0	0.395
6.0	0.595
7.0	0.795
8.0	0.968
9.0	1.132
10.0	1.315
11.0	1.482
12.0	1.653
13.0	1.826
14.0	2.000
15.0	2.174
16.0	2.336
17.0	2.502
18.0	2.679

(b) For farms in Florida:

Percentage of sucrose in normal juice [1]	Rate of recoverable sugar (hundredweight) per net ton of sugarcane
5.0	0.557
6.0	0.720
7.0	0.883
8.0	1.046
9.0	1.236
10.0	1.421
11.0	1.595
12.0	1.769
13.0	1.945
14.0	2.121
15.0	2.296
16.0	2.470
17.0	2.640
18.0	2.804

[1] Rates for the intervening tenths of 1 percent shall be calculated by interpolation and less than 5 percent or more than 18 percent shall be computed in proportion to the immediately higher or preceding interval.

STATEMENT OF BASES AND CONSIDERATIONS

To qualify for Sugar Act payments, sugarcane producers must comply with various general provisions and requirements of the Act, as implemented in determinations issued by the Secretary. In addition, they must file applications for payments, use approved forms, adhere to certain instructions and furnish information regarding eligibility for payment and the basis for payment and in connection with appeals for review thereof.

Prior to the revision of Part 892 the general conditional payment regulations applicable to the mainland cane sugar area were set forth in three separate parts. This revision incorporates these parts into one, without substantive change. Part 833, Determination of Sugar Commercially Recoverable and Part 845, Determination of Normal Yields and Eligibility for Abandonment and Crop Deficiency Payment are the two parts incorporated into Part 892. The consolidation of these separate parts provides a convenience for the user by placing all conditional payments provisions applicable to the mainland cane sugar area in one part. Section 892.5 has been expanded to explain the manner in which payments for abandonment and crop deficiency are computed. Heretofore, this provision of section 303 of the Act had not been set forth in program regulations.

Section 892.24 has been added to provide that Sugar Act payments shall not be made to producers if illegal drug-producing plants are harvested. The general applicability of this provision was previously set forth in Part 796 of Chapter VII of this title.

Pursuant to the provisions of § 892.35, § 892.36 sets forth the rates of commercially recoverable sugar applicable for the 1972 crop of sugarcane in the mainland cane sugar area. These rates reflect changes in the 5-year averages of normal juice extraction, boiling house efficiency, net cane as a percent of gross cane, polarization of sugar produced and normal juice purity at each normal juice sucrose level. The rates of recoverable sugar for the 5 and 6 percent normal juice sucrose levels in Florida and the 5 percent normal juice sucrose level in Louisiana have been computed by proportionately decreasing the immediately succeeding interval as the number of analyses in these ranges are insufficient to give a reliable purity. The rates are lower in the average normal juice sucrose range than those for the preceding crop in both Louisiana and Florida due to small changes in all of these averages. A notice of proposed rule making was not given for § 892.36 as it is a mathematical formula which makes use of actual operating and production data reported by the sugar factories involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data.

Provisions of the Act relating to proportionate shares not included herein will be incorporated in the regulations pertaining to proportionate shares when it is determined by the Secretary that such shares are required.

Effective date. Since this determination is a revision of several separate parts into one part without substantive change it is hereby determined and found that compliance with the notice, procedure and effective date requirements of 5 U.S.C. 533 is unnecessary and not in the public interest, and this revision will become effective on date of publication in the FEDERAL REGISTER.

Accordingly I hereby find and conclude that the foregoing revision of Part 892 will effectuate the applicable provisions of the Act.

Effective date: Date of publication (9–15–72).

Signed at Washington, D.C., on September 8, 1972.

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

[FR Doc.72-15735, Filed 9-14-72;8:49 am]

Chapter X—Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 133]

PART 1133—MILK IN THE INLAND EMPIRE MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Inland Empire marketing area.

Notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 17492) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of September, October, and November 1972, the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1133.12(c)(1), "and 20 percent in the months of September through November," and

2. In § 1133.12(c)(5), "Producers eligible for diversion in the months of September, October or November must in addition have their milk received at a pool plant on 6 days (3 days in the case of every-other-day delivery) during the current month; and"

STATEMENT OF CONSIDERATION

This suspension removes for September through November 1972, the requirement that each producer deliver at least 6 days' production to a pool plant to qualify his milk for diversion and the provision limiting the total quantity of milk that may be diverted by a cooperative to 20 percent of the total member milk received at pool plants, or diverted therefrom, during the month.

The suspension was requested by a cooperative representing a substantial number of producers on the market. Because of current conditions in the market, the cooperative is required to handle a disproportionate share of an increasing quantity of reserve milk supplies. Without the suspension, the cooperative would be forced to move milk uneconomically to qualify the production

of its producer members for pooling during September–November 1972.

Producers have requested this action pending the results of a hearing held at Spokane, Wash., September 12, 1972.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the economic disposal of the reserve supply of producer milk to manufacturing plants.

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of September, October, and November 1972.

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

Effective date: Upon publication in the FEDERAL REGISTER (9–15–72).

Signed at Washington, D.C., on September 12, 1972.

PHILIP C. OLSSON,
Acting Assistant Secretary.

[FR Doc.72–15776 Filed 9–14–72;8:52 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES
[FHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Rural Rental Housing Loan Policies, Procedures, and Authorizations

On Tuesday, March 28, 1972, notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 6321) to amend 7 CFR, Subchapter B—Loans and Grants Primarily for Real Estate Purposes, by the revision of Subpart D of Part 1822, "Rural Rental Housing Loan Policies, Procedures, and Authorizations." This Subpart D was published in a 10-point summary of major policy changes. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed policy changes. These comments and suggestions have been considered in the new policies and changes for clarification.

Effective date. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER (9–15–72).

The major changes are summarized below:

1. Eligibility has been broadened to permit loans to profit organizations and individuals who will agree to operate on a limited profit basis.

RRH loans will continue to be made to profit motivated and nonprofit-type applicants. Nonprofit corporations may also be regional or multicounty organizations, providing certain local membership requirements are met.

2. The credit elsewhere requirement is revised to permit loans to be made to applicants who are unable to obtain credit on terms and conditions which would permit them to rent the units to eligible low- and moderate-income families. For other than nonprofit organizations the assets of the individual members and their spouses will be considered.

3. Interest credits will be permitted to individuals and profit corporations who agree to operate on a limited profit basis. The control will be in the loan agreement or loan resolution. Limited profit borrowers are allowed a 6-percent return on their initial investment. Initial investment and what it may include is defined in § 1822.88(j).

4. RRH loans may be made to finance the construction of housing which will be subleased to a local housing authority under the HUD section 23 leasing program. These loans may be amortized over a period of up to 40 years provided a strong market exists. Interest credits will not be permitted when the housing is to be leased under the section 23 program.

5. The loan limits to each applicant are now $750,000 per project, less any liens against the security.

6. Loan purposes are broadened to include washers and dryers in each individual unit if this is customary in the area for the type of housing being provided.

7. The number of units required to justify a resident manager living in a unit has been changed to a judgment determination by the State director. As a general policy, however, the project must consist of four or more units.

8. A first mortgage will be required on RRH projects with certain exceptions.

9. Personal liability will not be required of the individual members of a profit or limited profit corporation.

10. Applicants will no longer have to live near the project to be eligible. If they live too far to give general supervision, they must retain a management firm or individual located in close proximity who will have full delegated authority to act for the borrower.

11. Tie-in mortgages will be used in the case of a subsequent loan to improve or extend a project in the same location. If the subsequent project is in a different location, however, a tie-in mortgage is not required.

12. Loans to nonprofit corporation-type applicants can be up to 100 percent or the appraisal value of development cost, whichever is less. Loans to all other applicants are limited to 95 percent of the appraisal value or development cost, whichever is less.

13. A borrower who is capable of building his own project will be permitted to receive a loan under the same conditions as if the housing were to be built by the contract method. This will permit the builder-applicant to receive a typical builder's fee. In this case the development cost will be determined by the multiple family housing coordinator with the advice of the State architect.

14. The market survey has been revised to include obtaining HUD evaluations of the county housing market.

15. Loan purposes outline that as a general policy we will build only new units; however, under certain conditions the State director may recommend a loan to the national office for financing existing rental housing.

16. The subpart also provides guidelines for using interim financing in connection with RRH loans.

17. County supervisors may develop a complete docket before submitting it to State directors if loan is under $60,000 and the applicant is an individual or nonprofit corporation adopting the model set of articles of incorporation and by-laws described in FHA and State procedures.

18. The State Director's approval authority has been raised to $300,000.

Subpart D—Rural Renting Housing Loan Policies, Procedures, and Authorizations

Sec.
1822.81 General.
1822.82 Objectives.
1822.83 Definitions.
1822.84 Eligibility requirements.
1822.85 Loan purposes.
1822.86 Limitations.
1822.87 Rates and terms.
1822.88 Special conditions.
1822.89 Security.
1822.90 Technical, legal, and other services.
1822.91 Processing applications.
1822.92 Preparation of completed loan docket.
1822.93 Loan approval.
1822.94 Actions subsequent to loan approval.
1822.95 Loan closing.
1822.96 Subsequent RRH loans.
1822.97 Complaints regarding discrimination in use and occupancy of RRH housing.

AUTHORITY: The provisions of this Subpart D issued under sec. 510, 63 Stat. 437, 42 U.S.C. 1480; order of Acting Secretary of Agriculture, 36 F.R. 21529; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.81 General.

This subpart is supplemented by Parts 1811, 1890, 1890p, 1890r of this chapter and is modified by Part 1890m of this chapter. This subpart sets forth the policies and procedures and delegates authority for making rural rental housing (RRH) loans under sections 515 and 521 of the Housing Act of 1949.

§ 1822.82 Objectives.

The basic objective of RRH loans is to provide eligible occupants economically

designed and constructed rental housing and related facilities suited to their living requirements.

§ 1822.83 Definitions.

(a) Family means two or more persons related by blood, marriage, or operation of law who maintain or will maintain one household; or one person who maintains or will maintain a separate household alone or with one or more other persons.

(b) Senior citizen means a person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person younger than 62 years of age may reside with a senior citizen provided the person is considered a member of the family of the senior citizen, or his occupancy can be shown to be necessary for the well being of the senior citizen.

(c) Low or moderate income family means families having incomes within the limits of the maximum adjusted income.

(d) Plan I and Plan II means the two interest credit plans as outlined in Part 1890m of this chapter.

(e) Eligible occupant. (1) For the purpose of a loan developed under Plan I—

(i) A senior citizen with a low or moderate income; or

(ii) Any family with a low income.

(2) For the purpose of all other loans including those developed under Plan II—(i) A senior citizen without regard to income; or

(ii) Any family with a low or moderate income.

(f) Housing means structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis, and may include "related facilities" where appropriate.

(g) Related facilities means community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and dryers, and a safe domestic water supply. Under special conditions a project may have an infirmary.

(h) Development cost means the costs of constructing, purchasing, improving, altering, or repairing housing and related facilities, and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(i) Rural areas means open country or places of 10,000 persons or less which are not a part of or associated with urban areas and are further defined in Subpart A of this part.

(j) Individual means a natural person.

(k) Organization means a private corporation, consumer cooperative, profit corporation, municipal corporation, or other corporate agency of a State or local government, association, trust, or partnership.

(l) Private nonprofit corporation means a corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, is legally precluded from distributing to its members any gains or profits during its existence, and in the event of its dissolution, is legally bound to transfer its net assets to a nonprofit corporation of a similar type or to a municipal corporation which will operate the housing for the same or similar purposes.

(m) Profit corporation means a corporation which is controlled by private persons or interests, whose organization permits the making of gains or profits for the corporation or its members, is authorized to do business in the State, and can legally carry out the purposes of the loan.

(n) Consumer cooperative means a corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(o) Limited profit basis means an individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88(j). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation by adopting the appropriate loan resolution or loan agreement as outlined in § 1822.88(d).

(p) Profit basis means an individual or organization applicant who will operate the housing at rental rates low- and moderate-income families and senior citizens can afford. The applicant will execute a loan resolution or loan agreement as outlined in § 1822.88(d).

(q) Owner-builder means a qualified builder applicant who is capable of and will build the RRH project.

(r) Security value means, as used in this subpart, the present market value of the real estate offered as security for the loan as determined by the loan approval official less the unpaid principal balance plus past-due interest of any other liens against it. Other liens will include any prior liens and any junior liens to be or likely to be taken or subordinated at or immediately after loan closing.

(s) Gains or profits for the purpose of paragraphs (l) and (m) of this section do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(t) Members and membership includes stockholders and stock where appropriate.

(u) Board and directors includes the governing body and members of the governing body of an organization.

(v) Note may include bond or other form of obligation.

(w) Mortgage includes any appropriate form of security instrument.

(x) Office of the General Counsel (OGC) means the regional attorney or the attorney in charge who provides legal services to FHA for the particular State.

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan the applicant must:

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(k) which will provide housing for eligible occupants as defined in § 1822.83(e).

(2) Be unable to provide the housing from its own resources and unable to obtain the necessary credit from private or cooperative sources upon terms and conditions that would enable the applicant to rent the units for amounts that are within payment ability of eligible low- and moderate-income or senior citizen occupants.

(i) For an individual, the assets of both the applicant and spouse will be considered.

(ii) For other than nonprofit organizations, the assets of the individual members or stockholders and their spouses will be considered.

(3) Have the ability and intention to maintain and operate the housing for the purposes for which the loan is made, except as provided in subparagraph (8) (ii) of this paragraph which pertains to Department of Housing and Urban Development (HUD) section 23 leasing.

(4) Own the housing and related land or become the owner when the loan is closed.

(5) Have initial operating capital and other assets needed for a sound loan.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hook-up deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will amount to at least 2 percent of the total cost of the project to cover these costs.

(ii) When the applicant is to provide other movable equipment and furnishings, the initial capital will need to be increased sufficiently to cover the costs of these items.

(6) Possess the character, ability, experience, and the legal capacity to incur and carry out the undertakings and obligations required for the loan.

(7) Agree to comply with all requirements of the Farmers Home Administration (FHA) such as those set forth in the loan resolutions, loan agreement, the form of note, the mortgage, and FHA directives.

(8) Concerning management: (i) Be an individual or an organization which will provide for the necessary management to assure the successful operation of the project. Management services may be provided by the applicant, a management firm or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, he must retain a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner; or

(ii) Be an individual or organization that, with approval of FHA, will lease the project to a public housing authority pursuant to the HUD section 23 leasing program to manage the project and rent to eligible occupants as defined in § 1822.83(e) and HUD regulations. Information on the relationship of the RRH program to the HUD section 23 leasing program, and a model lease and annual contributions that have been approved for use under this program are available in all FHA offices.

(*a*) For proposed new construction the leasing arrangements must meet the requirements outlined in § 1822.88(k).

(*b*) For existing FHA projects, the lease will be in a form provided by the housing authority and approved by the State director with the advice of OGC.

(9) In the case of an organization, or an individual who is required to execute a loan agreement, legally obligate itself not to divert income from the housing to any other business or enterprise.

(10) In the case of a nonprofit organization: (i) If operating in one community and its trade area, meet the following additional requirements:

(*a*) Each member must be limited to one vote in the affairs of the organization.

(*b*) A majority of the members must reside in the community or the trade area where the housing will be located.

(*c*) The board of directors must number not less than five persons.

(*d*) The directors must be members of the organization.

(*e*) Not less than five of the directors must be among the leaders of the community where the housing will be located. Such leaders may include persons who are recognized as leaders in the community, civic, governmental, fraternal, and religious organizations.

(*f*) The organization must have and maintain a broadly based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. As a general policy, the minimum number of members should be increased for larger projects with the organization having at least one member from the local community for each individual apartment. Factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly based membership" requirement may vary, depending upon whether the applicant is a well established or new corporation, its financial condition, the present future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of loan to the appraised value of the security.

(7) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FHA State requirement. The State director, with the assistance of OGC, will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this subpart, in accordance with the State law.

(ii) If operating in more than one community or on a county or regional basis and providing or planning to provide rental housing in more than one community, meet the following additional requirements:

(*a*) The membership base should be representative of the area being served with at least one member from each community for each individual apartment unit to be built in that community. Each member must be limited to one vote in the affairs of the organization.

(*b*) The board of directors should have one member from each community or trade area where the housing is located.

(*c*) The total number of directors should be not less than five nor more than 15 and the directors must be members of the organization.

(*d*) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FHA State requirement. The State director with the assistance of OGC will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this subpart, State law, and the requirements outlined in subdivision (ii) (*a*), (*b*), and (*c*) of this subparagraph.

(b) *Authorized representative of applicant.* The FHA will deal only with the applicant or a bona fide representative of the applicant and the representative's technical advisers. An authorized representative of a nonprofit applicant must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.85 Loan purposes.

RRH loans may be made to qualified applicants for: (a) As a general policy, the construction of new housing. Loans may be made to purchase, improve, alter or repair housing only if, in the opinion of the State director, the housing meets the requirements of § 1822.88(a) and the housing will be equivalent to the new construction in quality, design, and all other respects. In these cases the application with the information required in § 1822.86(d) (prior consent) will be submitted to the national office for review prior to docket development.

(b) Purchase or improvement of the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with applicable FHA requirements.

(2) Loan funds will not be used to: (i) Buy land from a member of an applicant organization, or from another organization in which any member of the applicant-organization has an interest, without the prior approval of the State director.

(ii) Acquire land in excess of that needed for the housing including related facilities.

(c) Development and installation of water supply, sewage disposal, streets, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met:

(1) The applicant will hold title to the facility or have a legally assured right to the use of the facility for at least the life of the mortgage and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the rural rental housing (RRH) project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. Also, a provision must be made for application as extra payments on the RRH loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage based on the offsite facilities.

(d) Development of other related facilities in connection with the housing such as:

(1) Maintenance workshop and equipment storage.

(2) Recreation center including lounge.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment if not provided in the individual units and storage facilities.

(6) Appropriate recreational facilities, and other facilities to meet essential needs.

(e) Construction of office and living quarters for the resident manager and other operating personnel. Such facilities may be provided only when it would be to the advantage of the project and the government. The State director should make such a determination and the justification included in the docket.

(f) Construction of fallout shelters or similar protective structures.

(g) Purchase and installation of ranges, refrigerators, clothes washers, and clothes dryers. Clothes washers and clothes dryers may be installed in individual rental units if the inclusion of such items in individual units is customary in the area for the type of housing involved and consistent with the requirement that the construction involved be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed, if at all, in a central laundry room.

(h) Purchase and installation of essential equipment which upon installation becomes a part of the real estate.

(i) Provision of landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(j) Payment of related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Such fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member or agent of the applicant, provided such fees and charges are reasonable and typical for that area and are earned. Ordinarily, the FHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State director determines that:

(1) Either the applicant, even with available FHA assistance, cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(k) Payment of interest which will accrue on the RRH loan during the estimated construction period.

(l) Payment of interest and other customary charges necessary to obtain interim financing.

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants the amount of the RRH loan or loans will be limited to $750,000 for each project less any other liens against the security, including senior citizen housing (SCH) liens. Applicants may obtain subsequent loans to provide additional projects. Each project will be subject to the $750,000 limitation and the following additional requirements:

(1) For private nonprofit corporations, consumer cooperatives, and other nonprofit organizations the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value for each project, whichever is less.

(b) *Limits of controlling interests.* The loan limits in paragraph (a) of this section also apply to two or more organizations in which the same persons hold a majority of the membership interests or constitute a majority of the directors.

(c) *Prior consent.* A loan docket which would result in the applicant's RRH indebtedness, plus any SCH indebtedness exceeding $500,000 will be developed only with prior authorization of the national office. Any request for such will be made by the State director only after he has reviewed the complete application described in § 1822.91(a) and has determined that the applicant is eligible, a rental market for the units clearly exists, the construction costs and rentals are reasonable, the project is well designed, and that the site location is desirable. The application and State director's comments and recommendations together with any memorandum from the OGC will be forwarded with the request.

(d) *Limitations on use of loan funds.* Loans will not be made for:

(1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant except as authorized in § 1822.94(a).

(8) Housing which the applicant plans to sell in the near future.

(9) Housing which the applicant plans to lease to another operator except as provided in § 1822.84(a)(8)(ii) for leases to public housing authorities.

(10) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(11) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member or agent of an applicant, except as provided in §§ 1822.85(j) and 1822.90(d).

(e) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the county supervisor will advise the applicant not to start construction or incur any indebtedness until the loan is closed. Eligibility of the borrower (including credit elsewhere requirement), and the eligibility of the site must be determined initially. If, after the above determinations, the applicant incurs debts for work, materials, or land purchase before the loan is closed, the State director may authorize the use of loan funds to pay such debts only when he finds that all of the following conditions exist:

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchase must meet FHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached, and any basis for liens that may attach to the property on account of such debts.

§ 1822.87 Rates and terms.

(a) *Interest.* The interest rate to be used is specified in Subpart A of Part 1810 of this chapter. When a loan is made in multiple advances, interest on the first advance will begin on the date of the note and interest on each subsequent advance will begin on the date of the check.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured taking into account the probable depreciation of the security. The payment period will not exceed 50 years from the date of the note.

§ 1822.88 Special conditions.

(a) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials;

(2) As a general rule, consist of multiunit type housing with two or more family units and any appropriate related facilities;

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Have consideration given to safety, convenience, and comfort;

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and central sewer and water systems are readily available;

(6) Based upon the demand shown by a market analysis, may include "efficiency" type or one or more bedroom units; and

(7) Contain a bathroom and kitchen facilities in each unit.

(b) *Deferred principal payments.* When necessary and advisable, smaller than regular payments of principal or no payments of principal may be provided for the first and second installment dates due after loan closing. However, the first installment may not be less than interest accruing to the first February 1 following the date of the first installment. The second installment may not be less than interest accruing for 1 year.

(c) *Refinancing RRH loans.* Each borrower must agree to refinance the unpaid balance of his RRH loan at the request of the FHA whenever it appears to the FHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at rates and terms which the FHA considers reasonable.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security. It contains regulatory provisions governing and giving the FHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be carefully read and fully understood by the applicant. This is particularly important for applicants operating on a limited profit basis. If any provisions are not appropriate to a particular case, proposed substitute language must be submitted to the national office with comments from the OGC and the recommendations of the State director.

(e) *Multiple advances.* Loan funds will be disbursed in accordance with the provisions outlined in § 1822.94.

(f) *Interest credits.* Borrowers may receive interest credits provided the loan was made to a nonprofit corporation or consumer cooperative on or after August 1, 1968, or made to an individual or organization operating on a limited profit basis on or after April 28, 1972; provided the loan is repaid over a period of 50 years, unless an exception is made by the national office; and the other requirements are met as outlined in Part 1890m of this chapter and the following limitations:

(1) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(2) Plan II will be available to broadly based nonprofit corporations, cooperatives, and to organizations and individuals operating on a limited profit basis.

(g) *Nondiscrimination in use and occupancy.* The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin, and will comply with Part 1890 of this chapter.

(h) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants as defined in § 1822.83(e), in connection with future servicing of the loan, it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, this may be permitted with the written prior approval of the State director. For housing projects financed with RRH loans and limited to eligible senior citizen occupants, the State director is authorized to permit the borrower to rent units to eligible nonsenior citizens, if he determines that there are no eligible senior citizens available to rent the units. Such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens.

(i) *Supervisory assistance.* Supervision will be provided borrowers to the extent necessary to achieve the objective of the loan and to protect the interests of the Government in accordance with Subpart G of Part 1802.

(j) *Limited profit determinations.* Applicants agreeing to operate on a limited profit basis will be permitted a 6 percent per annum return on the initial investment. The initial investment may include the following:

(1) Any cash contribution, cash savings, or equity resulting from construction by the owner-builder method. It will also include any funds provided to pay initial operating expenses which will be at least 2 percent of the total cost of the project.

(2) Value of any building site contributed by the applicant. Value will be determined by an appraisal in accordance with applicable FHA requirements on an "as is" basis by the FHA employee authorized to make the appraisal for the project less any amount owed on the property.

(k) *Conditions necessary for the approval of RRH loans made to finance new construction in connection with the section 23 leasing program.* (1) Before the loan is approved, the applicant must have executed a preliminary agreement to lease or an agreement to lease with the housing authority (HA).

(2) Before the loan is closed, the applicant must have executed a lease as shown in the appropriate form available in all FHA offices. The lease must run for a total period of 20 years. This may be a 10-year period automatically renewable for another 10 years.

(3) The maximum repayment period of the loan may be up to 40 years provided there is a present and anticipated future market demand for the rental housing units without the support of the section 23 leasing program.

(4) The HA must rent all the living units in the structure and assume responsibility for vacancies.

(5) The HA should usually be responsible for the payment of property taxes, utilities, and insurance.

(6) Complete architectural services outlined in § 1804.5 of this chapter will be required for projects of this type.

(7) The housing must be modest in keeping with the policy guidelines for RRH and the HUD section 23 leasing program.

(8) Before the loan is closed: (i) The borrower must obtain interim financing in accordance with § 1822.94(a) and complete the construction of the units.

(ii) The case file must contain an the section of the annual contributions contract covering the section 23 leasing program.

(9) The first loan of this type to be approved in each State office under this paragraph must be submitted to the national office for review prior to approval regardless of the amount of the loan.

§ 1822.89 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in § 1822.89(a) (1) or (2) will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal.

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when:

(1) The subsequent loan is to complete or finish out units on the site.

(2) The subsequent loan is being made to develop on land that is immediately adjacent to the initial site. If the subsequent loan, however, is to provide units on a site that is not a part of or adjacent to the initial project, only a first mortgage will be required.

(b) Personal liability will not be required for the members or stockholders of any corporation.

(c) If it is impossible or inadvisable for an applicant which is a public or quasi-public organization to give a real estate mortgage, the security to be taken will be determined by the national office upon the recommendation of the State director with the advice and assistance of the OGC.

§ 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. For involving more than two rental units, the appraisal will be made in accordance with Subpart B of Part 1809 of this chapter. Form FHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, provisions of Subpart A of this part, regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and developed in accordance with Subpart A of Part 1804 of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(2) A written contract for architectural and engineering services will be required as outlined in Subpart A of Part 1804 of this chapter.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart A of Part 1804, except § 1804.5(h)(3) of this Subpart A will not apply to projects constructed by the owner-builder method. These projects will be governed by the following:

(1) The development cost may include a typical builders fee. The typical builders fee may be determined by local investigation and also from HUD data for the area.

(2) The development cost cannot exceed that which is typical for similar type projects in the area.

(3) The development cost for each individual case will be determined by the multiple family housing coordinator with the advice of the State architect.

(4) The total development cost cannot exceed the appraised value as determined by FHA.

(5) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(e) *Compliance with local codes and regulations.* Planning, construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FHA and, therefore, should be submitted to the FHA before execution by the applicant. Contracts will provide for the types of service to be performed and the amount of the fees to be paid, either in lump sum on the completion of all services or in installments as services are performed.

(g) *"How to Bring Rental Housing to Your Town" Manual.* This manual is available in all FHA offices and may be used as a guide for organization applicants applying for loans to finance projects of substantial size. Extra copies may be obtained for applicants after preliminary discussions indicate that a loan may be developed.

(h) *Technical services by consultant organizations.* Technical services by consultant organizations will be governed by § 1822.85.

(i) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the county supervisor will have Form FHA 440–35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(j) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower will be deposited and handled in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged in accordance with § 1803.4 of this chapter. Funds furnished by the borrower for the purpose of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(k) *Insurance.* The State director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or may be required when appropriate, to obtain liability insurance.

(l) *Bonding.* (1) The provisions of Part 1804, Subpart A of this chapter pertaining to surety bonds are applicable to RRH loans.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by State law, the United States will be named co-obligee in the bond. Form FHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.91 **Processing applications.**

(a) *Application.* The application will be in the form of a letter to the county supervisor. The following information will be included in or attached to the letter:

(1) Name and address of applicant.

(2) For an organization applicant, a copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized; a copy of the applicant's charter, articles of incorporation, bylaws, and other basic authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if a member is another organization, its name, address, and principal business.

(3) Statement of applicant's experience in operating rental housing and related businesses.

(4) A current dated and signed financial statement showing assets and liabilities together with information on the status and repayment terms of each debt. If the applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member or stockholder who holds an interest in the organization in excess of 10 percent. In any case in which a financial statement is required from an individual, it will also include the financial interests of the spouse.

(5) Evidence of inability to obtain credit from other sources. Such evidence should be in the form of written statements from other lenders in the area who customarily make similar types of real estate loans setting forth the reason such credit cannot be extended or the terms of credit that is available. If, however, it is apparent that adequate credit from other sources is not available because of the policies of other lenders in the area and the applicant's financial condition indicates the applicant could not possibly qualify for other credit, the county supervisor will provide complete information on this point in the application docket. The State director will then determine whether statements from other lenders will be required.

(6) General description of the housing planned including the following:

(i) Type of living units.

(ii) Size of units including the number of bedrooms.

(iii) Total number of units.

(iv) If apartments, number of units per building.

(v) Estimated total cost per living unit.

(vi) Type of construction.

(vii) Preliminary plot plan and building plans, if available.

(7) Estimated total cost and amount of loan needed.

(8) Amount of applicant's financial contribution to the project including the source of funds.

(9) A map showing the location of the project and other supporting information on its neighborhood and existing facilities such as distance to shopping area, neighborhood churches, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

(10) A realistic estimate of need and demand for the number of living units of the type proposed based on the availability of rental housing and the number of eligible occupants living in the area willing and able to pay the proposed rental rates.

(11) The proposed rental rates and information showing that the income from rent will pay necessary expenses, meet loan payments, and provide required reserves.

(12) Security to be offered and plans for repayment of the loan.

(b) *County supervisor's review.* The application will be reviewed by the county supervisor. If the applicant is an individual or a nonprofit corporation using the model set of articles and bylaws prescribed by State requirements and the loan is for $60,000 or less, the county supervisor will process the complete docket in accordance with § 1822.92. For all other cases the application including the comments and recommendations of the county supervisor and the district supervisor and any additional material, will be forwarded to the State director. The comments of the county supervisor will include his views on the applicable eligibility requirements of § 1822.84 together with verification of the accuracy of information furnished by the applicant indicating the need for the housing. At any time the county supervisor considers it necessary, any application may be sent to the State director for his evaluation and instructions.

(c) *State office action.* For any application submitted by the county supervisor, the State director will review the application to determine whether the applicant meets the eligibility requirements and whether the proposed loan appears feasible.

(1) If the applicant is an organization adopting, without change, the "articles of incorporation" and "bylaws" prescribed by State regulations, the application need not be submitted to the OGC. In all other cases involving loans to organizations, the docket along with any questions or comments of the State director will be submitted to the OGC for a preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirement of State law and this subpart.

(2) When the consent of the national office is required prior to the development of a docket in accordance with § 1822.86(c), the application with related material prepared in accordance with this section, will be submitted to the national office. The comments of the State architect concerning the plans and specifications, any comments from the OGC, and the State director's comments and recommendations will be included in the submission.

(3) The State director will authorize the county supervisor to prepare a complete loan docket after national office consent is obtained, or for applications not requiring such consent, after he determines that the applicant meets the eligibility requirements and the proposed loan appears feasible.

§ 1822.92 Preparation of complete loan docket.

(a) *Information needed.* If the State director authorizes further processing of the application, the county supervisor will notify the applicant of the additional information required. In addition to all the items required in § 1822.91(a) the completed docket will include:

(1) A plot plan, detailed preliminary plans and specifications, and any special design features for senior citizens as prescribed in the construction guide.

(2) A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, architectural and legal fees, and both on- and offsite improvements. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

(3) Information on the method of construction and on the architectural, engineering, and legal services to be provided.

(4) Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

(5) A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by some who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible occupants with incomes which are not subject to fluctuations such as those that may occur in welfare assistance payments. A market survey report will include:

(i) For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. Such information may be assembled from census reports, county market evaluations made by HUD and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

(ii) For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(*a*) An estimate of the number of houses or apartments in the area for rent or sale.

(*b*) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price of rental levels.

(*c*) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and nonsenior citizens, and income and financial condition.

(*d*) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(*e*) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

(iii) If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed.

(6) A description and justification of any related facilities to be financed with the loan.

(7) A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

(8) A currently dated and signed financial statement showing the debt structure of the applicant.

(9) Detailed operating budgets for the first year's operation and a typical year's operation. The first year's budget should show that applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs and meet scheduled payments on debts during the planing and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves.

(i) The budgets in estimating rental income will include an approximately 10 percent allowance for the following: vacancies, nonpayment of rent, and contingency expense.

(ii) The budgets should provide for accumulating a reserve at the rate of 1 percent per annum of the value of the buildings and related facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

(iii) All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself tax exempt, evidence of exemption must be included in the loan docket before the loan is closed. In case of a nonprofit organization whose articles of incorporation and bylaws conform to FHA requirements, evidence of exemption from Federal income tax need not be obtained before the loan is closed if the applicant applies for a determination of exemption and agrees to make any changes in its organizational documents that may be required by the Internal Revenue Service (IRS). Information as to Federal income tax exemption may be obtained from the district office of the IRS. An eligible nonprofit orga-

nization should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

(10) A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager. Experience and other factors pertaining to the qualifications of the manager will be taken into consideration.

(11) A statement of policy regarding management and operation including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, outline of duties and responsibilities of officers and employees, and a copy of any rules or regulations governing administration and occupancy.

(12) When land is being purchased or a building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, satisfactory survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket. If necessary, a new survey will be obtained.

(b) *County supervisor's responsibility.* As the information for the loan docket is being developed, the county supervisor will work closely with the applicant. The county supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The county supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County committee certification.* Before a loan is approved, the county committee will certify as to the applicant's eligibility on Form FHA 440-2, "County Committee Certification or Recommendation." Before executing the form, the county committee will consider all pertinent information concerning the applicant and the proposed project. It will be given an opportunity to talk with the applicant or its representative if it so desires.

(d) *Note forms.* (1) Form FHA 440-22, "Promissory Note (Association or Organization)," will be used for loans to associations or organizations.

(2) Form FHA 440-16, "Promissory Note (Insured Loan)," will be used for insured loans to individuals.

(e) *Assembly, review, and distribution of complete loan docket items.* When all items required for the complete loan docket have been furnished, they will be examined thoroughly to make sure they are properly and accurately prepared and are complete in all respects, including dates and signatures. The loan docket will include the forms and documents listed in instructions available in all FHA offices.

(f) *Submission of docket to State office.* The complete loan docket together with any comments from the county supervisor will be submitted to the State office for review. The State director, with the advice of OGC if required or needed, will prepare a memorandum to the county supervisor requesting additional information, if the material submitted is inadequate, or setting forth the conditions of approval.

(g) *Submission of docket to national office.* If the prior consent of the national office is required for loan approval, and such consent has not previously been given, the State director will submit to the national office his recommendations, a copy of his proposed memorandum of approval, and the complete loan docket. If the docket was required to be reviewed (or was reviewed) by the OGC, its comments will be included. Also, the plans and specifications should be reviewed by the architect and his comments included in the docket.

(h) When it is determined that the loan can be approved a press release will be prepared in accordance with FHA requirements.

§ 1822.93 Loan approval.

(a) *Authority.* The State director is authorized to approve or disapprove loans in accordance with this subpart. The State director may redelegate loan approval in writing to State office employees other than district supervisors.

(1) The State director may develop a completed loan docket and approve an RRH loan for any type of eligible applicant without prior consent of the national office provided:

(i) For a nonprofit corporation, the articles of incorporation and bylaws conform a suggested form for this purpose which is available in all FHA offices, as modified by OGC for use in the particular State.

(ii) For a profit-type organization, the application is reviewed by the OGC in accordance with § 1822.91(c)(1), and

(iii) The amount of the loan plus the principal balance of any other FHA lien(s) on real estate of the applicant does not exceed $300,000.

(2) When prior consent of the national office is required for loan approval, the complete loan docket, the State director's proposed memorandum of approval, and the State director's recommendation will be sent to the national office. The loan docket will include the comments of the OGC if its review was required or was made.

(b) *Loan approval action*—(1) *Responsibilities of loan approval official.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations. In making this review, the loan approval official will determine that:

(i) The Committee certification and recommendation has been properly completed and has been signed by at least two committeemen.

(ii) The applicant is eligible.

(iii) The funds are requested for authorized purposes.

(iv) The proposed loan is sound.

(v) The security is adequate.

(vi) All preapproval requirements have been met.

(vii) All other requirements will be met.

(2) *Approval or disapproval of a loan.* (i) When a loan is approved, the approval official will:

(*a*) Prepare Form FHA 440-3, "Record of Actions," and indicate on all copies any conditions that must be met at or before the time the loan is closed. Such conditions could include the amount of surety, fidelity bond coverage, other insurance, the title evidence, and any other special requirements. If more space is needed, the form will be supplemented by a memorandum.

(*b*) Sign the original and two copies of Form FHA 440-3 and insert his title in the space provided.

(*c*) Sign the original of Form FHA 440-1 and insert his title in the space provided.

(ii) Disapproval: If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FHA 440-3. Form FHA 440-3 will be initialed and dated. The county supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. The disapproved docket will then be handled in accordance with appropriate FHA regulations.

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* In all cases of RRH loans exceeding $50,000 where it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FHA funds. When interim commercial financing is used, the docket will be processed to the stage where the FHA loan would normally be closed immediately prior to the start of construction. FHA loan funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing. The FHA State director or county supervisor may deliver a copy of Form FHA 440-1 as evidence of the FHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. FHA will assume the same responsibilities as if FHA funds had been advanced from the standpoint of approving construction contracts and the supervision of construction. The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the county suprevisor will approve Form FHA 424-18, "Partial Payment Estimate," to insure that funds are used for authorized purposes. When the interim financing funds have been expended, the FHA loan will be closed and permanent instruments will be issued to evidence the FHA indebtedness. The FHA loan proceeds will be used to retire the interim

commercial indebtedness. Before the FHA loan is closed, the applicant will be required to provide the county supervisor with statements from the contractor(s), engineer and attorney that they have been paid to date in accordance with their contracts or other agreements.

(b) *Multiple advances of RRH loan funds.* In the event interim commercial financing is not available, multiple advances will be used in such cases for all loans in excess of $50,000 subject to the following:

(1) In those cases where relatively large amounts of funds are to be expended for purchases of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered and endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in subparagraph (1) of this paragraph, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FHA 440–11, "Estimate of Funds Needed for 30-Day Period Commencing ----------," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the county supervisor. After the county supervisor determines that the estimate prepared by the borrower is adequate, he will request the advance by executing and forwarding to the Finance Office, St. Louis, Mo., Form FHA 440–3. As an example, for a loan of $100,000, the advances may be made as follows: Assuming that the loan will be closed on July 1, the borrower will complete Form FHA 440–11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	40,000

An advance in the amount of $40,000 would then be available on July 1, the date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FHA 440–11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken as follows:

Construction	$20,000
Architectural	1,000
Total	21,000

A copy of Form FHA 440–3 specifying the amount then will be forwarded to the finance office. The same routine will be followed for each advance until the project is completed. Loan funds for the payment of interest due on each January 1 will be requested in sufficient time to be available in the December advance.

(3) Any deviation from the multiple advance procedure must have the prior approval of the national office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the county supervisor will determine the amount of funds needed in accordance with either paragraphs (a) or (b) of this section. He will then order the loan check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the county supervisor will request that all distributed docket forms be returned to the county office. The loan docket will be revised accordingly and reprocessed, except that if the amount of the loan has been decreased and there is no substantial change in the planned improvements, a new Form FHA 440–2 need not be obtained.

(e) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows:

(1) The county supervisor will prepare Form FHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the county office from the regional disbursing office). The original and copies will be sent to the State director with the reasons for requesting cancellation. If the State director approves the request for cancellation he will forward the original request to the finance office after making appropriate adjustments in the records to control loan allocations. A copy or copies of Form FHA 440–10 will be returned to the county office.

(2) If the loan check is received in the county office, the county supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, MO 64142, with a copy of Form FHA 440–10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(f) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans will be closed in accordance with applicable provisions of Part 1807 of this chapter, supplementing State requirements, and closing instructions of the OGC, and with the assistance of the designated attorney, representative of the title insurance company, or local attorney, whichever is appropriate. Loans to an organization and loans to an individual in special cases will be sent to the OGC for closing instructions.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FHA 427–1 (State), "Real Estate Mortgage for ---------- (Insured Loans to Individuals)," will be used for an insured loan to an individual or to an organization. For loans to organizations, Form FHA 427–2 (State), "Real Estate Mortgage for ---------- (Direct Loans)," and Form FHA 427–1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgment.

(1) The mortgage or other security instrument will contain the following covenant:

Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

This instrument also secures the obligations and covenants of borrower set forth in borrower's loan resolution (loan agreement) of ----------, which is hereby in-
(Date)
corporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulations of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.

As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjust at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests.

(c) *Promissory note and insurance endorsement.* (1) The total amount to be shown in the note will be shown on Form FHA 440–3. The note will be dated the date of loan closing except as au-

thorized in § 1807.2(f)(8) of this chapter.

(2) Payments on RRH loans will be scheduled on the note with annual installments due January 1. As provided in § 1822.88(b), the first installment or the first and second installments may be less than regular annual installments. If the first installment or first two installments are less than regular annual installments, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) For a loan to an individual, Form FHA 440–16 will be used.

(i) For loans of over $50,000, type on the reverse of the form a record of advances such as is printed on the reverse of Form FHA 440–22, and complete this part in accordance with the guide available in all FHA offices for preparation of this form.

(4) Form FHA 440–22 will be used for all loans to organizations if legally acceptable as determined by OGC. If Form FHA 440–22 is not legally acceptable, the opinion from OGC and the loan docket will be submitted to the national office for further instructions.

(5) The note(s) will be signed in accordance with Part 1807 of this chapter.

(6) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing if it is a nominal amount or the borrower consents. Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing.

(7) If the funds are furnished by a local lender for a loan to a borrower whose obligations bear interest not exempt from Federal income taxation, the note will be assigned and the appropriate form of insurance endorsement executed in accordance with Part 1812 of this chapter. For a loan made from the insurance fund to be sold to a national lender, the note will be endorsed and the insurance agreement will be executed in the finance office when the loan is assigned from the insurance fund, in accordance with Part 1873 of this chapter.

(8) When a loan is disbursed in more than one advance, Form FHA 440–1 will be prepared for an organization loan. The actual date of each advance will be entered on the reverse of the note. The date of the first advance will be the date of loan closing, and each subsequent advance the date of the loan check. When each subsequent advance is made, the county supervisor will enter the date on the copy of the note. The finance office will make a similar entry on the original and copy of the note.

(9) Immediately after loan closing the original and a conformed copy of the note will be sent to the finance office.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the county supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place of recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage conformed as to all matters except the recording date will be delivered to the borrower.

(e) *Date of loan closing—establishment of account.* (1) An RRH loan is considered closed when the security instrument is filed of record or, if no security instrument is filed of record, when the loan funds are deposited in the supervised bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

(2) After the loan is closed, the account and case folder will be established in accordance with appropriate regulations.

§ 1822.96 Subsequent RRH loans.

A subsequent RRH loan is an RRH loan to an applicant indebted for an initial RRH or SCH loan of the same type (direct or insured). This subpart applies to subsequent RRH loans as well as initial RRH loans. If a subsequent RRH loan is made for the project financed with the initial loan for occupancy by senior citizens, the eligibility for occupancy for the entire project will be governed by the RRH regulations applicable to the subsequent loan.

§ 1822.97 Complaints regarding discrimination in use and occupancy of RRH housing.

Any occupant or applicant for occupancy or use of such RRH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the county supervisor or State director. Any such complaint will be referred through the State director to the national office.

(a) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The county supervisor or State director will acknowledge receipt of the complaint and promptly forward it to the national office.

(c) Attached to the written complaint should be a statement from the county supervisor or State director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State director or county supervisor has pertaining to the complaint. The county supervisor or State director should delay a comprehensive investigation of any complaint until requested to do so by the national office.

(d) The national office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the complaint is without substance, the parties concerned will be so notified.

(f) If it is found that the borrower's nondiscrimination agreement in the security instrument or elsewhere was violated, the Farmers Home Administration will inform the parties of such finding and advise the violator to take the action necessary to correct the violation and to give appropriate assurance of future compliance.

(g) If the borrower should fail to take such action and assure future compliance, the Administrator may take further appropriate action.

Dated: September 6, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72–15731 Filed 9–14–72;8:48 am]

[AL–112(444)]

PART 1890m—INTEREST CREDITS ON INSURED RRH AND RCH LOANS

Subchapter G, Miscellaneous Regulations is amended by adding new Part 1890m, "Interest Credits on Insured RRH and RCH Loans." This new part clarifies the making of interest credits available to applicants and includes authority for making interest credits to limited profit applicants.

The new Part 1890m reads as follows:

Sec.
1890m.1 Purpose.
1890m.2 Definitions.
1890m.3 Eligibility.
1890m.4 Options of borrowers.
1890m.5 Determining the amount of interest credit.
1890m.6 Special conditions.
1890m.7 Execution of agreements.
1890m.8 Tenant certification.
1890m.9 Loan payments.

AUTHORITY: The provisions of this new Part 1890m issued under Sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

§ 1890m.1 Purpose.

This part modifies Subparts D and F of Part 1822 of this chapter, and outlines the policies and conditions under which interest credits will be made on insured rural rental housing (RRH) and rural cooperative housing (RCH) loans.

§ 1890m.2 Definitions.

As used in this part: (a) The term "interest credit" means the amount of assistance the Farmers Home Administration (FHA) may give a borrower toward making its payments on an insured RRH or RCH loan.

(b) The term "interest credit agreement" means an agreement between FHA and the borrower providing for interest credits on the insured RRH or RCH loan. This agreement will be on

Form FHA 444–7, "Interest Credit Agreement (RRH and RCH Loans)."

(c) The term "project" means the housing and related facilities financed with the RRH or RCH loan.

(d) The term "basic rental" means a unit rental charge determined on the basis of operating the project with payments of principal and interest on a loan to be repaid over a 50-year period at 1 percent per annum.

(e) The term "market rental" means a unit rental charge determined on the basis of operating the project with the payments of principal and interest which the borrower is obligated to pay under the terms of the promissory note.

(f) The term "overage" means the amount by which total rental payments paid by the tenants of a project exceed the total basic monthly charge.

§ 1890m.3 Eligibility.

Borrowers may receive interest credits provided the loan was made to a nonprofit corporation or consumer cooperative on or after August 1, 1968, or made to an individual or organization operating on a limited profit basis on or after April 28, 1972; the loan is repaid over a period of 50 years unless an exception is made by the national office; the loan meets the requirements of this part subject to the following limitations:

(a) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(b) Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, and to profit organizations and individuals operating on a limited profit basis.

§ 1890m.4 Options of borrowers.

An eligible borrower may choose Plan I or Plan II, as described below, for determining interest credits on its loan.

(a) *Plan I.* (1) Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low- and moderate-income senior citizens.

(2) A borrower under Plan I generally must:

(i) Determine that there is a firm market and continuing demand for rental housing by families within the applicable income limits.

(ii) Prepare a budget on the basis of a 3 percent loan.

(iii) Determine rentals to be charged.

(b) *Plan II.* (1) Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income nonelderly and senior citizens of any income. Under Plan II interest credits are based on the cost of operating the project and the size and income of the occupant families.

(2) A borrower under Plan II, generally must:

(i) Prepare two budgets, one on the basis of a 1 percent interest rate loan to determine basic rental, and a second budget on the basis of a loan at the interest rate shown in the promissory note to determine market rental.

(ii) Determine both basic rental and market rental for the different units based on the two budgets.

(iii) Determine adjusted family income of each tenant and have each tenant complete Form FHA 444–8, "Tenant Certification." Determine the monthly rent to be paid by each tenant family.

(iv) Assign a unit of appropriate size for each eligible tenant family, based on the number, relationship, and sex of the persons in the household. A family should not be assigned a larger unit than is actually needed.

(v) Determine monthly rental payments and interest credits for the total units developed with any one RRH loan. Interest credits will be computed separately for each loan.

(vi) Execute Form FHA 444–9, "Certification and Payment Transmittal," each month.

(3) The finance office will credit the borrower's account with the amount of the interest credit to which the borrower is entitled.

§ 1890m.5 Determining the amount of interest credit.

(a) *Plan I.* The amount of interest credit will be determined by the completion of Form FHA 444–7. Under this plan, the amount of interest credit will be the difference between the amortized payment shown on the note and the amortized payment computed at 3 percent. Use the amortization factor for the same number of years for the interest credit that was used for computing the regular installment on the note. This same principle will be followed at any time computations are necessary to determine the appropriate interest credit.

(b) *Plan II.* The amount of interest credit to be granted will be calculated using guidelines available in all FHA offices. A State form should be developed to summarize information from the tenant certification forms.

§ 1890m.6 Special conditions.

(a) *Leases.* (1) Monthly or annual leases will be executed with each family occupying a rental unit. The State director should issue State instructions covering any State laws, special conditions, or local customs affecting leasing arrangements that may exist in the State. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease, should contain the following statement:

> I understand and agree that the monthly rental payment under this lease will be $_____. I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of family members living in my household. The rental payment will not, however, be less than $_____ nor more
> (Basic Rental)
> than $_____.
> (Market Rental)

(2) Loans will be made on the basis of the units being rented to eligible occupants under Plan I or Plan II as described in § 1890m.4. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, the State director may authorize the borrower in in writing to rent units to ineligible persons subject to his determining that:

(i) The borrower has made a diligent but unsuccessful effort to rent the units to eligible occupants.

(ii) The borrower will continue to try to find eligible occupants.

(iii) The units will be rented on a monthly basis and only until they can be rented to eligible persons.

(iv) The ineligible tenants will be charged a rental surcharge as described in paragraph (b) of this section.

(b) *Rental surcharges to ineligible occupants.* If a unit is rented under paragraph (a)(2) of this section to an occupant who is ineligible because his income exceeds the maximum income limits, the ineligible occupant will:

(1) Under Plan I, be charged a 25 percent rental surcharge. To illustrate, if the unit normally rents for $60 per month, this ineligible occupant would pay $75 per month. The 25 percent surcharge, or $15 in this illustration, would be paid on the account and would be included with, but in addition to, the regular payment on the loan. The monthly interest credit by the FHA to the borrower's account would be reduced by the amount of the surcharge.

(2) Under Plan II, he charged the market rental.

(c) *Vacancies.* In calculating interest credits for projects operated under Plan II, it will be assumed that each vacant unit is being rented at the basic monthly rental.

(d) *Special cases.* Cases and situations not covered by this part will be handled on an individual case basis with instructions from the national office.

(e) *Understanding eligibility.* The borrower should certify that it understands the eligibility requirements for occupancy of the housing and that the housing is or will be rented only to eligible occupants unless authorized, in writing, by FHA. The borrower should understand and agree that with each annual report, described in § 1802.78(c) of this chapter, it will include a certification that the housing is occupied only by eligible occupants.

§ 1890m.7 Execution of agreements.

(a) *Initial interest credit agreement.* Interest credits will not be given for the construction period. Interest credits may become effective at the beginning of the month in which construction is completed and the units are ready for occupancy. When the borrower knows the date the interest credit should become effective he should notify the county supervisor and execute Form FHA 444–7. A separate interest credit agreement will be executed for each loan the borrower receives.

(b) *Change in interest credit plan.* A borrower under Plan I or Plan II may change, if it can meet the requirements of the other plan, by executing a new interest credit agreement during the month of November or December preceding the year in which the new plan will be in effect. Form FHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

(c) *Borrowers who are not receiving an interest credit.* If an eligible borrower did not execute an interest credit agreement in accordance with paragraph (a) of this section, it may do so during the month of November or December preceding the year for which the interest credit is to be received. Form FHA 444–7 will be executed during November or December, but will not be effective until the following January 1.

§ 1890m.8 **Tenant certification.**

(a) *Initial certification.* All interest credit borrowers operating under Plan I or Plan II will promptly provide the county supervisor with an executed copy of Form FHA 444–8 for each family when it initially occupies the housing.

(b) *Recertification.* A new Form FHA 444–8 will be executed every other year during November or December by each tenant of Plan I and Plan II borrowers regardless of whether there has been a change in occupancy. The biennial certification forms will be obtained by the borrower, and:

(1) For Plan II, a copy of the biennial certification forms will be provided for the county supervisor prior to December 31 to verify the amount of interest credit given to the borrower.

(2) For Plan I, a copy of the biennial certification forms will be kept in the borrower's records. The borrower will provide the county supervisor with a certification prior to December 31, which indicates that he has obtained Form FHA 444–8 for each tenant, that they are eligible occupants and that these records may be examined at any time. A suggested form of certification is available in all FHA offices.

§ 1890m.9 **Loan payments.**

(a) *Plan I.* (1) The borrower will make monthly payments in an amount necessary to repay the loan as if the loan carried a 3 percent interest rate. The transmittal of these collections will be handled in accordance with Part 1862 of this chapter, except that when a rental surcharge is collected as described in § 1890m.6(b), the surcharge will be included and will be credited to the account as a regular payment. The special handling of payments involving rental surcharges is explained in paragraph (2) of this section.

(2) When a payment is made for any month that involves a rental surcharge, item II of Form FHA 444–9, will be completed with the amount of the surcharge being inserted in the blank space. This form should be completed and the amount of the interest credit reduced, regardless of whether the surcharge is actually collected by the borrower. The form will be dated and signed by the FHA representative transmitting the payment to the finance office with the original of the form being attached to the transmittal, and the copy retained in the county office file.

(b) *Plan II.* (1) The borrower will make monthly payments in an amount necessary to pay the difference between the amount that would be necessary to repay the loan amortized at the interest rate shown in the promissory note and the amount of interest credit as computed.

(2) With each payment made, the borrower will complete item IA of Form FHA 444–9. The FHA representative handling the transmittal to the finance office will complete item II of the form. The form will be executed in accordance with the guide for preparation of the form which is available in all FHA offices.

Dated: September 6, 1972.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.72-15732 Filed 9-14-72;8:48 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

[Regs. T and U]

PART 220—CREDIT BY BROKERS AND DEALERS

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

Exempt Credit to Specialists, OTC Market Makers, Third-Market Makers and Block Positioners

By notice of proposed rule making published in the FEDERAL REGISTER on May 31, 1972 (37 F.R. 10805), the Board of Governors published modified proposals to amend Parts 220 and 221 to exempt from margin requirements credit extended by banks and brokers or dealers to specialists, and credit extended by banks to block positioners and market makers to carry on their market making activities. Following consideration of the comments received, the Board has adopted the proposed amendments with the following revisions:

1. Subparagraph (2)(iii) of § 221.3(y) has been deleted and former subparagraph (2)(iv) of that section has been redesignated (2)(iii).

2. A clarifying sentence has been added at the end of § 221.3(z)(2).

3. The maximum net capital required of third-market makers in § 221.3(y) has been reduced from $1 million to $500,000.

These amendments were adopted simultaneously with the adoption of rules pertaining to this subject by the Securities and Exchange Commission.

The text of the amendments reads as follows:

§ 220.4 **Special accounts.**

* * * * *

(g) *Specialist's account.* (1) In a special account designated as a specialist's account, a creditor may effect and finance, for any member of a national securities exchange who is registered and acts as a specialist in securities on the exchange, such member's transactions as a specialist in such securities, or effect and finance, for any joint venture in which the creditor participates, any transactions in any securities of an issue with respect to which all participants, or all participants other than the creditor, are registered and act on a national securities exchange as specialists.

(2) Such specialist's account shall be subject to the same conditions to which it would be subject if it were a general account except that if the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialist's use of credit pursuant to this paragraph (g), the requirements of § 220.6(b) regarding joint ventures shall not apply to such accounts and the maximum loan value of a registered security in such account (except a security that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1-1236-1(d))) shall be as determined by the creditor in good faith.

* * * * *

§ 221.3 **Miscellaneous provisions.**

(a) *Required statement as to stock-secured credit.* In connection with an extension of credit secured directly or indirectly by any stock, the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U-1 executed by the recipient of such extension of credit (sometimes referred to as the "customer") and executed and accepted in good faith by a duly authorized officer of the bank prior to such extension: *Provided,* That this requirement shall not apply to any credit described in paragraph (o), (w), (x), (y), or (z) of this section or § 221.2 except for credit described in § 221.2 (f), (g), and (h) extended to persons who are not brokers or dealers subject to Part 220 of this chapter (Regulation T). In determining whether or not an extension of credit is for the purpose specified in § 221.1 or for any of the purposes specified in § 221.2 or this section the bank may rely on the statement executed by the cusomer if accepted in good faith. To accept the customer's statement in good faith, the officer must (1) be alert to the circumstances surrounding the credit and (2) if he has any information which would cause a prudent man not to accept the statement without inquiry, have investigated and be satisfied that the customer's statement is truthful.

* * * * *

(o) *Specialist.* In the case of credit extended to a member of a national secu-

rities exchange who is registered and acts as a specialist in securities on the exchange for the purpose of financing such member's transactions as a specialist in such securities, the maximum loan value of any stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be as determined by the bank in good faith: *Provided,* That the specialist's exchange is a national securities exchange which requires and submits to the Board of Governors of the Federal Reserve System reports suitable for supplying current information regarding specialists' use of credit pursuant to this section.

* * * * *

(w) *OTC market maker exemption.* (1) In the case of credit extended to an OTC market maker, as defined in subparagraph (2) of this paragraph (w), for the purpose of purchasing or carrying an OTC margin stock in order to conduct the market-making activity of such a market maker, the maximum loan value of any OTC margin stock (except stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of each such stock the OTC market maker shall have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity (Securities and Exchange Commission Form X–17A–12(1)) and all other reports required to be filed by market makers in OTC margin stock pursuant to a rule of the Commission (Rule 17a–12 (17 CFR 240.17a–12)), shall not have ceased to engage in such market-making activity, and shall have a reasonable average rate of inventory turnover in such stock: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–2, executed by the OTC market maker who is the recipient of such credit and executed and accepted in good faith [9] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (w) and paragraph (a) of this section.

* * * * *

(y) *Third-market maker exemption.* (1) In the case of credit extended to a third-market maker, as defined in subparagraph (2) of this paragraph (y), for the purpose of purchasing or carrying a stock that is registered on a national securities exchange (other than a convertible debt security described in paragraph (t)(1) of this section) in order to conduct the market-making activity of such a market-maker, the maximum loan value of any stock (except (i) a convertible debt security described in paragraph (t)(1) of this section, and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of each such stock he shall, at least 5 full business days prior to such extension of credit, have filed with the Securities and Exchange Commission a notice of his intent to begin or continue such market-making activity, and thereafter all other reports required to be filed by third-market makers pursuant to a rule of the Securities and Exchange Commission and, except when such activity is unlawful, shall not have ceased to engage in such market-making activity: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–3, executed by the third-market maker who is the recipient of such credit and executed and accepted in good faith [10] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such market-making activity, a bank may rely on such a statement, if executed and accepted in accordance with the requirements of this paragraph (y) and paragraph (a) of this section.

(2) A third-market maker with respect to a stock that is registered on a national securities exchange is a dealer who has and maintains net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)), or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 240.15c3–1(b)(2)), of $100,000 plus $20,000 for each stock in excess of five in respect of which he has filed and not withdrawn a notice with the Securities and Exchange Commission (but in no case does this subparagraph (2) require net capital of more than $500,000 who is in compliance with such rule of the Commission and who, except when such activity is unlawful, meets all the following conditions with respect to such stock: (i) He furnishes bona fide, competitive bid and offer quotations to other brokers and dealers, in the stocks for which he makes a market, at all times on request, (ii) he is ready, willing, and able to effect transactions for his own account in reasonable amounts, and at his quoted prices, with other brokers and dealers, and (iii) he has a reasonable average rate of inventory turnover on the stock.

(3) If all or a portion of the credit extended pursuant to this paragraph (y) ceases to be for the purpose specified in subparagraph (1) of this paragraph or the dealer to whom the credit is extended ceases to be a third-market maker as defined in subparagraph (2) of this paragraph, the credit or such portion thereof shall thereupon be treated as "a credit subject to § 221.1."

(z) *Block positioner exemption.* (1) In the case of credit extended to a block positioner, as defined in subparagraph (2) of this paragraph (z), for the purpose of financing the activity of block positioning, the maximum loan value of any margin stock obtained in the ordinary course of the activity of block-positioning as described in subparagraph (2) of this paragraph (z) (except (i) a convertible debt security described in paragraph (t)(1) of this section and (ii) stock that has been identified as a security held for investment pursuant to a rule of the Commissioner of Internal Revenue (Regs. section 1–1236–1(d))) shall be determined by the bank in good faith: *Provided,* That in respect of such activity he shall have filed with the Securities and Exchange Commission a notice of undertaking such activity as prescribed by the Commission, and all reports required to be filed by block-positioners: *And provided further,* That the bank shall obtain and retain in its records for at least 3 years after such credit is extinguished a statement in conformity with the requirements of Federal Reserve Form U–5 and paragraph (a) of this section, executed by the block positioner who is the recipient of such credit and executed and accepted in good faith [11] by a duly authorized officer of the bank prior to such extension. In determining whether or not an extension of credit is for the purpose of conducting such block positioning activity, a bank may rely on such a statement if executed and accepted in accordance with the requirements of this paragraph (z) and paragraph (a) of this section. In determining whether or not an extension of time has been granted pursuant to subparagraph (4) of this paragraph (z) and whether or not such extension of time is commensurate with the circumstances the bank may rely on a statement executed by an officer of the exchange or association on behalf of the committee in conformity with the requirements of Federal Reserve Form U–6 and paragraph (a) of this section.

(2) A block positioner is a dealer who (i) is registered with the Securities and Exchange Commission under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) and has a minimum net capital, as defined in a rule of the Securities and Exchange Commission (Rule 15c3–1 (17 CFR 240.15c3–1)) or in the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) of the Commission (17 CFR 240.15c3–1(b)(2)), of $1 million, (ii) engages in the activity of purchasing long or selling short as principal, from time to time,

[9] As described in paragraph (a) of this section.

[10] As described in paragraph (a) of this section.

[11] As described in paragraph (a) of this section.

from or to a customer (other than a partner or a joint venture or other entity in which a partner of the dealer, or the dealer itself, participates or a person "associated with" such dealer as defined in section 3(a)(18) of the Securities Exchange Act of 1934) a block of stock (other than a convertible security as described in paragraph (t)(1) of this section) with a current market value of $200,000 or more in a single transaction or in several transactions at approximately the same time from a single source to facilitate a sale or purchase by such customer, (iii) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms, and (iv) sells the shares comprising such block as rapidly as possible commensurate with the circumstances. In the case where a block positioner acquires a block from a broker who acts as agent for several sellers, such acquisition shall be deemed for purposes of this section to be an acquisition from a single source.

(3) No credit shall be extended or maintained pursuant to this paragraph (z) in respect of any such block of stock or portion thereof which the block-positioner has held continuously for more than 20 business days, and any credit extended pursuant to this paragraph (z) shall be extinguished or brought into conformity with the initial margin requirements of §§ 221.1 and 221.4 before the expiration of such 20-day period. For the purposes of this subparagraph, a block or portion thereof shall be treated as not having been held continuously only to the extent that there has been a net sale (or in the case of short positions, net purchase) of such securities (whether or not represented by the same certificate) during such 20-day period.

(4) In exceptional cases the 20-day period specified in subparagraph (3) of this paragraph (z) may on the application of the block-positioner, be extended for one or more periods limited to 5 business days each commensurate with the circumstances by any regularly constituted committee of a national securities exchange having jurisdiction over the business conduct of its members, of which the block-positioner is a member or through which his block transaction was effected, or by a committee of a national securities association, if effected in the over-the-counter market: *Provided*, That such committee is satisfied that the block-positioner is acting in good faith in making the application and that the circumstances in fact warrant such treatment.

Footnote 9 in § 221.4 (the Supplement) of Part 221 is redesignated as footnote 12.

These amendments are issued pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g).

Effective date: October 16, 1972.

By order of the Board of Governors, September 7, 1972.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.72-15702 Filed 9-14-72;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER C—AIRCRAFT

[Docket No. 72-SO-91, Amdt. 39-1520]

PART 39—AIRWORTHINESS DIRECTIVES

Pitts Model S-2A Series Airplanes

There has been a failure of the horizontal stabilizer leading edge support tube on the Pitts Model S-2A airplane. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and rework of the horizontal stabilizer leading edge support tube, P/N 2-2123.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 F.R. 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PITTS AVIATION ENTERPRISE, INC. Applies to Pitts Model S-2A Series Airplanes, S/ 2001 through 2030.

Compliance required as indicated.

(a) Within the next 10 hours time in service after the effective date of this AD, unless already accomplished, to prevent failure of the horizontal stabilizer leading edge support tube, accomplish the following:

(1) Remove the left and right horizontal stabilizers as follows:

NOTE: Keep track of all hardware and replace the same parts in their original locations, unless other options are indicated.

(i) Disconnect the elevator trim tab push rods from the horns beneath the stabilizers (leave the rods connected to the tab horns).

NOTE: Some airplanes may have AN310-1032 nuts and AN380 cotter pins installed on the AN3 bolts, instead of AN365-1032 nuts. If so, you may either reinstall the AN310-1032 nuts with new AN380 cotter pins, or use AN365-1032 self-locking nuts and undrilled AN3 bolts.

(ii) Remove the two AN4 bolts through the flying wire lugs and elevator hinges, left and right.

NOTE: It is not necessary to loosen the flying wires.

(iii) Remove the four AN3 bolts through the stabilizer leading edge and trailing edge tubes, left and right.

NOTE: It is not necessary to remove the stabilizer root fairings.

(iv) Remove the access plates adjacent to the stabilizer trailing edge, reach inside the aft fuselage and remove the two AN3 bolts through the elevator trim control shaft.

NOTE: It is not necessary to disconnect the elevator horn.

(v) Remove the left and right horizontal stabilizers by pulling them straight outboard.

(2) Thoroughly clean with solvent the exposed portions of the 2-2123 stabilizer leading edge support tube which protrudes from the fuselage. Dye-check this tube in the vicinity of the AN3 bolt holes, and visually inspect for cracks.

(i) If cracks are found, order a replacement P/N 2-2123 assembly from the manufacturer.

(ii) If cracks are not found, accomplish the following.

(3) Cut off the outer ends of the stabilizer leading edge support tube, P/N 2-2123, so that the dimension from the center of the AN3 bolt hole to the outer end of the tube is one-half inch, left and right sides. Remove all burrs and rough edges.

(4) Redrill the AN3 bolt holes in the stabilizer leading edge support tube, P/N 2-2123, and through the mating holes in the stabilizer leading edge tubes with a No. 10 drill (0.193 to 0.199 diameter), left and right.

(5) Apply zinc chromate to bare metal surfaces.

(6) Reassemble in the reverse order of Step 1.

(7) Stencil on upper surfaces of both the left and right horizontal stabilizers, near the leading edge, the words "No lift", in letters one-half inch high or higher, and in a color which contrasts sharply with the paint finish on the stabilizer.

Pitts Service Bulletin No. 6 pertains to this same subject.

This amendment becomes effective September 20, 1972.

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

Issued in East Point, Ga., on September 5, 1972.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.72-15718 Filed 9-14-72;8:47 am]

[Docket No. 12221; Amdt. 39-1523]

PART 39—AIRWORTHINESS DIRECTIVES

Hawker Siddeley De Havilland Model DH-114 "Heron" Airplanes

Pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), an airworthiness directive (AD) was adopted on July 27, 1972, and made effective immediately upon receipt of the airmail letter AD as to all known United States operators of Hawker Siddeley de Havilland Model DH-114 "Heron" airplanes because of reports that a number of these airplanes, or components thereof, are approaching or have exceeded the service life limits established by the manufacturer and the British Civil Aviation Authority (CAA) for the Model DH-114 "Heron" airplane. Based on those reports and on a review of the type certification records, test data, and the service experience of the airplane, the FAA has determined that the airframe and its component parts are service life limited and that exceeding the service lives specified in this AD could result in in-flight fatigue failure of the airframe or of a component part with catastrophic results. The AD requires the replacement of airframes and components thereof before exceeding their specified service lives and provides for a rework of the wing assembly to extend its service life.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hawker Siddeley de Havilland Model DH–114 "Heron" airplanes by airmail letter dated July 27, 1972. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

HAWKER SIDDELEY AVIATION LTD. Applies to Hawker Siddeley de Havilland Model DH–114 "Heron" airplanes.

Compliance required as indicated.

To prevent possible fatigue failure of the primary airplane structure accomplish the following:

(a) Before the accumulation of the total hours' time in service specified in Column B for the applicable component specified in Column A, or within the next 100 hours' time in service after the effective date of this AD, whichever occurs later, and thereafter before the accumulation of the specified total hours' time in service on the replacement component, comply with the applicable paragraph of this AD specified in Column C:

Column A component	Column B service life	Column C Ad paragraph
(1) Airframes	30,000 hours	(b)
(2) Each component of an airframe not otherwise specified in this Ad.	30,000 hours	(c)
(3) Wing assemblies which do not incorporate Modification 520, and fuselage center section lower spar booms, P/N 14FS 2039 that do not incorporate Modification 492.	3,500 hours	(d)
(4) Wing assemblies that incorporate Modification 520 and which have not been reworked in accordance with paragraph (e)(2).	15,000 hours	(e)
(5) Wing assemblies which incorporate Modification 520 that have been reworked in accordance with paragraph (e)(2).	15,000 hours since reworked in accordance with paragraph (e)(2) or 30,000 hours' total time in service whichever occurs first.	(e)(1)
(6) Vertical fin front attachment fittings (R.H. and L.H.)	15,000 hours	(f)
(7) Elevator trim tab connecting rods P/N 14 TE.431A (R.H. and L.H. Elevator).	15,000 hours	(g)

(b) Replace an airframe with an airframe of the same part number or a part number approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region, that has accumulated less than 30,000 hours' time in service.

(c) Replace each component of an airframe with a component of the same part number or a part number approved by the Chief, Aircraft Certification Staff, FAA, Europe, Africa, and Middle East region, that has accumulated less than 30,000 hours' time in service.

(d) Comply with either of the following:

(1) Replace the wing assembly with a wing assembly that has Modification 520 incorporated and that has accumulated less than 15,000 hours' time in service, including the hours' time in service prior to the incorporation of Modification 520, and incorporate Modification 492 on the wing carry-through structure in the fuselage center section in accordance with De Havilland Aircraft Service Modification News Sheet, Modification No.: Heron 492, as amended through Amendment No. 3, dated March 6, 1956, or an FAA-approved equivalent.

(2) Incorporate Modification 520 on the wing main spar lower boom in accordance with De Havilland Aircraft Service Modification News Sheet, Modification No.: Heron 520, Issue 2, dated December 17, 1956, or an FAA-approved equivalent, and incorporate Modification 492 on the wing carry-through structure in the fuselage center section in accordance with De Havilland Aircraft Service Modification News Sheet, Modification No.: Heron 492, as amended through Amendment No. 3 dated March 6, 1956, or an FAA-approved equivalent.

(e) Comply with the following:

(1) Replace the wing assembly with a Modification 520 wing assembly of the same part number that has accumulated less than 15,000 hours' time in service, including the hours' time in service prior to the incorporation of Modification 520, or

(2) If the wing assembly has not accumulated 30,000 hours' time in service, including the hours' time in service prior to the incorporation of Modification 520, and the rework specified in this subparagraph has not been accomplished, rework the wing assembly as follows:

(i) Rework the basic wing structure by incorporating Modification 1585 in accordance with Hawker Siddeley Aviation Ltd., Modification Leaflet "Civil Modification" for Modification No.: Heron 1585 with Amendment No. 4 incorporated, or an FAA-approved equivalent;

(ii) Replace the existing flap datum hinge links with new links, P/N 14 WF.453(L.H.) and P/N 14 WF.454(R.H.) or an FAA-approved equivalent, unless already accomplished within the last 4,000 hours' time in service;

(iii) Replace the existing forward fork joint fittings (P/N 14 WF.1) and the forward eye joint fittings (P/N 14 WF.3), located between the inner and center flap sections, with new fittings of the same part numbers in accordance with Hawker Siddeley Aviation, Ltd., Repair Drawing RD. 14 WF.109, dated Ltd., Repair Drawing RD. 14 WF. 109, dated January 23, 1970, or an FAA-approved equivalent;

(iv) Replace the small angle brackets located on the forward face of the rear vertical flange at wing rib No. 01 near the inner flap section inner hinge bracket attachment with new brackets, P/N 14 W.5621 and 14 W.5623 (Modification 1076, full version) or an FAA-approved equivalent;

(v) Replace the engine mounting pick-up straps P/N 14–2 W.555ND, and strap doublers, P/N 14 W.1715ND, with new straps and strap doublers of the same part numbers in accordance with paragraph 5.2 of Hawker Siddeley Aviation, Ltd., Technical News Sheet; Series: Heron (114) No. W.15, Issue 1, dated October 27, 1969, or an FAA-approved equivalent; and

(vi) Replace the magnesium parts in the flap hinge assemblies with aluminum-copper alloy parts by incorporating Modification 1098 in accordance with Hawker Siddeley Aviation Modification Leaflet "Civil Modification" for Modification No. Heron 1098, with Amendment No. 2 incorporated, or an FAA-approved equivalent.

(f) Replace—

(1) Vertical fin front attachment fittings with new fittings, P/N's 14.FS–4669 (left hand) and 14.FS–4670 (right hand), in accordance with De Havilland Aircraft Service, Modification News Sheet No. Heron 869, dated December 12, 1956, or an FAA-approved equivalent, and

(2) Vertical Channels, P/N's 14FS.187 (left hand) and 14FS.188 (right hand) on the aft face of the stub fin portion of Bulkhead 6 with new channels of the same part number in accordance with Hawker Siddeley Aviation, Ltd., Repair Drawing RD.14FS.293, dated February 10, 1972, or an FAA-approved equivalent.

(g) Replace elevator trim tab connecting rods, P/N 14 TE.431A, and fork ends, P/N 4T.55 (two each per airplane), with new rods and fork ends of the same part number.

(h) Operators who have not kept records of hours' time in service on any part to which a provision of this AD applies shall substitute airplane hours' time in service in lieu thereof.

(Hawker Siddeley Aviation, Ltd., Technical News Sheet; Series: Heron (114) No. M.9, Issue 2, dated July 3, 1972, covers this same subject.)

This amendment is effective upon publication in the FEDERAL REGISTER (9–15–72), as to all persons except those persons to whom it was made immediately effective by the airmail letter dated July 27, 1972, which contained this amendment.

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

Issued in Washington, D.C., on September 7, 1972.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.72-15717 Filed 9-14-72;8:47 am]

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 72-CE-16]

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

Designation of Transition Area

On page 11187 of the FEDERAL REGISTER dated June 3, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Oelwein, Iowa.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment. No objections were received.

Subsequent to the publication of this notice it was determined that the 1200-foot floor transition area designation described therein is also contained in the transition area description for Waterloo, Iowa (Airspace Docket No. 72–CE–18). Accordingly, to avoid duplicity the 1200-foot floor transition area at Oelwein, Iowa, is being deleted from the adopted rule.

Since this change reduces the amount of controlled airspace and imposes no

additional burden on any person, notice and public procedure hereon are unnecessary and this change may be accomplished by final rule action.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 9, 1972, as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is added:

OELWEIN, IOWA

That airspace extending upward from 700 feet above the surface within a 6-statute mile radius of the Oelwein Municipal Airport (latitude 42°41'04" N., longitude 91°58'42" W.); and within 3.5 statute miles each side of the 303° bearing from the airport reference point extending from the 6-mile radius to 11.5 miles northwest of the airport.

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

Issued in Kansas City, Mo., on September 7, 1972.

CHESTER W. WELLS,
Acting Director, Central Region.

[FR Doc.72-15719 Filed 9-14-72;8:47 am]

[Airspace Docket No. 72-CE-22]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Grandview, Mo., control zone.

The Grandview, Mo., control zone, serving the Richards Gebaur Air Force Base is being changed from a continuous to a part-time operation. Accordingly, it is necessary to alter the Grandview control zone description to reflect the part-time status of the control zone. The new hours for the control zone will initially be published in advance by a Notice to Airmen. Thereafter, the effective date and time of the control zone and any changes thereto will continuously be published in the Airman's Information Manual.

Since this alteration is relaxatory in nature and is in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 8, 1972, as hereinafter set forth:

In § 71.171 (37 F.R. 2056), the following control zone is amended to read:

GRANDVIEW, MO.

Within a 5-mile radius of Richards-Gebaur AFB (latitude 38°50'50" N., longitude 94°33'20" W.); within 2½ miles each side of the Richards-Gebaur AFB ILS localizer south course, extending from the 5-mile radius zone to 1 mile south of the OM; and within 2½ miles each side of the Richards-Gebaur AFB TACAN 195° radial, extending from the 5-mile radius zone to 5½ miles south of the TACAN, excluding the area north of latitude 38°52'30" N., and west of longitude 94°35'50" W. The control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Kansas City, Mo., on September 1, 1972.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.72-15720 Filed 9-14-72;8:47 am]

[Airspace Docket No. 72-GL-40]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Lima, Ohio.

Since the designation of the transition area at Lima, Ohio, the criteria for designation of airspace to protect instrument approaches have changed. As this is caused by a change in criteria rather than procedure, it imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., November 9, 1972, as set forth below.

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

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

LIMA, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Allen County Airport (latitude 40°42'26" N., longitude 84°01'36" W.); within 3 miles each side of the Allen County VOR 090° radial extending from the 6.5-mile radius to 8.5 miles east of the VOR; within a 5-mile radius of the Lima Airport (latitude 40°45'45" N., longitude 84°10'45" W.); within 3 miles each side of the 268° bearing from the Lima RBN extending from the 5-mile radius to 8 miles west of the RBN.

Issued in Des Plaines, Ill., on August 18, 1972.

R. O. ZIEGLER,
Director, Great Lakes Region.

[FR Doc.72-15721 Filed 9-14-72;8:47 am]

[Airspace Docket No. 72-SW-35]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Federal Airways and Jet Routes

On July 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 14319) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would redesignate VOR Federal airway and Jet Route segments effected by the relocation of the Austin, Tex., VORTAC.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No adverse comments were received in response to the notice.

VOR Federal airway No. 306, Jet Route No. 15 and Jet Route No. 86 route segments will be moved when the Austin, Tex., VORTAC is relocated. However, the involved segments are presently designated direct navigational aid to navigational aid; thus, it is not necessary to change the designations of these segments.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., November 9, 1972, as hereinafter set forth.

1. Section 71.123 (37 F.R. 2009) is amended as follows:

a. In VOR Federal airway No. 17 delete "; Austin, Tex., including a west alternate via INT San Antonio 002° and Austin 237° radials and also an east alternate via INT San Antonio 057° and Austin 198° radials; Waco, Tex., including an east alternate via INT Austin 046° and Waco 173° radials; Acton, Tex.;" and substitute "to San Antonio, via INT San Antonio 042° and Austin, Tex., 229° radials; Austin, including an east alternate via INT San Antonio 057° and Austin 173° radials; and also including a west alternate via INT San Antonio 002° and Austin 243° radials; Waco, Tex., including an east alternate via INT Austin 041° and Waco 173° radials; Acton, Tex.;" therefor.

b. In VOR Federal airway No. 76 delete "Austin, Tex., including a south alternate via INT Llano 129° and Austin 257° radials; Industry, Tex.;" and substitute "Austin, Tex., including a south alternate via INT Llano 134° and Austin 280° radials; Industry, Tex., including a north alternate via INT Austin 090° and Industry 305° radials;" therefor.

2. Section 75.100 (37 F.R. 2382) is amended as follows:

a. In Jet Route No. 21 delete "Austin, Tex.; INT Austin 016° and Greater Southwest, Tex., 190° radials; Greater Southwest;" and substitute "Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.;" therefor.

b. In Jet Route No. 25 delete "Austin, Tex.; INT Austin 016° and Greater Southwest, Tex. 190° radials; Greater Southwest;" and substitute "Austin, Tex.; Waco, Tex.; Greater Southwest, Tex.;" therefor.

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

Issued in Washington, D.C., on September 11, 1972.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.72-15722 Filed 9-14-72;8:47 am]

SUBCHAPTER G—AIR CARRIERS, AIR TRAVEL CLUBS, AND OPERATORS FOR COMPENSATION OR HIRE: CERTIFICATION AND OPERATIONS

[Docket No. 12223, Amdt. 121-95]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Leasing of Aircraft

The purpose of this amendment to Part 121 of the Federal Aviation Regulations is to clarify the applicability of § 121.6 of those regulations concerning the requirement for providing the Administrator with a copy or written memorandum of the terms of certain leasing arrangements.

Section 121.6 requires that, prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby the certificate holder agrees to provide an aircraft and at least a pilot flight crewmember to another person.

That regulation became effective December 5, 1970 (35 F.R. 17037; November 5, 1970), as Amendment No. 121-70. Consistent with the intent and purpose of the amendment, the FAA has administered it so as to limit its applicability to those wet lease agreements involving the lease of a large aircraft by a Part 121 certificate holder to another person certificated under Part 121, 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline. However, the present wording of the regulation gives it a literal applicability that is broader than was intended.

Accordingly, this amendment is being adopted to make the wording of the regulation consistent with its intent and purpose, as reflected in its administration by the FAA.

Accordingly, § 121.6 of the Federal Aviation Regulations is amended to make it clear that Part 121 certificate holders are required to submit copies of wet lease agreements only when they involve large aircraft and when the lessee is certificated under Part 121, 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline.

Since this amendment merely clarifies a currently effective regulation and imposes no additional burden on anyone, I find that public procedure is unnecessary and good cause exists for making it effective on less than 30 days' notice.

In consideration of the foregoing, Part 121 of the Federal Aviation Regulations is amended, effective September 15, 1972, by amending § 121.6(a) to read as follows:

§ 121.6 Leasing of aircraft.

(a) Prior to conducting operations, each certificate holder must provide the Administrator a copy or a written memorandum of the terms of any leasing arrangement whereby that certificate holder agrees to provide a large aircraft and at least a pilot flight crewmember to another person certificated under this Part 121, and Part 123, or 135 of the Federal Aviation Regulations or engaged in the operation of a foreign air carrier or other foreign airline.

* * * * *

(Secs. 313(a), 601, 604, 607, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1424, 1427; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on September 8, 1972.

J. H. SHAFFER,
Administrator.

[FR Doc.72-15724 Filed 9-14-72;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9762]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Elimination of Filing of Forms by Market Makers in OTC Margin Securities in Certain Instances

On May 31, 1972, in Securities Exchange Act Release No. 9611 and in the FEDERAL REGISTER for May 31, 1972, at 37 F.R. 10807, the Commission published its proposal to amend Rule 17a-12 (17 CFR 240.17a-12) under the Securities Exchange Act of 1934 to eliminate the need for filing of notices and reports by broker-dealers who make markets in OTC Margin Securities and do not use nor intend to use the exemption from margin requirements provided for by the Board of Governors of the Federal Reserve System for OTC Market Makers. It was also proposed at that time to revise Form X-17A-12(1) (17 CFR 249.619), to reflect this amendment and to revise Form X-17A-12(2) (17 CFR 249.620), the quarterly report form filed by OTC Market Makers, to make it more useful for regulatory purposes. The Commission has considered the comments and suggestions received with respect to these proposals and has amended the rule, as stated below and related reporting forms under the rule, effective October 16, 1972.

Paragraph (b) of the rule has been amended by excepting from notification requirements a broker-dealer who does not use OTC Market Maker exempt credit as provided for by section 3(w) of Regulation U (12 CFR 271.3(w)). Paragraph (c) of the rule has been amended to permit a broker-dealer to withdraw his notification whenever he no longer intends to apply for or receive such credit on any OTC Margin Security. Moreover, under paragraph (d), as amended, only those OTC Market Makers who have notices on file with the Commission during the calendar quarter are required to furnish reports on Form X-17A-12(2).

A broker-dealer who has not filed a notice or has withdrawn his notice on Form X-17A-12(1) but is otherwise eligible for OTC Market Maker exempt credit and wishes to obtain such credit may, within 5 days after applying for such credit, file a notification that he is an OTC Market Maker with the Commission.[1] It is, therefore, suggested that those broker-dealers who presently have notices on file with the Commission but do not ordinarily use the OTC Market Maker exemption provided for by Regulation U withdraw their notices to lessen the paper work for both their own firms and the Commission.

Paragraph (d) has also been amended to permit the quarterly report to be filed by OTC Market Makers within 20 days after the close of the calendar quarter instead of 10 days as formerly. This will permit more time for the preparation of the reports and will also agree with the time allowed for quarterly reports by third market makers and block positioners who receive exempt credit under Regulation U.[2]

Form X-17A-12(1) has been revised to provide for notifications by broker-dealers when they no longer intend to apply for OTC Market Maker exempt credit although they may continue to make markets in OTC Margin Securities. Former Schedule A of Form X-17A-12(2) has been replaced by an expanded Form X-17A-12(2), and the reports to be filed each calendar quarter by OTC Market Makers no longer call for details of transactions on a sample day. Instead, the revised Form X-17A-12(2) requests aggregate purchases and sales as principal for the quarter.[3] In addition, the revised form asks for the maximum number of shares of the subject security pledged as collateral at any time during the quarter and the daily average closing position during the period. Formerly these data were requested only as of the designated sample day.

Amended Form X-17A-12(1) should be used on and after October 16, 1972. The amended quarterly report form, Form X-17A-12(2), should be used for the quarter ending December 31, 1972 which report will be due on or before

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[1] In replying to item 4(a) of Form X-17A-12(1), the date broker-dealer commenced making a market in the security, the broker-dealer may state "Prior to ----------" and insert the date of application for exempt credit.

[2] Adoption of Rule 17a-16 (17 CFR 240.17a-16) and Rule 17a-17 (17 CFR 240.17a-17) implementing the margin exemption under Regulation U for such broker-dealers is also being announced today.

[3] Form X-17A-12(2), as proposed in Securities Exchange Act Release No. 9611, would have required the respondent to exclude non-inventory principal trades (i.e., riskless transactions). Because of the difficulty in identifying such trades, this exclusion is not required in the present revised forms.

January 20, 1973. Since the report no longer refers to a sample day, the Commission will no longer send letters to OTC Market Makers at the end of each calendar quarter reminding them that the reports are due, as well as informing them of the selected date. The revised forms will be available from the Publications Unit, Securities and Exchange Commission, Washington, D.C. 20549, on and after October 2, 1972.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a) and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraphs (b), (c), and (d) of § 240.17a–12 as set forth below. Said amendments are hereby made effective October 16, 1972.

§ 240.17a–12 Reports to be filed by market makers in OTC Margin Securities.

* * * * *

(b) Every registered broker-dealer who, after the effective date of this section, becomes an OTC Market Maker in any OTC Margin Security or is an OTC Market Maker in a particular security which is placed by the Board on the OTC Margin Security list after he becomes a market maker in such security, shall, within 5 days after he becomes such a market maker or after it is placed on such list, as the case may be, file with the Commission a notice on Form X–17A–12(1) (§ 249.619 of this chapter) identifying each such security; except that no notice need be filed unless he applies for credit on any OTC Margin Security pursuant to the "OTC market maker exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve System under the Act.

(c) Every registered broker-dealer who has filed a notice under paragraph (a) or (b) of this section and who ceases to be an OTC Market Maker in any security listed in any notice filed under such paragraphs, or who no longer intends to apply for or receive OTC Market Maker exempt credit on any OTC Margin Security, shall, within 5 days thereafter notify the Commission on Form X–17A–12(1) (§ 249.619 of this chapter) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however,* That if a security has been removed by the Board from the OTC Margin Security list, no such notice respecting cessation of market making activities need be filed as to that security.

(d) Every registered broker-dealer who, during any calendar quarter, is or has been an OTC Market Maker in any OTC Margin Security and has filed a notice on Form X–17A–12(1) (§ 249.619 of this chapter) pursuant to paragraph (a) or (b) of this section shall, within 20 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–12(2) (§ 249.620 of this chapter).

(Sec. 17(a), 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78(w))

By the Commission.

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

SEPTEMBER 12, 1972.

[FR Doc.72–15789 Filed 9–14–72;8:53 am]

[Release 34–9760]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Reporting Requirements for Certain Third Market Receiving Exempt Credit

The Securities and Exchange Commission announced today that it is adopting Rule 17a–16 (17 CFR 240.17a–16) under the Securities Exchange Act of 1934 (the Act) and Forms X–17A–16(1) (17 CFR 249.631) and X–17A–16(2) (17 CFR 249.632) thereunder in order to implement an amendment of Regulation U (12 CFR 221), adopted today by the Board of Governors of the Federal Reserve System (the Board), granting over-the-counter market makers in listed securities ("third market makers") exemption from margin restrictions of that regulation to carry on their market making activities. The Commission's rule was proposed on May 31, 1972, in Securities Exchange Act Release No. 9612 and in the FEDERAL REGISTER for May 31, 1972, at 37 F.R. 10806.[1] Following consideration of the several comments received, the Board and the Commission have revised somewhat the definition of a third market maker, and the Commission has simplified the reporting forms. The Commission now adopts Rule 17a–16 and the related forms, effective October 16, 1972, as set forth below.

The Commission also at this time amends paragraph (b) of Rule 17a–9 (17 CFR 240.17a–9) under the Act by adding a statement permitting third market makers to file a single notification report under that rule and under Rule 17a–16. It also amends paragraph (5) of Rule 19b–1 (17 CFR 240.19b–1) under the Act also for the purpose of eliminating duplicate notifications. The texts of the amended rules, which are effective on October 16, 1972, are given below.

In 1969, the Board adopted a provision under Regulation U permitting banks to extend credit to over-the-counter market makers in OTC margin stocks without regard to the specified margin requirements of that regulation under certain conditions. The Board today is adopting section 3(y) of Regulation U which is a similar provision for third market makers.

Subparagraph (2) of the section defines a third market maker as a dealer who is in compliance with Rule 15c3–1 (17 CFR 240.15c3–1) under the Act, who has and maintains a specified minimum net capital (as that term is defined in Rule 15c3–1) and who, with respect to a security registered on a national securities exchange, furnishes bona fide competitive bid and offer quotations to other broker-dealers on request; is ready, willing, and able to effect transactions for his own account in reasonable amounts and at his quoted prices with other broker-dealers; and has a reasonable average rate of inventory turnover.

The definition, as proposed by the Board in May 1972, also required that in order to be eligible for the margin exemption a third market maker do no more than 25 percent of his business with other market makers and/or on national securities exchanges. Several broker-dealers commented that a third market maker cannot control the extent to which he effects transactions on a regional exchange of which he is a member or transactions with other market makers since he assumes a passive role as an auxiliary specialist or a market maker and does not initiate the transactions. Since it is not practicable for record purposes to differentiate between such transactions and those which the market maker initiates to reduce his position, the 25 percent limitation has been withdrawn.

Under section 3(y) of Regulation U as adopted today, the net capital requirements for a third market maker are a minimum of $100,000 plus $20,000 for each registered security in excess of five in which he is a third market maker, up to a maximum of $500,000. The latter is a reduction from the Board's proposal of May 1972 in which a third market maker was required to have up to a maximum of $1 million.

The Board also requires a third market maker to file with the Commission a notice of his intent to begin or continue his market making activities and all other reports as required pursuant to a rule of the Commission. In accordance with this provision, the Commission is adopting Rule 17a–16 and Form X–17A–16(1) and Form X–17A–16(2).

The definition of a third market maker, as given in paragraph (c) of Rule 17a–16, is identical with the Board's definition except that the Commission's rule uses the term "Qualified Third Market Maker." This is to distinguish a broker-dealer who is eligible for third market maker exempt credit from a third market maker as defined in Rule 17a–9 under the Act and from "qualified nonmember market makers" as defined in Rule 19b–1 under the Act.

[1] The release also announced a similar proposed rule, Rule 17a–17 (17 CFR 240.17a–17), for block positioners. This rule is also being adopted today (37 F.R. 18719). (See Securities Exchange Act Release No. 9761).

As specified in paragraphs (a) and (b) of Rule 17a–16, Form X–17A–16(1) is the form to be filed by a Qualified Third Market Maker for each registered security in which he makes a market at least 5 business days before obtaining third market maker exempt credit. However, no notice is required if the market maker does not intend to use such credit. The rule further provides, in paragraph (d), that within 5 days after ceasing to be a Qualified Third Market Maker in a security, or if the broker-dealer no longer intends to seek exempt credit, he notify the Commission of such fact on Form X–17A–16(1). The form, among other things, identifies the security in which the broker-dealer is making a market and calls for the date of commencement of such market making. Broker-dealers who have previously been making over-the-counter markets in registered securities and file notices on Form X–17A–16(1) on the effective date of this rule, or at some subsequent date, may insert as the date of commencement of market making "Prior to _____", giving the effective date of the rule or the date of filing the notifications.

The definition of a third market maker takes into account the possibility that certain antimanipulative provisions of the Federal securities laws, such as Rule 10b–6 (17 CFR 240.10b–6) under the Act, would prohibit a market maker from meeting all of the conditions of a Qualified Third Market Maker in a given security on certain occasions. Paragraph (f) of Rule 17a–16 provides that, in such a case, the third market maker is to give prompt written notice to the Commission stating the basis for failing to meet specified conditions; and, after resuming his full market making activities, to promptly notify the Commission to that effect in writing. Such notices are in lieu of any filings on Form X–17A–16(1).

Pursuant to paragraph (e) of Rule 17a–16, every third market maker who has had notices on Form X–17A–16(1) with respect to any registered security on file with the Commission at any time during the calendar quarter must file with the Commission a report on Form X–17A–16(2) within 20 days after the end of the quarter. The purpose of the quarterly reports is to insure that broker-dealers who receive third market maker exempt credit meet the criteria for a Qualified Third Market Maker, including having a reasonable average rate of inventory turnover, and to determine the extent to which such broker-dealers are using exempt credit. If the market maker has not received credit under the third market maker exemption or did not have any such loans outstanding at any time during the quarter, he is required to answer only the first five items on the form. If the market maker did receive such credit, he must also answer item 6 which calls for details of positions, trades as principal over the counter and on exchanges, and borrowings with respect to each registered security in which he is a Qualified Third Market Maker.

Form X–17A–16(2) is considerably simplified over the one originally proposed by the Commission in May 1972. The original proposal included a Schedule A which was to be required to be filed for each security. Some of the questions on that schedule have been eliminated and the remaining questions are now consolidated into a table under item 6 of Form X–17A–16(2).

The first report on Form X–17A–16(2) will cover the period from the effective date of the rule through December 31, 1972. Reports will be due on or before January 20, 1973. Copies of this form, as well as Form X–17A–16(1), will be available on and after October 2, 1972, from: Publications Unit, Securities and Exchange Commission, Washington, D.C. 20549.

Qualified Third Market Makers who file notifications under Rule 17a–16 are still required to file notifications with the Commission under Rule 17a–9 of the Act for listed common stocks in which they make markets. However, to eliminate the need for duplicate filings, the Commission hereby amends paragraph (b) of Rule 17a–9, to permit a notification report filed on Form X–17A–16(1) also to be deemed a filing in compliance with the notification requirements of that paragraph.

Under Rule 19b–1 of the Act, certain third market makers who wish to qualify as nonmember market makers under a special rule of an exchange to deal off Board with members of that exchange are required to file notifications with the Commission with respect to the securities in which they commence or cease to make markets.[2] Rule 19b–1 provides that such nonmember market makers may report on Form X–17A–9(1) (17 CFR 249.917(1)) and such report is deemed to be a filing under both Rule 17a–9 and Rule 19b–1 unless the broker-dealer otherwise specifies. The Commission now amends paragraph (5) of Rule 19b–1 to provide that notifications under that paragraph may also be made on form X–17A–16(1) and that such filing will be considered to be in compliance with both Rule 17a–16 and Rule 19b–1 unless otherwise noted by the broker-dealer.[3]

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b), 17(a), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby amends Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by adopting § 240.17a–16 and §§ 249.631 and 249.632 as set forth below, and, since these sections are adopted to implement the amendment adopted on September 12, 1972, by the Board of Governors of the Federal Reserve System to Regulation U under the Act which becomes effective on October 16, 1972, the Commission finds that it is necessary in the public interest and for the protection of investors that §§ 240.17a–16, 249.631, and 240.632 become effective on October 16, 1972.

In addition, the Commission acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 17(a), 19(b), and 23(a), in order to reduce the reporting requirements for many broker-dealers, hereby amends Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by amending paragraph (b) of § 240.17a–9 and paragraph (a)(5) of § 240.19b–1, as set forth below, effective on October 16, 1972.

§ 240.17a–16 Notices and reports by qualified third market makers.

(a) Every broker or dealer registered pursuant to section 15 of the Act who is a "Qualified Third Market Maker" (as hereinafter defined) in any security registered on a national securities exchange and who applies for or receives credit with respect to any such security from any bank in reliance on the "Third Market Maker Exemption" provided for in Regulation U under the Act (hereinafter called "Third Market Maker exempt credit"), shall, within the time prescribed in this section, file with the Commission a notice on Form X–17A–16(1) (§ 249.631 of this chapter) for each security in respect of which he is a Qualified Third Market Maker.

(b) A Qualified Third Market Maker shall file the notice prescribed in paragraph (a) of this section at least 5 business days before receiving the extension of Third Market Maker exempt credit, but he need not file such notice unless he applies for Third Market Maker exempt credit.

(c) For the purpose of this section, a qualified third market maker shall mean a dealer who is subject to and in compliance with § 240.15c3–1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3–1 by paragraph (b)(2) thereof) and who has and maintains minimum net capital as defined in § 240.15c3–1 (or in such capital rules of such exchange) of $100,000 plus $20,000 for each security in excess of five in respect of which he has filed and not withdrawn the notice on Form X–17A–16(1) (§ 249.631 of this chapter) (except that he shall not be required to have such net capital of more than $500,000 to be a qualified third market maker under the provisions of this section); and who, except when such activity is unlawful, meets all of the following conditions with respect to such security: (1) He furnishes bona fide, competitive bid and offer quotations at all times to other brokers or dealers on request; (2) he is

[2] The New York Stock Exchange is the only exchange which has adopted such a rule. (See Securities Exchange Act Release No. 7981, October 20, 1966, and the FEDERAL REGISTER for November 2, 1966, at 31 F.R. 13990.)

[3] Thus, a third market maker in New York Stock Exchange common stocks may file one report on Form X–17A–16(1) for each such stock to satisfy the notification requirements of Rules 17a–9, 17a–16, and 19b–1.

ready, willing and able to effect transactions for his own account in reasonable amounts, and at his quoted prices with other brokers and dealers; and (3) he has a reasonable average rate of inventory turnover in such security.

(d) Every registered broker-dealer who has filed a notice under paragraph (a) of this section who ceases to be a qualified third market maker in any security listed in any notice filed under such paragraph, or who no longer intends to apply for or receive third market maker exempt credit on any security registered on a national securities exchange, shall, within 5 business days thereafter, notify the Commission on Form X–17A–16(1) (§ 249.631 of this chapter) that he has ceased to be such a market maker with respect to such security, or that he no longer intends to seek such exempt credit: *Provided, however,* That if a security has ceased to be registered on any national securities exchange, no such notice respecting cessation of market making activities need be filed as to that security.

(e) Every registered broker-dealer, who during any calendar quarter is or has been a qualified third market maker and who has filed a notice on Form X–17A–16(1) (§ 249.631 of this chapter) pursuant to paragraph (a) of this section, shall, within 20 days after the end of each such calendar quarter, file with the Commission three fully executed copies of a report on Form X–17A–16(2) (§ 249.632 of this chapter).

(f) At any time that a broker-dealer who is otherwise a qualified third market maker is unable to meet one or more of the conditions specified in subparagraphs (1), (2), or (3) of paragraph (c) of this section because such activity would be unlawful, he shall promptly notify the Commission in writing of such fact and state the basis for failing to meet such conditions; and if and when he has resumed the activity necessary to meet such conditions, he shall promptly notify the Commission in writing of such resumption.

(g) Reports on Form X–17A–16(2) (§ 249.632 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and any other person to whom the Commission authorizes disclosure in the public interest.

§§ 249.621 to 249.630 [Reserved]

§ 249.631 Form X–17A–16(1), notification required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–16 of this chapter.

This form must be executed and filed with the Commission pursuant to paragraphs (a) and (b) of § 240.17a–16 of this chapter by certain broker-dealers, defined to be "Qualified Third Market Makers" by paragraph (c) of § 240.17a–16 of this chapter, at least five (5) business days before such broker-dealers obtain third market maker exempt credit pursuant to Regulation U under the Act.

§ 249.632 Form X–17A–16(2), quarterly report required to be filed by certain broker-dealer market makers pursuant to section 17 of the Act and § 240.17a–16(e) of this chapter.

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (e) of § 240.17a–16 of this chapter within twenty (20) days after the end of each such calendar quarter, by every broker-dealer who, during a calendar quarter, is or has been a qualified third market maker, as defined in paragraph (c) of said section, and who has filed a notice on Form X–17A–16(1) (§ 240.631 of this chapter) pursuant to paragraph (a) of that section.

Paragraph (b) of § 240.17a–9 is hereby amended to read as follows:

§ 240.17a–9 Reports of market makers and other registered broker-dealers in securities traded on national securities exchanges.

* * * * *

(b) Every registered broker-dealer who commences or ceases making a market in any common stock traded on a national securities exchange shall file a report containing the information required by Form X–17A–9(1) (§ 249.917(1) of this chapter) not more than 10 days after such commencement or cessation: *Provided, however,* That no form X–17A–9(1) (§ 249.917(1) of this chapter) report need be filed because of a temporary cessation of market making in a particular security for a period of three or fewer consecutive business days. For purposes of this paragraph, a broker-dealer who is a market maker in a common stock before it becomes listed on a national securities exchange shall be deemed to have commenced making a market on a date of such listing if he continues to make a market in the stock after listing. For purposes of this paragraph, a market maker in any common stock traded on a national securities exchange may file a report on Form X–17A–16(1) (§ 249.631 of this chapter), and such report will be deemed to be a filing in compliance with this paragraph and with § 240.17a–16(a) or (d).

* * * * *

Paragraph (a)(5) of § 240.19b–1 is hereby amended to read as follows:

§ 240.19b–1 Qualified nonmember market-maker.

(a) * * *

(5) Filing a report with the Commission and the exchange whenever it thereafter commences or ceases making a market for purposes of this section in any security registered for trading on a national securities exchange, containing the dates of such commencement or cessation forthwith after such action takes place. For purposes of this subparagraph, a nonmember market-maker may report on Form X–17A–9(1) (§ 240.917(1) of this chapter) and such report will be deemed to also be a filing in compliance with § 240.17a–9(b) unless the broker-dealer specifies that such commencement or cessation is for purposes of § 240.19b–1 only; or he may report on Form X–17A–16(1) (§ 249.631 of this chapter) and such report will be deemed to also be a filing in compliance with §§ 240.17a–9(b) and 240.17a–16 (a) or (d) unless the broker-dealer specifies otherwise.

Copies of Forms X–17A–16(1) and X–17A–16(2) have been filed as part of the original document with the Office of the Federal Register. Additional copies are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Sec. 15(b), 48 Stat. 895, 78 Stat. 565, 15 U.S.C. 78o; Sec. 17(a) 48 Stat. 897, Sec. 4, 49 Stat. 1379, Sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; Sec. 19(b), 48 Stat. 898, 15 U.S.C. 78s; Sec. 23(a) 48 Stat. 901, Sec. 8 48 Stat. 1379, 15 U.S.C. 78w)

By the Commission.

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

SEPTEMBER 12, 1972.

[FR Doc.72–15740 Filed 9–14–72;8:52 am]

[Release No. 34–9761]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Reporting Requirements for Certain Block Positioners Receiving Exempt Credit

The Securities and Exchange Commission today announced the adoption of Rule 17a–17 (17 CFR 240.17a–17) under Securities Exchange Act of 1934 and Form X–17a–17 (17 CFR 249.633) thereunder in order to implement a rule of the Board of Governors of the Federal Reserve System (the Board) providing for exemptions from specified margin requirements of loans by banks to broker-dealers who position blocks of securities in order to facilitate the sale or purchase by their customers of quantities which cannot otherwise be absorbed by normal exchange facilities. On May 31, 1972, in Securities Exchange Act Release No. 9612 and in the FEDERAL REGISTER for May 31, 1972, at 37 F.R. 10810, the Commission proposed the adoption of Rule 17a–17 and Form X–17A–17 and accompanying Schedule A.[1] The Commission has considered the comments and suggestions received in response to that proposal and now adopts the rule and form as set forth below, effective October 16, 1972.

The Board is today amending its Regulation U [12 CFR 221] by adding paragraph (z) to section 3 to permit

[1] The release also announced a similar proposed rule, Rule 17a–16 (17 CFR 240.17a–16) for third market makers. This rule is also being adopted today (37 F.R. 18717). (See Securities Exchange Act Release No. 9760.)

broker-dealers who meet specified conditions to obtain credit from banks without regard to the margin restrictions of that regulation to carry on their block positioning. A block of stock is defined by the Board as a position with a current market value of $200,000 or more acquired in a single transaction or in several transactions at approximately the same time from a single source. Credit obtained pursuant to the block positioner exemption must be extinguished or brought into conformity with the initial margin requirements of sections 1 and 4 of Regulation U within 20 days unless extended for additional 5-day periods upon application by the block positioner to an appropriate self-regulatory agency.[2]

Under subparagraph (2) of section 3(z) [17 CFR 221.3(z)] a block positioner is defined as a dealer who: (1) Is a registered broker-dealer and has minimum net capital, as defined by Rule 15c3–1 [17 CFR 240.15c3–1] under the Act (or the capital rules of an exchange of which he is a member if the members thereof are exempt therefrom by Rule 15c3–1(b)(2) [17 CFR 240.15c3–1(b)(2)] under the Act), of $1 million; (2) engages in transactions in blocks of stock as principal, from time to time, to facilitate the sale or purchase of the block by his customer; (3) certifies to the lending bank that he has determined in the exercise of reasonable diligence that the shares could not be sold to or purchased from others on equivalent or better terms; and (4) sells the shares comprising the block as rapidly as possible commensurate with the circumstances. In addition, the block positioner must file with the Commission a notice of intent to undertake such block positioning activity and all other reports required to be filed by the Commission.

Rule 17a–17 is adopted to implement this latter provision of the Board's regulation. The Commission's rule provides in paragraph (a) that a broker-dealer who intends to apply for block positioner exempt credit from a bank must file a notice to that effect with the Commission at least 5 business days before applying initially for such credit. The notice should state that the broker-dealer intends to apply from time to time for exempt credit as provided under section 3(z) of Regulation U and that he meets all of the conditions, including the net capital requirement, precedent to being a block positioner as defined in paragraph (b) of Rule 17a–17.[3] These conditions parallel those of the Board.

Paragraph (c) of Rule 17a–17 requires all block positioners who have filed and not withdrawn notices under paragraph (a) of the rule to file a report each calendar quarter on Form X–17A–17 within 20 days after the end of the quarter. Form X–17A–17, which is a nonpublic report, pertains only to blocks which were positioned and on which credit was granted pursuant to section 3(z) of Regulation U. Information must be furnished on the extent of positioning of such blocks and the amount of credit obtained on such blocks by the broker-dealer during the quarter. The broker-dealer must also furnish the amount of his net capital as of the end of the quarter and certify that at all times during which his notification as a block positioner was on file with the Commission he maintained the minimum net capital required and met all other conditions necessary to be a block positioner as defined in section 3(z) of Regulation U. If the broker-dealer received any new extensions of credit under the block positioner exemption during the quarter, he is also required to file a Schedule A for each block positioned during a sample week in the quarter and in which block positioner exempt credit was granted.[4] The sample week will be selected by the Commission and each block positioner will be notified by letter of the week selected on or before the end of the quarter. The information called for on the schedule is designed to determine that the block has been liquidated as expeditiously as possible considering the size of the block and market conditions and will also be helpful in furnishing the Board and the Commission with continuing statistical data on this area of securities trading.

Question 7 of Form X–17A–17 requires that a Schedule A must be attached for not less than 10 blocks and explains how additional blocks are to be selected if less than 10 blocks on which exempt credit was received were positioned by the respondent during the sample week. To lessen the burden on active block positioners, this question provides that Schedule A's be supplied for each block positioned during the sample week and on which there was an extension of exempt credit beyond the 20-day limit plus only enough additional blocks on which exempt credit was granted, selected chronologically during the week, to make a minimum of 25. In most instances, it is unlikely that a block positioner will have to file a Schedule A for more than 25 blocks.

Copies of Form X–17A–17 and Schedule A will be available on and after October 2, 1972, from: Publications Unit, Securities and Exchange Commission, Washington, D.C. 20549. The first reports by block positioners on these forms should cover the period from the effective date of the rule through December 31, 1972, and will be due no later than January 20, 1973.

Commission action. Acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b), 17(a), and 23(a) thereof, and deeming it necessary and appropriate in the public interest and for the protection of investors, and also deeming such action necessary for the execution of the functions vested in the Commission by the Act, the Securities and Exchange Commission hereby amends Parts 240 and 249 of Chapter II of Title 17 of the Code of Federal Regulations by adopting section 240.17a–17 and section 249.633 as set forth below, and, since those sections are adopted to implement the amendment adopted on September 12, 1972, by the Board of Governors of the Federal Reserve System to Regulation U under the Act which becomes effective on October 16, 1972, the Commission finds that it is necessary in the public interest and for the protection of investors that sections 240.17a–17 and 249.633 become effective on October 16, 1972.

§ 240.17a–17 Notices and reports by block positioners.

(a) Every broker or dealer registered pursuant to section 15 of the Act, and every member of a national securities exchange, who applies for or receives from any bank any credit in reliance on the "Block Positioner Exemption" provided for by Regulation U of the Board of Governors of the Federal Reserve System under the Act shall, at least 5 business days prior to applying initially for such credit (hereinafter sometimes referred to as "exempt credit"), file with the Commission a notice of his intention to apply for and receive such credit and stating that he meets all of the conditions precedent to being a block positioner as defined in paragraph (b) below.

(b) For the purpose of this section, a "Block Positioner" is a dealer who is registered with the Commission pursuant to section 15 of the Act, or is a member of a national securities exchange, and is subject to and in compliance with § 240.15c3–1 (or is subject to and in compliance with the capital rules of an exchange of which he is a member if the members thereof are exempt from § 240.15c3–1 by paragraph (b)(2) thereof), and who has and maintains minimum net capital as defined in section 240.15c3–1 (or in such capital rules of such exchange) of $1 million and who, except when such activity is unlawful, meets all of the following conditions: (1) He engages in the activity of purchasing long or selling short as principal, from time to time, from or to a customer (other than a partner or a joint venture or other entity in which a partner, the dealer, or a person associated with such dealer as defined in section 3(a)(18) of the Act participates) a block of stock (other than a convertible security as described in section 3 of Regulation U) with a current market value of $200,000 or more in a single transaction, or in several transactions at approximately the same time from a single source, to facilitate a sale or purchase by such cus-

[2] It is contemplated that broker-dealers will make such application to the exchange where such position was acquired or to the National Association of Securities Dealers, Inc., if the position was acquired over the counter.

[3] The notices should be addressed to the Commission's Division of Market Regulation.

[4] According to one of the comments received, loans secured by inventory are customarily renewed on a daily basis. However, such renewals are not considered new extensions of credit for the purpose of determining whether a broker-dealer obtained block positioner exempt credit during the quarter.

tomer; (2) he certifies to the lending bank that he has determined in the exercise of reasonable diligence that the block could not be sold to or purchased from others on equivalent or better terms; (3) he sells the shares comprising the block as rapidly as possible commensurate with the circumstances; and (4) except upon receiving extensions of time in accordance with Regulation U, he does not hold such block continuously for more than 20 business days and before the expiration of such 20 business day period either extinguishes the exempt credit or brings any credit on the block in conformity with the initial margin requirements of sections 1 and 4 of Regulation U. A block of securities or portion thereof shall be deemed to have been held continuously to the extent that there has not been a net sale (or in the case of short positions, a net purchase) of such securities (whether or not represented by the same certificates) during such 20 business day period.

(c) Every Block Positioner who has filed a notice pursuant to paragraph (a) of this section shall thereafter, within 20 days after the end of each calendar quarter, file with the Commission three fully executed copies of a report for such calendar quarter on Form X–17A–17 (§ 249.633 of this chapter); except that no such report need be filed if, prior to the beginning of such calendar quarter, the Block Positioner filed a written statement withdrawing the notice which he filed pursuant to paragraph (a) of this section.

(d) Reports on Form X–17A–17 (§ 249.633 of this chapter) will be maintained in a nonpublic file: *Provided, however,* That any such report shall be available for official use, to any official or employee of the United States or the Board of Governors of the Federal Reserve System; and to any other person to whom the Commission authorizes disclosure in the public interest.

§ 249.633 Form X–17A–17, quarterly report required to be filed by a broker-dealer block positioner pursuant to section 17 of the Act and § 240.17a–17 of this chapter.

This form must be executed and filed with the Commission on a quarterly basis, pursuant to paragraph (c) of § 240.17a–17 of this chapter within twenty (20) days after the end of each calendar quarter, by every broker-dealer block positioner who has filed a notice pursuant to paragraph (a) of said section.

Copies of Form X–17A–17 have been filed as part of the original document with the Office of the Federal Register. Additional copies are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Sec. 15(b), 48 Stat. 895, 78 Stat. 565, 15 U.S.C. 78o; sec. 17(a), 48 Stat. 897, sec. 4, 49 Stat. 1379, sec. 5, 52 Stat. 1076, 15 U.S.C. 78q; sec. 23(a) 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w)

By the Commission.

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

SEPTEMBER 12, 1972.

[FR Doc.72-15741 Filed 9-14-72;8:52 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–441; Order 455–A]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Optional Procedure for Certificating New Producer Sales of Natural Gas; Order Clarifying Order, and Denying Applications for Rehearing and Stay

SEPTEMBER 8, 1972.

American Public Gas Association, American Public Power Association and Consumer Federation of America (the Associations), jointly filed on August 10, 1972, an application for rehearing of the Commission's Order No. 455, Optional Procedure for Certificating New Producer Sales of Natural Gas, Docket No. R–441, issued August 3, 1972 (37 F.R. 16189, August 11, 1972). Gulf Oil Corp. (Gulf) similarly filed on August 23, 1972, an application for rehearing of said order and also requested clarification of the order with respect to warranty contract sales. On August 29, 1972, 21 "Concerned Congressmen" (Congressmen) filed an application for rehearing and motion for stay of the order. On September 1, Texaco Inc. filed its motion for reconsideration,[1] and on September 5, 1972, the Public Service Commission for the State of New York, Continental Oil Co., Amoco Production Co., and Phillips Petroleum Co., each filed a petition for rehearing of said order.[2] We shall discuss the applications for rehearing, motions for clarification, and motions for stay separately, except in such instances as the applicants may have raised the same point.

At the outset, the Associations and "Concerned Congressmen" contend (1) we are without authority to promulgate Order No. 455, and (2) Order No. 455 amounts to deregulation. Our authority to issue Order No. 455 emanates from Congressional delegation of such authority in the Natural Gas Act, as well as the procedural mandates of the Administrative Procedure Act, and the judicial precedents interpreting such statutes. In Order No. 455, we set forth with specificity both our authority to promulgate such a policy statement and the judicial support for the procedures which were adopted (pp. 12–16). In fact, in order to afford the widest public participation possible, we followed the traditional rulemaking procedures—something which we need not have done for a policy statement.

The irrefutable fact is that this Nation is confronted with an energy crisis, and more particularly, a gas shortage. This Commission has used the breadth of its authority to deal with the problems which had arisen over the last decade. This Commission has the flexibility to adapt its policies to changing circumstances[3] and by issuing Order No. 455, we have carried forth our responsibilities as delegated to us by the Congress.

The "Concerned Congressmen" and Associations contend we erred in adopting Order No. 455 without a full trial-type hearing. There is no statutory requirement requiring a full evidentiary hearing prior to the issuance of a policy statement.[4] We issued a notice of our proposed rule and solicited written comments from all interested parties. This is the only "hearing" required when an agency proceeds under its informal rulemaking authority.[5] We reiterate that no rates have been prescribed by Order No. 455[6] and that individual hearings will be held on each certificate application so filed at which time any interested party, including petitioners, may intervene and present evidence.[7]

It has been contended that we have deregulated natural gas producers by issuing Order No. 455. The scope of our policy statement is limited to gas produced from wells commenced after April 6, 1972. The area rate framework, initiated in 1960, and completed for all major producing areas except Rocky Mountain, is unaffected by Order No. 455. We have provided an optional procedure for certificating new gas sales. Contrary to the "Concerned Congressmen's" contention, this procedure is not without standards. Certification will be subject to the standards of "just and reasonable" in section 4 and "present and future public convenience and necessity" of section 7. We will apply those standards of the Natural Gas Act as interpreted by the courts. In other words, only after a hearing, and Commission findings, subject to sections 4 and 7, will such a certificate be granted. This is not decontrol. It is the "end result" of our actions which must be judged,[8] and if Order No. 455

[1] On September 5, 1972, Amerada-Hess filed a telegraphic joinder in Texaco's petition.

[2] Superior Oil Co. filed a motion for reconsideration on September 7, 1972, and the issues raised in that motion shall be discussed here.

[3] Permian, infra at 800, 816 n. 99; Wisconsin v. F.P.C., 373 U.S. 294, 309 (1963); F.P.C. v. Natural Gas Pipeline Co., 315 U.S. 575, 586 (1942).

[4] See U.S. v. Allegheny-Ludlum Steel Corp., 32 L.Ed. 2d 453, 464–5 (1972); Siegel v. A.E.C., 400 F. 2d 778 (CADC, 1968); Pacific Coast European Conference v. U.S., 350 F. 2d 197 (CA 9), cert. denied 382 U.S. 958 (1965); Long Island RR Co. v. U.S., 318 F. Supp. 490 (E.D.N.Y. 1970); Attorney General's Manual on the Administrative Procedure Act (1947) at p. 78.

[5] Ibid.

[6] APGA argues we have retroactively set rates. Initially, no rates have been prescribed by Order No. 455. Further, rules which affect existing rights have been upheld on numerous occasions. E.g., WBEN, Inc. v. U.S., 396 F. 2d 601, 609, 618, 622 (CA 2), cert. denied 393 U.S. 914 (1968); Air Line Pilots Assn., Int. v. Quesada, 276 F. 2d 892, 896 (CA 2, 1960), cert. denied 366 U.S. 962 (1961).

[7] P.S.C. of N.Y. v. F.P.C., CADC, No. 71–1161, March 29, 1972, Slip op. at 13. Compare Wisconsin v. F.P.C., 292 F. 2d 753 (CADC, 1961); Wisconsin v. F.P.C., 303 F. 2d 380, 387 (CADC, 1961), affirmed 373 U.S. 294 (1963).

[8] F.P.C. v. Hope Natural Gas Co., 320 U.S. 591, 602 (1944); Colorado Interstate Gas Co. v. F.P.C., 324 U.S. 581, 625 (1945).

assists in alleviating the gas shortage, this Commission is fulfilling its obligations under the Natural Gas Act.

The Associations contend that the optional procedure as promulgated in § 2.75 of the Commission's general rules of practice and procedure, General Policy and Interpretations, exempt new gas sales from the requirements that the rates and charges therefor be just and reasonable. Such a contention is without merit. Section 2.75(1) specifically states that the rates, charges, and services to be certificated under the optional procedure shall be just and reasonable and required by the present and future public convenience and necessity. In other words, such certification shall conform to the standards of sections 4 and 7 of the Natural Gas Act.

The second contention of the Associations that the major premise of the optional procedure is to set natural gas rates for new sales solely upon "market conditions" is similarly without merit. This contention is made without regard or recognition of the evidentiary burden imposed upon a seller-applicant by § 2.75 (g), and upon the purchaser by § 2.75(h). We are not foreclosed from considering "market conditions" any more than we are prohibited from considering "noncost" factors in an area rate proceeding. Permian Basin Area Rate Cases, 390 U.S. 747, 791, 795, 815 (1968); Austral Oil Co. v. F.P.C., 428 F. 2d 407, 426, 441 (CA5, 1971). Indeed, to ignore such conditions would be to act contrary to the Fifth Circuit's mandate that we must consider market conditions and the industry's capital requirements to meet the consumer needs for reliable and adequate gas service. Id. 428 F. 2d at 435, 433–4. We would be derelict in our responsibilities if we did not consider the intrastate market prices and the ability of interstate pipelines to obtain the necessary gas reserves to meet the needs of jurisdictional customers. Order No. 455 represents another step in this Commission's efforts to deal with the gas shortage, and as such, is experimental in the same context as our advance payments policy (see Order No. 455 at pp. 14–15). So too was the initiation of producer area rates experimental in the 1960's and the Supreme Court clearly recognized that we may develop more effective regulatory tools. Permian, supra at 772 n. 37, 790, 800. Our action here is, of course, an optional procedure, and while not replacing area rates, we reject the idea that area rates is the only method by which producer rates can be determined.

"Concerned Congressmen" indicate our actions will be futile because we erred in not estimating the additional forthcoming new gas reserves. The short answer is that there will be no certificates issued pursuant to § 2.75 of our regulations except when the gas so applied for is dedicated to the jurisdictional market. In other words, in each individual certificate hearing, we will know what volumes of gas reserves will be dedicated, prior to the issuance of a certificate.

The Associations contend there is no gas supply shortage. Counsel for APGA's arguments have been rejected by two U.S. Courts of Appeals[9] and the gas shortage has been recognized by the U.S. Supreme Court.[10] Counsel for the Associations would have this Commission ignore the curtailments of firm gas customers by seven major interstate pipelines during the 1971–72 heating season. Twenty-eight pipelines have now filed curtailment plans. Firm requirement deficiencies during the 1972–73 heating season are expected to be even more severe.[11] In other words, new customers are being denied gas service and the service to existing customers is being reduced. The salient fact is that there is a shortage in deliverable gas reserves contrary to the national interest.

Counsel for Association contend we have "denied the consumers of a right to a hearing on the record of the facts relating to the shortage issue." Counsel, representing the American Public Gas Association, advanced similar arguments in the Rocky Mountain proceeding, involving initial rates and has sought court review and in the Hugoton-Anadarko area rate case.[12] In the latter case, the Ninth Circuit, in affirming the Commission's orders in full, rejected the Association's arguments. People of State of California, supra. In each of these proceedings, among others, counsel had a "right to a hearing on the record of the facts relating to the shortage issue." Other parties representing consumer interests and the Commission staff also participated in those proceedings. In each case, based upon a full evidentiary record, the Commission determined there was a gas shortage. While we will continue to provide a forum for counsel, inasmuch as the disappointed litigant has not submitted any evidence in this proceeding through written comments, we will reject his unsupported allegations. However, in any certificate proceeding, counsel may, of course, submit such evidence at a public hearing, including that related to the "shortage issue".[13] However, in the interim, this Commission will rely, for purposes of determining the gas consumer needs of this Nation, on the fact that those needs are not being met. We will continue to rely on evidence of pipeline curtailments, investment in alternate energy sources and supplemental gas supplies, reports of shortages by State commissions, Federal resource agencies, in addition to published data concerning exploratory and developmental well activity, the gas reserves of the interstate pipelines as reported to us on Form 15, the Potential Gas Committee, the Future Requirements Committee, Staff Report No. 2, and other relevant data.

"Concerned Congressmen" and Associations contend our action here violates Price Commission regulations because the price increases are inflationary. The fact is that there are no price increases contemplated under Docket No. R–441 for gas already dedicated to the interstate market. The optional procedure is for new gas reserves, not already dedicated to the interstate market, to which an "initial price" will be determined as a condition to the certificate. That "initial price" will represent a just and reasonable determination of the lowest reasonable rate consistent with adequate service. An important policy consideration which we cannot ignore is that because of the gas supply-demand imbalance, unsatisfied gas demands are transferred to higher-priced alternate fuels, which both increases demand and prices for those fuels and in other energy markets, to the detriment of consumers. A continuation of the gas shortfall will likewise serve as a deterrent to economic recovery. Thus, our Order No. 455 balances the objectives of the Natural Gas Act and the Economic Stabilization Act of 1971.

"Concerned Congressmen" urge this Commission to recommend accelerated leasing of Federal domain lands to the Department of Interior. As a matter of policy, we have urged, both by letters and other requests, for increased lease sales on Federal lands in order to obtain the maximum efficient development of our domestic resource base. This Commission policy recognizes that the development of such resources is responsive to factors other than wellhead prices established by the Federal Power Commission, including inter alia, leasing policies on Federal domain lands, tax policies, the relative attraction between domestic and foreign investments, and the industry's technological level concerning offshore operations.

The Associations assert that the provision in § 2.75(e) for certification with or without pregranted abandonment is contrary to section 7(b) of the Act. Suffice to say that section 7(b) requires, inter alia, that no natural gas company may abandon jurisdictional service without having first obtained the lawful permission and approval of the Commission that the present or future public convenience and necessity permits such abandonment. Certainly, when an application for pregranted abandonment is before it for determination as to its certification, the Commission may make the necessary findings required by section 7(b) of the Act.

The Associations alleged that the Commission erred in allowing pipeline-production, including affiliated companies, to utilize the optional procedure because they state "no arms length negotiation over prices exists in such situations." We have not opened § 2.75 pro-

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[9] The People of the State of California v. F.P.C. CA9, No. 71–1036, July 31, 1972, Slip op. at 20–22; City of Chicago v. F.P.C., 458 F. 2d 731, 747–9 (CADC, 1971), cert. denied 405 U.S. 1074 (1972).

[10] F.P.C. v. Louisiana Power & Light Co., No. 71–1016, S. Ct., June 7, 1972, Slip op. at 4.

[11] Data filed with the FPC by 15 pipelines indicate projected deficiencies of 1 trillion cubic feet or almost 10 percent of those pipelines' annual gas sales.

[12] Counsel advanced the same arguments on behalf of the Municipal Distributors Group in the southern Louisiana area rate proceeding which is presently before the Fifth Circuit for review.

[13] See City of Chicago, supra, at 749.

cedures to pipeline production, and as we stated in Order No. 455 (Mimeo. p. 21, par. 63) we will, "absent a showing of special circumstance, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order." Thus, we can only reiterate that transactions between pipelines and affiliates, or subsidiary off-system sales, will be examined by us to assure that such transactions and "the proposed rates are reasonable and in the public interest." In any event, the fact of whether or not the transaction is conducted at "arm's-length" is but one of many to be considered by us in making a just and reasonable determination.

In its request for clarification and rehearing, Gulf contends that exclusion of warranty contract sales from the optional certificate procedure of Order No. 455 is unduly discriminatory because, by its terms, it does not apply to such sales from wells commenced after April 6, 1972. The Commission reaffirms its intention to exclude warranty contract sales from the provisions of Order No. 455 because such contracts contemplate additional drilling, if necessary, in fulfillment of the volumetric warranty. Drilling under warranty contracts does not in itself result in increased gas supplies to the interstate market, and, therefore, it follows that sales under such existing contracts should not be eligible for the optional procedures of Order No. 455.

However, Gulf submits that a producer-seller should have the opportunity to amend its contract to be applicable to gas producer leases acquired, and wells drilled thereon after April 6, 1972, and to be able to demonstrate to the Commission that prices incurred in such acquisitions and drilling are in the public interest. That issue is pending for decision in another proceeding to which Gulf is a party, and we will not rule on that issue here.

The petition for rehearing of the Public Service Commission of the State of New York reiterates the contention made in its comments, filed in response to the notice herein, that we should exclude short-term contracts from certification under the optional procedure. New York in its petition for rehearing sets forth no facts nor does it advance any argument that we did not have before us when we determined not to condition § 2.75(e) so as to exclude such short-term contracts. Reconsideration of the matter has not caused us to change our determination. The duration of the contract will be one factor in our determination in the individual certificate proceeding.

Continental suggests that the Commission erred in failing to provide expressly that denial of an application by the Commission, or rejection of a certificate under the optional procedure by a seller, would vitiate and nullify all waivers made by the seller in connection with the application. Had we intended the waiver requirements of § 2.75 to apply irrespective of whether certificates ever became effective under § 2.75, we would have so stated. It is our intention that the waivers required by § 2.75(m) are effective only in the event that the § 2.75 application containing the waivers is approved by the Commission and the certificate thereunder accepted by the seller/applicant. If the Commission denies the application, or prescribes conditions which are unacceptable to the seller/applicant, the waivers which were made a part of the application are not binding upon the seller/applicant.

Continental and Texaco request clarification with respect to paragraph (b)(4) of § 2.75, asking whether it is necessary for a seller/applicant to show that it has discharged its refund obligations under all prior orders or opinions of this Commission in order to be eligible for presentation of an application. We did not so intend. We require only that a seller/applicant show, with respect to the geographical pricing area in which the prospective seller would commit the gas under the optional procedure, that he has discharged, or is prepared by plan or program to discharge, refund obligations with respect to that geographic area. Thus, if a seller/applicant should owe refunds in southern Louisiana but not owe refunds in the Texas gulf coast area, the seller/applicant would be able to utilize § 2.75 procedures for Texas Gulf coast area gas without regard to the status of its refund obligations in southern Louisiana.

We have also been asked to clarify whether or not contract escalations approved by the Commission in a § 2.75 proceeding would be self-operative or whether such would necessarily be subject to rate change filings under section 4(e) of the Natural Gas Act. We believe that this inquiry is answered by Episcopal Theological Seminary of the Southwest v. F.P.C., 269 F. 2d 228 (CADC), cert. denied sub nom., Pan American Petroleum Corp. v. F.P.C., 361 U.S. 895 (1959), wherein it was held that no rate change could become effective without a 4(e) filing. This is not to say, however, that the Commission recedes from the basic position expressed in Order No. 455 that it intends to grant sanctity of contract to the full extent that the Commission can, absent amendment of the Natural Gas Act by Congress. It is our intention to consider applications under § 2.75 and make a one time determination of the public convenience and necessity aspects of the certificate application and the justness and reasonableness of the rates therein proposed, both as to initial rates and as to definite escalations which might be embodied in the contract. For future definite escalations to become effective without a 4(e) filing will require amendment of the Natural Gas Act, through legislation such as that now pending before Congress.

It is most forcefully argued by Continental, Texaco, Phillips, and Amoco that we have erred in outlawing certain types of escalation clauses in § 2.75(f) and that the prohibitions of this paragraph (f) will operate as a disincentive to long term commitment of natural gas to the interstate market. We are particularly urged to permit the inclusion of so-called "FPC clauses" or "area rate clauses" in contracts tendered for certification under § 2.75.

If we did not intend to afford sanctity of contract to the fullest extent available to this Commission, we would be inclined toward sympathy with the producers' view. However, we think it inappropriate for us to sanctify a contract in the sense of guaranteeing that the price will not go down but deny the reciprocal sanctity that a certificated contract price will not rise.

We are of the firm opinion that the optional procedure should stand on its own as a means of producer rate regulation, and represent a true option to those buyers and sellers who choose the optional procedure over regulation under the area rate structure. To accept the requests of these applicants would permit them the benefits of the higher price obtainable under either system, a procedure which we decline to adopt.

The Commission further finds and orders that:

(1) Except for the clarifications in the order as herein provided, the applications for rehearing, motions for reconsideration, and motions for stay, are denied, inasmuch as no new facts or legal authorities have been presented which would require further modification of Order No. 455.

(2) Section 2.75(b)(4) is hereby amended to read as follows:

§ 2.75 Optional procedure for certificating new producer sales of natural gas.

* * * * * *

(b) * *

(4) The seller under such contract established that he has discharged, or is prepared by plan or program to discharge, refund obligations in the geographical pricing area in which the seller would commit gas under such contract, prescribed by prior orders or opinion of this Commission. It is provided, however, that any such seller may make the showing here required without prejudice to his claim in any case now pending on judicial review that such obligations were unlawfully imposed by the Commission.

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By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15767 Filed 9-14-72;8:52 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of Treasury

[T.D. 72-244]

PART 25—CUSTOMS BONDS

General Bond for Smelting and Refining Warehouses

SEPTEMBER 11, 1972.

The general bond for smelting and refining warehouses was first promul-

gated in 1925, in T.D. 40651, and was later amended by T.D.'s 50267 and 52403. This Customs bond form now requires revision to reflect present Customs procedures. Therefore, pursuant to the authority contained in section 251 of the Revised Statutes, as amended, and sections 312, 623, and 624 of the Tariff Act of 1930, as amended (19 U.S.C. 66, 1312, 1623, and 1624), a complete text of this bond form, as revised, is set forth below.

Since the form of the general bond for smelting and refining warehouses is merely conformed with current Customs procedures, notice and public procedure are unnecessary under 5 U.S.C. 553(b), and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)

Effective date. This revised form of the bond is effective upon the date of publication in the FEDERAL REGISTER (9-15-72).

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

BUREAU OF CUSTOMS

GENERAL BOND FOR SMELTING AND REFINING WAREHOUSES

KNOW ALL MEN BY THESE PRESENTS

That _____, of _____, as principal, and _____ of _____, and _____, of _____ as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($_____), for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this ____ day of _____, 19__.

Whereas, the said _____ have (has) been authorized to smelt or refine, or both, imported metal bearing materials in bond without the payment of duty thereon, as provided in section 312, Tariff Act of 1930, as amended, in the premises situated at _____, and more particularly described by metes and bounds in exhibit _____, attached hereto and made a part hereof, which premises are owned, controlled and operated by _____; and

Whereas, metal-bearing materials will be entered for warehouse to be smelted or refined, or both; and

Whereas, metal-bearing materials as well as merchandise generally will be entered for consumption or for warehouse, and in warehouses of Classes 2, 3, or 4 at any of the following ports of entry _____ _____ _____ _____ _____: and

Whereas, pursuant to the regulations promulgated under section 448(b), Tariff Act of 1930, the said principal may find that immediate delivery of the merchandise will be necessary and desires the release of such merchandise prior to the making of formal entry therefor and payment of duties thereon the description of the articles to be fully set forth in such applications for special permits as may be filed by the principal; and

Whereas, imported merchandise generally and dutiable metal-bearing materials (including products partly smelted or refined) will, to the extent permitted by law and regulations and in accordance therewith, be transferred from one warehouse to another, or be withdrawn for consumption, for transportation and rewarehousing, for exportation, for transportation and exportation, or for any other purpose provided for by law and regulations, as shown in the required documents.

Whereas, the above-bounden principal may request that the merchandise be examined elsewhere than at the public store, wharf, or other place in charge of a customs officer;

Now, therefore, the condition of this obligation is such, that—

(1) If the said principal shall comply in all respects with the provisions of section 312, Tariff Act of 1930, as amended, and the regulations thereunder, and all other laws and regulations, relating to the importation, transportation, exportation, transportation and exportation, entry, transfer, warehousing, or rewarehousing of imported metal-bearing materials entered for smelting or refining, or both, and to the custody and safekeeping of and accounting for such metal-bearing materials and dutiable metal (including products partly smelted or refined); and shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description connected with or arising from the deposit of metal-bearing materials or dutiable metal (including products partly smelted or refined) in the above-described warehouse(s), including the expenses of any kind or description incident to or caused by the transfer of such merchandise from the said warehouse(s) upon the discontinuance thereof;

(2) If, in cases where the merchandise has been released prior to entry pursuant to section 448(b) of the Tariff Act of 1930, the above-bounden principal within the time prescribed by the Customs regulations, after the release of the articles described in the application for a special permit, shall make entry for such articles and deposit the duties and taxes imposed upon or by reason of importation estimated to be due thereon, or in case the merchandise is to be entered for warehouse file the usual warehouse entry, or if, in the event of failure to make entry or to deposit such duties and taxes, he shall pay to the district director of customs as liquidated damages an amount equal to the value of the merchandise plus the duties and taxes thereon (it being understood and agreed that the amount to be collected shall be based upon the quantity and value of such merchandise as determined by the district director of customs and that the decision of the district director of customs as to the status of such merchandise, whether free or dutiable, together with the rate and amount of duties and taxes, also shall be binding on all parties to this obligation);

(3) And if the above-bounden principal shall, when the merchandise is to be examined elsewhere than at the public stores, wharf, or other place in charge of a customs officer, pay any additional expense, including actual expenses of travel and subsistence, but not the salary of the examining officer, and shall hold such merchandise at the place to which it will be removed for examination until the merchandise shall have been released from customs custody by the completion of final examination for purposes of appraisement; and, at any time before such release, shall transfer the merchandise to such place as the district director of customs may direct; and, when the merchandise has been corded and sealed, shall keep such cords and seals intact until removed by customs officers; or, in the event of default, shall pay to the district director of customs an amount equal to the value of the merchandise with respect to which there has been a default (as set forth in the entries therefor), plus the estimated duties and taxes thereon, as determined at the time of entry;

(4) If said principal shall pay monthly to the district director of customs for the district in which said smelting, refining, or smelting and refining warehouses are located, the compensation of customs officers on duty at or assigned to such warehouses, including overtime compensation of customs officers and employees assigned to duty at night or on Sunday or holiday upon a request made by or on behalf of the principal hereon; and

(5) If the said principal shall deliver to the said district director such invoices, declarations of owners or consignees, certificates of origin, certificates of exportation, and other declarations, certificates and documents as may be required by law or regulations in connection with the entry or withdrawal of imported merchandise or the withdrawal of dutiable metal (including products partly smelted or refined), in the form and within the time required by law or regulations, or any lawful extension thereof, or in default thereof, shall pay to the district director of customs such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations; and

(6) If the said principal shall redeliver or cause to be redelivered to the order of the district director of customs, on demand by him, in accordance with the law and regulations in effect on the date of the release of the said articles, any and all merchandise found not to comply with the law and regulations governing its admission into the commerce of the United States; and shall redeliver or cause to be redelivered to the order of the district director of customs such additional packages or quantities of merchandise as may be desired by customs pursuant to section 499, Tariff Act of 1930, as amended, for the purpose of examination, inspection, or appraisement, upon a demand made on such principal within the time prescribed by the Customs regulations, and shall on demand made within the time prescribed by the Customs regulations redeliver or cause to be redelivered to the order of the district director of customs any of such merchandise for the purpose of marking pursuant to the provisions of section 304, Tariff Act of 1930, as amended; or, in default thereof, shall pay to said district director such amounts as liquidated damages as may be demanded by him in accordance with the law and regulations not exceeding the amount of this obligation, for any breach or breaches thereof;

(7) If the said principal shall not receive into such warehouse (s) any merchandise entered for warehouse or rewarehouse therein without a proper permit from the district director of customs and without the presence of the customs officer in charge, and shall not remove or suffer to be removed any such merchandise or dutiable metal (including products partly smelted or refined) not in excess of that charged against open bonds, except in the manner provided for by law and regulations; or, in default thereof, shall pay to the district director of customs on demand all duties, taxes, charges, and exactions found legally due on the merchandise or dutiable metal (including products partly smelted or refined) so removed it being expressly understood and agreed that the liability of said principal under the bond shall extend to all cases where the merchandise or dutiable metal (including products partly smelted or refined) are lost or stolen from said warehouse(s), whether the loss or theft shall result from the fault of said principal or not; and

(8) If the said principal shall pay to the district director of customs, when demanded,

all duties, taxes, and charges found legally due and unpaid on the final liquidation of such consumption entries as may be charged against this obligation; and if within 3 years from the date of original importation the said principal shall pay to the district director of customs the full amount of duties, taxes, charges, and exactions legally due upon all merchandise and dutiable metal withdrawn from warehouse for domestic consumption, and shall pay, on demand by the district director, any other duties, taxes, charges, and exactions found legally due on the merchandise or dutiable metal (including products partly smelted or refined) after withdrawal, or found to be due on merchandise or dutiable metal (including products partly smelted or refined) remaining in warehouse after expiration of such 3-year period; and

(9) If the said principal shall properly and lawfully enter or withdraw the merchandise or dutiable metal (including products partly smelted or refined) covered by this obligation, for bona fide exportation or for transportation, or for transportation and exportation, and shall actually export or transport such merchandise to its proper destination, and shall actually furnish the district director of customs with proof that such merchandise, if entered for exportation, was exported through a customs port of exit under customs supervision and landed beyond the limits of the United States, or, if entered or withdrawn for transportation to another customs port, was delivered to the district director of customs at the port of destination and there properly entered, the proof to be filed in the form and within the time required by law and regulations, or any lawful extension thereof, or, in lieu of exportation, if the merchandise or dutiable metal (including products partly smelted or refined) shall be destroyed or abandoned within the bonded period in accordance with law and regulations, or, in default of the foregoing conditions, if the obligors shall pay to the district director of customs the full amount of duties, taxes, charges, and exactions which may be found legally due on such of the merchandise as to which there shall have been default;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of _____.

_____ (Name)	_____ (Address)		
_____ (Name)	_____ (Address)	_____ (Principal)	(SEAL)
_____ (Name)	_____ (Address)		
_____ (Name)	_____ (Address)	_____ (Surety)	(SEAL)
_____ (Name)	_____ (Address)		
_____ (Name)	_____ (Address)	_____ (Surety)	(SEAL)

[FR Doc.72-15779 Filed 9-14-72;8:52 am]

Title 20—EMPLOYEES' BENEFITS

Chapter V—Manpower Administration, Department of Labor

PART 602—COOPERATION OF THE U.S. TRAINING AND EMPLOYMENT SERVICE AND STATES IN ESTABLISHING AND MAINTAINING A NATIONAL SYSTEM OF PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates for Temporary Foreign Agricultural Labor

On page 15175 of the FEDERAL REGISTER of July 28, 1972, there was published a notice of proposed rule making to revise the minimum wage rates at 20 CFR 602.10b(a)(1). Interested persons were given 15 days in which to file written statements of data, views, or arguments regarding the proposed amendment. After consideration of all such relevant matter as was presented, the amendment as so proposed is hereby adopted without change and is set forth below.

As a delay in the implementation of the rate determinations incorporated in this amendment would be contrary to the public interest and as there was a full participation in the rule making process, I do not believe that any further delay would serve a useful purpose here. Accordingly, this amendment shall become effective upon publication in the FEDERAL REGISTER (9-15-72), and the wage rates will be applicable to certifications made subsequent to the effective date of this amendment.

(8 U.S.C. 1184; 8 CFR 214.2(h))

Signed at Washington, D.C., this 11th day of September 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b reads as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	*Rate*
Connecticut	$2.04
Maine	1.99
Massachusetts	2.01
New Hampshire	2.15
New York	2.11
Rhode Island	2.02
Vermont	2.18
Virginia	1.92
West Virginia	1.91

* * * * *

[FR Doc.72-15742 Filed 9-14-72;8:49 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Mobile	I 01 097 2100 08 through I 01 097 2100 41	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, City Hall, Post Office Box, 1827, Mobile, AL 36601.	Sept. 9, 1970. Emergency. Sept. 15, 1972. Regular.
Arizona	Maricopa	Paradise Valley				Sept. 15, 1972. Emergency.
California	Orange	Huntington Beach.	I 06 059 1660 01 through I 06 059 1660 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, City Hall, City of Huntington Beach, Post Office Box 190, Huntington Beach, CA 92648.	Apr. 16, 1971. Emergency. Sept. 15, 1972. Regular.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Delaware	Sussex	South Bethany				Sept. 15, 1972, Emergency.
Georgia	Clayton	Forest Park				Do.
Missouri	Cass	Pleasant Hill	I 29 037 6360 01 through I 29 037 6360 03	Water Resources Board, Post Office Box 271, Jefferson, City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the Mayor, City of Pleasant Hill, City Hall, 203 Paul St., Pleasant Hill, MO 64080.	May 1, 1971, Emergency. Sept. 15, 1972, Regular.
New Jersey	Middlesex	East Brunswick Township.				Sept. 15, 1972, Emergency.
Do	do	New Brunswick				Do.
Do	Mercer	Princeton Township.				Do.
Do	Monmouth	Spring Lake Borough.				Do.
Do	Ocean	Stafford Township.				Do.
Do	Burlington	Willingboro Township.				Do.
New York	Suffolk	Southampton Village.				Do.
Pennsylvania	Bucks	Bristol Borough				Do.
Do	do	Lower Southampton Township.				Do.
Do	Delaware	Colwyn Borough				Do.
Do	do	Eddystone Borough.				Do.
Do	do	Newtown Township.				Do.
Do	Schuylkill	Port Carbon Borough.				Do.
Virginia	Loudoun	Unincorporated areas.				Do.

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

Issued: September 8, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-15699 Filed 9-14-72;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Mobile	Mobile	H 01 097 2100 08 through H 01 097 2100 41	Alabama Development office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, AL 36104.	Office of the City Clerk, City Hall, Post Office Box 1827, Mobile, AL 36601.	Sept. 9, 1970.
Arizona	Maricopa	Paradise Valley				Sept. 15, 1972.
California	Orange	Huntington Beach.	H 06 059 1660 01 through H 06 059 1660 06	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Engineer, City Hall, City of Huntington Beach, Post Office Box 190, Huntington Beach, CA 92648.	Apr. 16, 1971.
Delaware	Sussex	South Bethany				Sept. 15, 1972.
Georgia	Clayton	Forest Park				Do.
Missouri	Cass	Pleasant Hill	H 29 037 6360 01 through H 29 037 6360 03	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Post Office Box 690, Jefferson City, MO 65101.	Office of the Mayor, City of Pleasant Hill, City Hall, 203 Paul St., Pleasant Hill, MO 64080.	May 1, 1971.
New Jersey	Middlesex	East Brunswick Township.				Sept. 15, 1972.
Do	do	New Brunswick				Do.
Do	Mercer	Princeton Township.				Do.
Do	Monmouth	Spring Lake Borough.				Do.
Do	Ocean	Stafford Township.				Do.
Do	Burlington	Willingboro Township.				Do.
New York	Suffolk	Southampton Village.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Bucks	Bristol Borough				Do.
Do.	do.	Lower Southampton Township.				Do.
Do.	Delaware	Colwyn Borough				Do.
Do.	do.	Eddystone Borough.				Do.
Do.	do.	Newtown Township.				Do.
Do.	Schuylkill	Port Carbon Borough.				Do.
Virginia	Loundoun	Unincorporated areas.				Do.

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

Issued: September 8, 1972.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.72-15700 Filed 9-14-72;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER E—DEFENSE CONTRACTING

PART 166—REPORTING PROCEDURES ON DEFENSE-RELATED EMPLOYMENT

Negotiated Contract Awards

Section 166.11 is amended by revising paragraph (d) to read as follows:

§ 166.11 Department of Defense contractors receiving negotiated contract awards of $10 million or more.

* * * * *

(d) Fiscal year 1972

AAI Corp.
A M General Corp.
Aero Corp.
Aerojet General Corp.
Aerospace Corp.
Air America Inc.
Airlift International Inc.
Alaska Barge & Transport Co.
Alcotronics Corp.
American Airlines Inc.
AMBAC Industries Inc.
American Export Isbrandsten Lines.
American Manufacturing Co. of Texas.
American President Lines, Ltd.
American Telephone & Telegraph Co.
Ampex Corp.
ARO Inc.
Asiatic Petroleum Corp.
Atlas Fabricators Inc.
Automation Industries Inc.
Avco Corp.
Ayers N W & Son Inc.
Battelle Memorial Institute.
Beech Aircraft Corp.
Bendix Corp.
Boeing Co.
Braniff Airways Inc.
Bulova Watch Co., Inc.
Bunker Ramo Corp.
C C L Corp.
California, University of
Caltex Oil Products Co.
Campbell Soup Co.
Carson Oil Co.
Central Beef Co.
Central Gulf Steamship Corp.
Cessna Aircraft Co.
Chamberlain Manufacturing Corp.
Chemical Construction Corp.
Chesapeake Instrument Corp.
Chromalloy American Corp.
Chrysler Corp.
Collins Radio Co.
Colt Industries Operating Corp.
Computer Sciences Corp.
Continental Air Lines, Inc.
Control Data Corp.
Cornell Aeronautical Labr Inc.
Curtis Wright Corp.
Cutler Hammer Inc.
Day & Zimmerman Inc.
De Laval Turbine Inc.
Donovan Construction Co. of Minnesota.
Du Pont, E. I. de Nemours & Co.
Dynalectron Corp.
Dynamics Corp. of America.
Dynell Electronics Corp.
E. G. & G., Inc.
E. S. L., Inc.
E. Systems, Inc.
Eastman Kodak Co.
EDO Corp.
Electronic Communications, Inc.
Esso International Corp.
Etowah Manufacturing Co., Inc.
F M C Corp.
Fairchild Camera & Instrument Corp.
Fairchild Industries, Inc.
Federal Cartridge Corp.
Federal Electric Corp.
Flying Tiger Corp.
G T E Sylvania, Inc.
Garrett Corp.
Gary Aircraft Corp.
General Dynamics Corp.
General Electric Co.
General Foods Corp.
General Motors Corp.
General Research Corp.
General Time Corp.
Global Associates.
Gold Pak Meat Co., Inc.
Golden Industries, Inc.
Goodyear Aerospace Corp.
Goodyear Tire & Rubber Co.
Gould, Inc.
Grumman Aerospace Corp.
Guam Oil & Refining Co., Inc.
Gulf & Western Industries, Inc.
Gulf Oil Trading Co.
H I T Co.
Hayes International Corp.
Hazeltine Corp.
Hercules, Inc.
Hewlett Packard Co.
Hoffman Electronics Corp.
Honeywell, Inc.
Hudson Waterways Corp.
Hughes Aircraft Co.
Hughes Tool Co.
Humble Oil & Refining Co.
I C I America, Inc.
I I T Research Institute.
I T T Arctic Services.
I T T Gilfillan, Inc.
I T T World Communications, Inc.
Institute for Defense Analysis.
International Business Machine Co.
International Dairy Engineering Co.
International Harvester Co.
International Telephone & Telegraph Corp.
Interstate Electronics Corp.
Iowa Beef Processors, Inc.
Itek Corp.
Jacksonville Shipyards, Inc.
Johns Hopkins University.
Kaman Corp.
Kentron Hawaii, Ltd.
Kiewit; Morrison-Knudsen Co; Fishback & Moore, Inc. (JV).
Kollsman Instrument Corp.
Kraftco Corp.
Kurz, Charles & Co.
L T V Aerospace Corp.
Lasko Metal Products, Inc.
Lear Siegler, Inc.
Libby Welding Co.
Litton Industries.
Litton Systems, Inc.
Lockheed Aircraft Corp.
Logicon, Inc.
Lundy Electrices & Systems, Inc.
Lykes Bros. Steamship Co., Inc.
Magnavox Co.
Maremont Corp.
Marinette Marine Corp.
Martin Marietta Corp.
Martin Marietta Aluminum Sales, Inc.
Mason & Hanger Silas Mason Co.
Massachusetts Institute of Technology.
Mayer Oscar & Co., Inc.
McDonnell Douglas Corp.
McGraw Edison Co.
Meyer Labs, Inc.
Mine Safety Appliances Co.
Minnesota Mining & Manufacturing Co.
Mitre Corp.
Mobil Oil Corp.
Motorola, Inc.
N H A, Inc.
National Presto Industries, Inc.
Newport News Shipbuilding & Dry Dock Co.
Norris Industries, Inc.
North American Rockwell Corp.
Northrop Corp.
Northrop Worldwide Aircraft Services, Inc.
Northwest Airlines, Inc.
Olin Corp.
Oshkosh Motor Truck, Inc.
Overseas National Airways, Inc.

P R D Electronics, Inc.
Pacific Architects & Engineers, Inc.
Pacific Far East Line Inc.
Pan American World Airways Inc.
Philco Ford Corp.
Philip Morris Inc.
Powerine Oil Co.
Proctor & Gamble Distributing Co.
Prudential Grace Lines Inc.
Radiation Inc.
R C A Corp.
R C A Global Communications Inc.
Rand Corp.
Raymond Intl., Inc.; Morrison-Knudsen Co., Inc.; Brown & Root, Inc.; and J. A. Jones Construction Co. (JV).
Raytheon Co.
Remington Arms Co.
Reynolds, R. J. Industries, Inc.
Rochester, University of.
Sanders Associates, Inc.
Saturn Airways, Inc.
Sea Land Service, Inc.
Seaboard World Airlines, Inc.
Seatrain Lines, Inc.
Serv Air, Inc.
Shell Oil Co.
Sierra Research Corp.
Simplex Wire & Cable Co.
Singer Co.
Singer General Precision, Inc.
Southern Airways, Inc.
Sparton Corp.
Sperry Rand Corp.
Standard Oil Co. of Calif.
Stanford Research Institute.
States Marine Lines, Inc.
States Steamship Co.
Stewart Warner Corp.
Sundstrand Corp.
Susquehanna Corp.
Swift & Co.
System Development Corp.
T R W Inc.
Tasker Industries.
Teledyne C A E.
Teledyne, Inc.
Teledyne Industries, Inc.
Texaco Export, Inc.
Texas Instruments, Inc.
Textron, Inc.
Thiokol Chemical Corp.
Tracor, Inc.
Trans International Airlines, Inc.
Trans World Airlines, Inc.
Tumpane Co.
Uniroyal, Inc.
United Air Lines, Inc.
United Aircraft Corp.
United States Lines Co.
United States Steel Corp.
Universal Airlines, Inc.
Varian Associates.
Vinnell Corp.
Vitro Corp. of America.
Waterman Steamship Corp.
Watkins Johnson Co.
Western Electric Co., Inc.
Western Union International, Inc.
Western Union Telegraph Co.
Westinghouse Electric Corp.
World Airways, Inc.
World Wide Meats, Inc.
Xerox Corp.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.72-15778 Filed 9-14-72;8:52 am]

Chapter VII—Department of the Air Force

SUBCHAPTER A—ADMINISTRATION

PART 809a—ENFORCEMENT OF ORDER AT AIR FORCE INSTALLATIONS, CONTROL OF CIVIL DISTURBANCES, SUPPORT OF DISASTER RELIEF OPERATIONS, AND SPECIAL CONSIDERATION FOR OVERSEAS AREAS

Miscellaneous Amendment

Subchapter A of Chapter VII of Title 32 of the Code of Federal Regulations is amended as follows:

1. The title of Part 809a is amended to read as set forth above.

2. Section 809a.0 is revised to read as follows:

§ 809a.0 Purpose.

This part prescribes the commanders' responsibilities for enforcing order at and in the vicinity of installations under their jurisdiction. It provides guidance for the use of Air Force resources in controlling civil disturbances and in supporting disaster relief operations. This part applies to installations in the continental United States and will be used to the maximum extent possible in the overseas commands, the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. Instructions issued by the appropriate unified commander, status of forces agreements, and other international agreements provide more definitive guidance for the overseas commands. Nothing in this part should be construed as authorizing or requiring security police units to collect and maintain information concerning persons or organizations having no affiliation with the Air Force.

3. Section 809a.1 is revised to read as follows:

§ 809a.1 Military responsibility and authority.

(a) Air Force installation commanders are responsible for protecting personnel and property under their jurisdictions and for maintaining order on installations, to insure the uninterrupted and successful accomplishment of the Air Force mission.

(b) Each commander is authorized to grant or deny access to his installation, and to exclude or remove persons whose presence is unauthorized. In excluding or removing persons from the installation, he must not act in an arbitrary or capricious manner. His action must be reasonable in relation to his responsibility to protect and to preserve order on the installation and to safeguard persons and property thereon. As far as practicable, he should prescribe by regulation the rules and conditions governing access to his installation.

§ 809a.2 [Amended]

4. Section 809a.2 is amended by revising the reference, in the second sentence, which reads: "AFR 55-30 (Apex Beeline Report of Serious Accident, Incident, or Disturbance)." to read: "Joint Chiefs of Staff (JCS) Pub. 6, Volume V, U.S. Air Force Reporting Instruction, June 1970."

§ 809a.3 [Amended]

5. Section 809a.3 is amended by adding, after the first and before the second sentence, the following sentence: "The complete and proper identification of violators, including the taking of photographs, must be accomplished."

6. Section 809a.4 is revised to read as follows:

§ 809a.4 Use of Government facilities.

Commanders are prohibited from authorizing demonstrations for partisan political purposes but other demonstrations may or may not be authorized only in accordance with the provisions of paragraph 3e, AFR 35-15. They are not to volunteer public statements on demonstrations or possible demonstrations.

§ 809a.5 [Amended]

7. Section 809a.5 is amended by adding a new sentence to the end of the introductory text to read: "They include riots, acts of violence, insurrections, unlawful obstructions or assemblages, or other disorders."

8. Section 809a.7 is amended by revising the introductory text to read as follows:

§ 809a.7 Conditions for use of Air Force resources.

This part is not intended to extend Air Force responsibilities in emergencies to generate additional resources (manpower, materiel, facilities, etc.) requirements, or encourage participation in such operations at the expense of the Air Force primary mission. It is a guide for the employment of Air Force resources when:

* * * * *

9. Section 809a.8 is amended by adding a new paragraph (d) to read as follows:

§ 809a.8 Military commanders' responsibilities.

* * * * *

(d) U.S. Air Force civilian employees may be used, in any assignments in which they are capable and willing to serve. In planning for on-base contingencies of fires, floods, hurricanes, and other natural disasters, arrangements should be made for the identification and voluntary use of individual employees to the extent that the needs for their services are anticipated.

10. The table of contents to Part 809a is amended by adding the following new entries:

Subpart C—Special Considerations for Overseas Areas

Sec.
809a.9 General.
809a.10 Requirement for supplements.

AUTHORITY: The provisions of this subpart C issued under 10 U.S.C. 8012, except as otherwise noted.

11. Part 809a is amended by adding a new Subpart C to read as follows:

Subpart C—Special Considerations for Overseas Areas

§ 809a.9 General.

The use of Air Force personnel in overseas areas poses unique problems inasmuch as their use is governed by national laws of the country concerned and by the terms of international pact or bilateral agreements to which the United States is signatory.

§ 809a.10 Requirements for supplements.

The implementation of policies relating to overseas areas must conform to the pertinent terms of the status of forces agreement under which a U.S. Force may be stationed in the foreign host country concerned. Accordingly, major commands must prepare individual supplements to this part for each country in which they have units stationed. These supplements shall contain specific policy and guidance on the use of Air Force personnel. It is essential that each commander clearly understands the status of his installation or base, including that of all sub bases, annexes, housing areas, etc.

(10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.72-15739 Filed 9-14-72;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, Calif.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.203 governing the use of a naval danger zone in the Pacific Ocean at San Miguel Island, Calif., is hereby amended with respect to paragraph (c)(9) to extend the period of use, as follows:

§ 204.203 Pacific Ocean at San Miguel Island, Calif., naval danger zone.

* * * * *

(c) *The regulations.* * * *

(9) The regulations in this section shall be in effect until July 1, 1974, and shall be reviewed in May 1974 to determine the continuing need therefor.

[Regs. August 25, 1972, DAEN-CWO-N] (Sec. 7, 40 Stat. 266, Chap. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.72-15708 Filed 9-14-72;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Compliance with the provisions of § 1.12, Title 38, Code of Federal Regulations, as to notice of proposed regulatory development and delayed effective date, is unnecessary in this instance and would serve no useful purpose because these amendments are either editorial in nature or involve agency procedure or practice.

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. In § 8-1.302-1(a), subparagraph (4) is amended to read as follows:

§ 8-1.302-1 General.

(a) *General.* Procurement will be effected from the following sources in the descending order of priority indicated:

* * * * *

(4) GSA stock.

* * * * *

2. In § 8-1.305-2, paragraph (b) is amended to read as follows:

§ 8-1.305-2 Exceptions to mandatory use of Federal specifications.

* * * * *

(b) The exception to the mandatory use of Federal specifications, with respect to purchases not exceeding $2,500 authorized by FPR 1-1.305-2, does not apply to items purchased from GSA stock, or from a Federal supply schedule contract.

3. Section 8-1.316-5 is revised to read as follows:

§ 8-1.316-5 Time of delivery clauses.

When delivery is required by or on a particular date, the time of delivery clause set forth in FPR 1-1.316-5 as it relates to f.o.b. destination contracts will state the delivery date specified is the date by which shipment is to be delivered, not the shipping date. On f.o.b. origin contracts, the clause will state that the date specified is the date shipment is to be accepted by the carrier.

PART 8-3—PROCUREMENT BY NEGOTIATION

4. In § 8-3.204, paragraph (d) is amended to read as follows:

§ 8-3.204 Personal or professional services.

* * * * *

(d) Proposed contracts for the services and resources specified in paragraphs (b) and (c) of this section will be entered into for 1 fiscal year only and are not subject to renewal. When deemed essential to the mission of the station, proposed new contracts will be negotiated for the subsequent year. Such proposed contracts will be submitted to the appropriate Regional Medical Director, Region No. _____ (17B) or (134) as applicable for approval in accordance with the following schedule, so as to reach central office prior to the 15th day of the month specified.

Stations in region	38 U.S.C. 4117 Scarce medical specialist and professional services (134)	38 U.S.C. 5053 Mutual use, or exchange of use, of specialized medical resources (17B)
No. 1	May	May.
No. 2	April	May.
No. 3	March	April.
No. 4	February	March.

The Chief, Supply Division, will submit complete justification for all contracts, as approval depends on the adequacy of the justification. Proposed contracts under authority of 38 U.S.C. 4117 will be submitted in five copies, and contracts under authority of 38 U.S.C. 5053 will be submitted in six copies. The transmittal letter and each supporting document will be submitted in the same number of copies as the contract. As an incomplete submission delays processing of the proposed contract in central office, care will be exercised to assure that the proper number of copies are submitted, and that submissions are complete (e.g., complete name and address of the other party or parties to the contract is included).

* * * * *

5. In § 8-3.606-5, paragraph (b) is amended to read as follows:

§ 8-3.606-5 Agency implementation.

* * * * *

(b) The duplicate and triplicate copies of the VA Form 07-2237, Request, Turn-in, and Receipt for Property or Services, or reproduced copies of the front of the VA Form 10-7142, Procurement Request, requesting the purchase will be used as the receiving report and property voucher for each individual purchase made under these arrangements.

* * * * *

PART 8-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

6. Section 8-4.605 is revised to read as follows:

§ 8-4.605 Statement of eligibility clause.

The clause prescribed in FPR 1-4.605 (except for the linear spaces to be completed by the bidder) is included in VA Form 10-1365[1] prescribed for use in

[1] Not published in FEDERAL REGISTER. Copies may be obtained from VA Field Contracting Officers.

§ 8–1.305–6(e). The signature of the bidder on the face of SF 33 shall be considered as applying to the required certificate as it does to all other factors of invitations, offers and contracts.

PART 8–14—INSPECTION AND ACCEPTANCE

7. In § 8–14.105–3, paragraph (b) is amended to read as follows:

§ 8–14.105–3 Inspection at destination.

* * * * *

(b) VA supply depots will report all instances of noncompliance to the contracting officer on VA Form 10–2055, Sample Transmittal Sheet and Inspection Report. The supply depots are authorized to correct packaging, packing, or marking not in accordance with contract requirements when the cost of correcting a partial receipt or projected cost of correcting total receipt does not exceed $50. When projected costs exceed $50, authorization will be obtained from the contracting officer prior to taking corrective action. The corrections made and the actual amount to be charged to the vendor will be shown on the reverse of VA Form 10–2055.

(Sec. 205(c), 63 Stat. 389, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective September 29, 1972.

Approved: September 11, 1972.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.72–15762 Filed 9–14–72;8:52 am]

Title 43—PUBLIC LANDS: INTERIOR

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5250]

ALASKA

Amendment of Public Land Orders No. 5179 and No. 5180 as Amended

By virtue of the authority vested in the Secretary of the Interior by sections 17(d)(1) and 17(d)(2)(A) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, 708, 709 (hereinafter referred to as the "Act"), 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. 5179 of March 9, 1972, as amended by Public Land Order No. 5192 of March 17, 1972, withdrawing lands in aid of legislation concerning addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems, and for classification, is hereby amended to add the following described lands to paragraph 1 of said order:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 11 N., Rs. 1 through 4 E.
T. 12 N., Rs. 1 through 4 E.
T. 13 N., Rs. 1 through 4 E.
T. 14 N., Rs. 1 through 4 E.
T. 15 N., Rs. 1 through 4 E.
T. 16 N., Rs. 1 through 4 E.
T. 17 N., Rs. 1 through 4 E.
T. 1 N., Rs. 20 W.; and 26 through 28 W.
T. 2 N., Rs. 19 and 20 W.; and 26 through 28 W.
T. 3 N., Rs. 19 and 20 W.; and 23 through 28 W.
T. 4 N., Rs. 19 through 27 W.
T. 5 N., Rs. 19 through 28 W.
T. 6 N., Rs. 22 through 28 W.
T. 8 N., Rs. 1 through 5 W.
T. 9 N., Rs. 1 through 9 W.
T. 10 N., Rs. 1 through 10 W.
T. 11 N., Rs. 1 through 10 W.
T. 12 N., Rs. 1 through 3 W.
T. 13 N., Rs. 1 through 3 W.
T. 14 N., Rs. 1 through 3 W.
T. 15 N., Rs. 1 through 3 W.
T. 16 N., Rs. 1 through 3 W.
T. 17 N., Rs. 1 through 3 W.
T. 1 S., Rs. 20 and 21 W.; 25 through 28 W.
T. 2 S., Rs. 24 through 28 W.
T. 3 S., Rs. 25 through 28 W.
T. 4 S., Rs. 26 through 28 W.
T. 9 N., R. 24 W. (fractional).
T. 10 N., R. 15 W. (fractional).
T. 12 N., R. 4 W.
T. 12 N., Rs. 10 and 29 W. (fractional).
T. 12 N., Rs. 30, 31, and 32 W. (fractional).
T. 13 N., R. 23 W. (fractional).
T. 13 N., R. 30 W. (fractional).
T. 17 N., R. 5 W.
T. 18 N., R. 5 W.
T. 19 N., R. 5 W.
T. 20 N., R. 5 W.
T. 22 N., R. 22 W.
T. 22 N., R. 23 W. (fractional).
T. 23 N., R. 22 W.
T. 23 N., R. 23 W. (fractional).
T. 24 N., Rs. 22 and 23 W.
T. 24 N., R. 24 W. (fractional).
T. 25 N., Rs. 22 and 23 W.
T. 31 N., R. 18 W.
T. 32 N., Rs. 17 and 18 W.
T. 33 N., Rs. 17 and 18 W.
T. 34 N., Rs. 17 and 18 W.
T. 28 S., R. 5 W.
T. 29 S., Rs. 1 through 5 W. (fractional).
T. 29 S., Rs. 18 through 22 W. (fractional).
T. 31 N., R. 13 E. (fractional).
T. 32 N., R. 12 E. that portion south of the Naval Petroleum Reserve No. 4.
T. 34 N., Rs. 7 and 8 E. that portion south of the Naval Petroleum Reserve No. 4.
T. 29 S., Rs. 1 through 6 E. (fractional)

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., Rs. 9 through 23 E.
T. 1 N., R. 24 E. (fractional).
T. 2 N., Rs. 9 through 18 E.
T. 3 N., Rs. 9 through 17 E.
T. 4 N., Rs. 10 through 16 E.
T. 5 N., Rs. 10 through 12 E.
T. 6 N., Rs. 10 through 12 E.
T. 1 S., Rs. 9 through 23 E.
T. 1 S., R. 24 E. (fractional).
T. 2 S., Rs. 9 through 23 E.
T. 2 S., R. 24 E. (fractional).
T. 3 S., R. 10 E. (N½).
T. 3 S., R. 11 E. (N½).
T. 3 S., R. 12 E. (N½).
T. 3 S., R. 13 E. (N½).
T. 3 S., R. 14 E. (N½).
T. 3 S., R. 15 E. (N½).
T. 3 S., Rs. 16 through 23 E.
T. 3 S., R. 24 E. (fractional).
T. 4 S., Rs. 16 through 23 E.
T. 4 S., R. 24 E. (fractional).
T. 5 S., R. 19 E.
T. 5 S., R. 25 E. (fractional).
T. 6 S., R. 25 E. (fractional).
T 7 S., R. 25 E. (fractional).
T. 8 S., R. 25 E. (fractional).
T. 17 S., R. 11½ E. (fractional).
T. 17 S., R. 26 E. (fractional).
T. 18 S., R. 26 E. (fractional).
T. 20 S., R. 11½ E. (fractional).
T. 23 S., Rs. 23 and 24 E. (fractional).
T 24 S., R. 23 E. (fractional).

COPPER RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

T. 30 S., R. 62 E. that portion east of Tongass National Forest.
T. 30 S., Rs. 63 and 64 E. (fractional).
T. 31 S., Rs. 62 and 63 E. that portion east of Tongass National Forest.
T. 31 S., R. 64 E. (fractional).
T. 32 S., R. 63 E. that portion east of Tongass National Forest.
T. 32 S., R. 64 E.
T. 32 S., R. 65 E. (fractional).
T. 33 S., Rs. 63 and 64 E. that portion east of Tongass National Forest.
T. 33 S., R. 65 E.
T. 33 S., R. 66 E. (fractional).
T. 34 S., R. 64 E. that portion east of Tongass National Forest.
T. 34 S., R. 65 E.
T. 34 S., Rs. 66 and 67 E. (fractional).
T. 35 S., R. 64 E. that portion east of Tongass National Forest.
T. 35 S., Rs. 65 and 66 E.
T. 35 S., Rs. 67 and 68 E. (fractional).
T. 36 S., Rs. 64 and 65 E. that portion east of Tongass National Forest.
T. 36 S., Rs. 66 and 67 E.
T. 36 S., Rs. 68 and 69 E. (fractional).
T. 37 S., Rs. 65 and 66 E. that portion east of Tongass National Forest.
T. 37 S., Rs. 67 thru 69 E. that portion north of Tongass National Forest.
T. 38 S., Rs. 66 and 67 E. that portion north of Tongass National Forest.
T. 45 S., R. 76 E. (fractional) that portion east of Tongass National Forest.
T. 45 S., R. 77 E. (fractional).
T. 46 S., R. 76 E. that portion east of Tongass National Forest.
T. 46 S., R. 77 E. that portion east of Tongass National Forest.
T. 47 S., R. 77 E. that portion east of Tongass National Forest.
T. 47 S., R. 78 E. (fractional).
T. 48 S., R. 77 E. that portion east of Tongass National Forest.
T. 48 S., R. 78 E. (fractional).
T. 49 S., R. 78 E. that portion east of Tongass National Forest.
T. 49 S., R. 79 E. that portion east of Tongass National Forest.
T. 49 S., R. 80 E. (fractional).
T. 50 S., R. 79 E. that portion east of Tongass National Forest.
T. 50 S., R. 80 E. (fractional).
T. 51 S., R. 79 E. that portion east of Tongass National Forest.
T. 51 S., Rs. 80 and 81 E. (fractional).
T. 52 S., Rs. 79 and 80 E. that portion east of Tongass National Forest.
T. 52 S., R. 81 E. (fractional).
T. 53 S., Rs. 80 and 81 E. that portion east of Tongass National Forest.
T. 53 S., Rs. 82 and 83 E. (fractional).
T. 54 S., R. 81 E. that portion east of Tongass National Forest.
T. 54 S., Rs. 82 and 83 E. (fractional).
T. 55 S., R. 81 E. that portion east of Tongass National Forest.
T. 55 S., Rs. 82 through 84 E. (fractional).
T. 56 S., Rs. 81 and 82 E. that portion east of Tongass National Forest.
T. 56 S., R. 83 E.

T. 56 S., R. 84 E. (fractional).
T. 57 S., Rs. 82 and 83 E. that portion east of Tongass National Forest.
T. 57 S., Rs. 84 and 85 E. (fractional).
T. 58 S., Rs. 83 through 85 E. that portion east of Tongass National Forest.
T. 58 S., R. 86 E. (fractional).
T. 59 S., Rs. 85 and 86 E. that portion east of Tongass National Forest.
T. 60 S., R. 86 E. that portion east of Tongass National Forest.

FAIRBANKS MERIDIAN

PROTRACTED DESCRIPTIONS

T. 25 N., R. 23 E.
T. 26 N., R. 23 E.
T. 27 N., R. 23 E.
T. 28 N., R. 23 E.
T. 29 N., R. 23 E.
T. 36 N., R. 30 E. (fractional).
T. 27 N., R. 25 W. (fractional).
T. 28 N., R. 25 W. (fractional).
T. 19 N., Rs. 10 through 12 W.
T. 20 N., Rs. 7 through 12 W.
T. 21 N., Rs. 7 through 12 W.
T. 22 N., Rs. 7 through 12 W.
T. 23 N., Rs. 6 through 12 W.
T. 24 N., Rs. 2 through 12 W.
T. 25 N., Rs. 1 through 11 W.
T. 26 N., Rs. 1 through 11 W.

UMIAT MERIDIAN

PROTRACTED DESCRIPTIONS

T. 11 S., R. 44 W.
T. 12 S., Rs. 45 and 46 W.
T. 4 S., R. 22 E.
T. 5 S., R. 22 E. (E½).
T. 5 S., R. 23 E.
T. 8 S., Rs. 31 and 32 E. (fractional).
T. 9 S., Rs. 32, 33, and 34 E. (fractional).
T. 14 S., R. 36 E. (fractional).
T. 16 S., Rs. 5 through 9 E.
T. 17 S., Rs. 5 through 9 E. (fractional).
T. 17 S., Rs. 38 through 48 E. south of the Arctic National Wildlife Refuge.
T. 10 S., Rs. 28 through 31 E.
T. 11 S., Rs. 26 through 31 E.
T. 11 S., R. 32 E. (W½).
T. 12 S., Rs. 24 through 32 E.

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 1 N., R. 36 W.
T. 2 N., R. 36 W.
T. 3 N., R. 36 W.
T. 4 N., Rs. 34 through 36 W.
T. 15 N., R. 67 W.
T. 16 N., R. 67 W.
T. 17 N., R. 67 W.
T. 33 N., R. 54 W.
T. 33 N., R. 55 W.
T. 34 N., R. 55 W. (fractional).
T. 1 S., Rs. 37 and 38 W.
T. 2 S., Rs. 37 and 38 W.
T. 3 S., Rs. 37 and 38 W.
T. 4 S., Rs. 37, 38, and 39 W.
T. 4 S., Rs. 64 through 67 W.
T. 5 S., Rs. 67 and 68 W.
T. 6 S., Rs. 67 and 68 W.
T. 7 S., Rs. 67 and 68 W.
T. 16 S., Rs. 69 and 70 W. (fractional).
T. 17 S., Rs. 70 through 72 W. (fractional).
T. 18 S., Rs. 70 through 72 W. (fractional).
T. 20 S., Rs. 43 through 45 W.
T. 36 S., Rs. 52 through 54 W.
T. 37 S., Rs. 51 through 54 W.
T. 38 S., R. 51 W.
T. 40 S., Rs. 54 through 58 W.
T. 41 S., Rs. 54 through 59 W.
T. 42 S., Rs. 54 through 56 W.
T. 43 S., R. 56 W.
T. 12 N., R. 6 E.
T. 12 N., R. 7 E. west of Chugach National Forest.
T. 13 N., Rs. 7 and 8 E.
T. 13 N., Rs. 9 and 10 E. (fractional).
T. 13 N., Rs. 11 and 12 E.
T. 14 N., R. 8 E.
T. 14 N., Rs. 9 and 10 E. (fractional).
T. 14 N., Rs. 11 and 12 E.
T. 15 N., Rs. 9 and 10 E.
T. 4 N., R. 18 W. (W½).
T. 6 N., R. 18 W. (W½).
T. 7 N., R. 18 W. (W½).
T. 8 N., R. 18 W. (SW¼).
T. 1 S., R. 58 W. (W½).
T. 2 S., R. 19 W. (fractional).
T. 2 S., R. 58 W. (W½).
T. 3 S., R. 58 W. (W½).
T. 4 S., R. 58 W. (W½).
T. 5 S., R. 1 W. (fractional).
T. 7 S., R. 2 W. (fractional).
T. 10 S., R. 7 W. (fractional).
T. 14 S., R. 26 W. that portion west of Katmai National Monument.
T. 16 S., R. 27 W. that portion west of Katmai National Monument.
T. 16 S., R. 38 W. that portion north of Katmai National Monument.
T. 16 S., Rs. 67 and 68 W. (fractional).
T. 17 S., Rs. 66 through 68 W. (fractional).
T. 18 S., Rs. 66 and 67 W. (fractional).
T. 19 S., R. 41 W. that portion west of Katmai National Monument.
T. 19 S., Rs. 70 through 72 W. (fractional).
T. 22 S., R. 43 W.
T. 23 S., R. 43 W.
T. 24 S., Rs. 38 and 39 W. that portion south of Katmai National Monument.
T. 24 S., Rs. 42 and 43 W.
T. 25 S., R. 41 W.
T. 25 S., Rs. 42 and 43 W. (fractional).
T. 63 S., R. 68 W. (fractional).
T. 11 N., R. 6 E. that portion north of Chugach National Forest.
T. 11 N., R. 7 E. that portion north of Chugach National Forest.

All lands within the protracted survey sections which are wholly or in part within 1 mile of the mean high water mark of the river's banks and all islands and islets within the following named rivers and their named tributaries as they traverse the following described lands;

CHATANIKA RIVER

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 5 N., Rs. 2, 3, and 4 E.
T. 6 N., R. 6 E.
T. 6 N., R. 9 E.
T. 7 N., R. 9 E.

BIRCH CREEK RIVER

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 5 N., Rs. 9, 10, 11, 12, 13, 14, and 16 E.
T. 6 N., Rs. 9, 10, 11, 13, 14, 15, 16, and 17 E.
T. 7 N., Rs. 10, 16, and 17 E.
T. 8 N., Rs. 16 and 17 E.
T. 9 N., R. 16 E.

NOWITNA RIVER (INCLUDING MASTODON CREEK)

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 12 S., R. 26 E.
T. 13 S., Rs. 25, 26, and 27 E.
T. 14 S., Rs. 25 and 26 E.
T. 15 S., Rs. 24, 25, and 26 E.

UNALAKLEET RIVER

KATEEL RIVER MERIDIAN

Protracted Descriptions

T. 14 S., R. 4 W.
T. 15 S., R. 4 W.
T. 16 S., Rs. 4, 5, and 6 W.
T. 17 S., Rs. 5, 6, and 7 W.
T. 18 S., Rs. 7 and 8 W.

NOYAKUK RIVER

SEWARD MERIDIAN

Protracted Descriptions

T. 3 S., Rs. 49 and 50 W.
T. 4 S., R. 49 W.

CHITNA RIVER

COPPER RIVER MERIDIAN

Protracted Descriptions

T. 6 S., Rs. 11, 12, and 13 E.
T. 7 S., Rs. 14 and 15 E.

FORTYMILE RIVER

FAIRBANKS MERIDIAN

All Protracted Descriptions

T. 7 S., Rs. 30 through 33 E.
T. 7 S., R. 34 E. (fractional).
T. 8 S., Rs. 30 and 33 E.

MIDDLE FORK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 5 S., Rs. 25 through 28 E.
T. 6 S., Rs. 23 through 25 E.
T. 7 S., Rs. 22 and 23 E.
T. 8 S., Rs. 21 and 22 E.

COPPER RIVER MERIDIAN

T. 27 N., R. 9 E.
T. 28 N., Rs. 9 and 10 E.

MOLLY CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 27 N., R. 10 E.
T. 28 N., R. 10 E.

FAIRBANKS MERIDIAN

T. 8 S., Rs. 21 and 22 E.

JOSEPH CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 5 S., Rs. 21 through 23 E.
T. 6 S., R. 23 E.

MCKINLEY CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 6 S., R. 24 E.
T. 7 S., R. 24 E.

LITTLE WHITE MAN CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 7 S., Rs. 24 and 25 E.

FISH CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 6 S., R. 25 E.

PITTSBURGH CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 5 S., R. 25 E.

PORTAGE CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 5 S., Rs. 25 and 26 E.

NORTH FORK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 3 S., Rs. 27 and 28 E.
T. 4 S., R. 28 E.
T. 5 S., Rs. 28 and 29 E.
T. 6 S., R. 29 E.
T. 7 S., Rs. 29 and 30 E.
T. 8 S., R. 30 E.

SLATE CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 3 S., Rs. 25 through 27 E.
T. 4 S., Rs. 25 and 26 E.

RUBY CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 3 S., Rs. 24 and 25 E.

INDEPENDENCE CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 1 S., Rs. 27 and 28 E.
T. 2 S., R. 27 E.
T. 3 S., R. 27 E.

NORTH PEAK CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 3 S., R. 28 E.
T. 4 S., R. 28 E.

COMET CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 3 S., R. 29 E.
T. 4 S., Rs. 28 and 29 E.

BEAR CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 4 S., Rs. 28 and 29 E.

CHAMPION CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 4 S., Rs. 28 through 31 E.
T. 5 S., Rs. 30 and 31 E.

HUTCHISON CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 6 S., Rs. 27 through 29 E.
T. 7 S., Rs. 27 and 28 E.
T. 8 S., R. 28 E.

SOUTH FORK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 26 N., Rs. 18 and 19 E.
T. 27 N., Rs. 18 and 19 E.
T. 28 N., Rs. 18 and 19 E. (fractional).

FAIRBANKS MERIDIAN

T. 8 S. R. 30 E.

WALKER FORK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 26 N., Rs. 19 through 22 E.
T. 27 N., Rs. 19, 21, and 22 E.

WADE CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 27 N., Rs. 19 through 21 E.
T. 28 N., Rs. 20 and 21 E. (fractional).

LIBERTY CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 26 N., Rs. 19 and 20 E.

NAPOLEON CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 27 N., R. 19 E.

FRANKLIN CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 28 N., R. 18 E. (fractional).

BUCKSKIN CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 8 S., Rs. 27 through 30 E.

COPPER RIVER MERIDIAN

T. 28 N., R. 17 E. (fractional).

FORTY-FIVE PUP CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 8 S., Rs. 28 and 29 E.

UHLER CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 8 S., Rs. 30 and 31 E.

O'BRIEN CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 5 S., Rs. 32 and 33 E.
T. 6 S., R. 32 E.
T. 7 S., R. 32 E.

CANYON CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 8 S., R. 33 E.

COPPER RIVER MERIDIAN

T. 27 N., R. 22 E.
T. 28 N., R. 22 E.

KAL CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 27 N., Rs. 21 and 22 E.
T. 28 N., Rs. 21 and 22 E.

SMITH CREEK (TRIBUTARY)

FAIRBANKS MERIDIAN

T. 7 S., R. 34 E.
T. 8 S., R. 34 E.

MOSQUITO FORK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 24 N., Rs. 12 and 13 E.
T. 25 N., Rs. 8 through 14 E.
T. 26 N., Rs. 10, 14, 15, 17, and 18 E.
T. 27 N., Rs. 15 through 17 E.

KAECHUMSTUK CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 26 N., Rs. 13, 14, and 15 E.
T. 27 N., Rs. 13 and 14 E.

WOLF CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 24 N., Rs. 11 and 12 E.

DENNISON FORK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 19 N., Rs. 15 and 16 E.
T. 20 N., Rs. 16, 17, and 18 E.
T. 21 N., R. 18 E.
T. 22 N., R. 18 E.
T. 23 N., R. 18 E.
T. 24 N., Rs. 17 and 18 E.
T. 25 N., R. 17 E.
T. 26 N., Rs. 17 and 18 E.

EAST FORK (TRIBUTARY TO DENNISON FORK)

COPPER RIVER MERIDIAN

T. 21 N., Rs. 18 through 20 E.
T. 22 N., Rs. 20 and 21 E.
T. 23 N., R. 21 E.

WEST FORK (TRIBUTARY TO DENNISON FORK)

COPPER RIVER MERIDIAN

T. 20 N., Rs. 14 and 15 E.
T. 21 N., Rs. 11 through 15 E.
T. 22 N., Rs. 12 through 16 E.
T. 23 N., Rs. 14 and 15 E.
T. 24 N., Rs. 16 through 17 E.
T. 25 N., Rs. 16 and 17 E.

LOGGING CABIN CREEK (TRIBUTARY)

COPPER RIVER MERIDIAN

T. 22 N., R. 16 E.
T. 23 N., Rs. 16 and 17 E.
T. 24 N., R. 16 E.

WIND RIVER

UMIAT MERIDIAN

Protracted Descriptions

T. 14 S., R. 21 E.
T. 15 S., Rs. 21 and 22 E.
T. 16 S., R. 22 E.
T. 17 S., Rs. 22 and 23 E.

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 35 N., R. 5 E.
T. 36 N., Rs. 4 and 5 E.
T. 37 N., R. 4 E.

SHEENJEK RIVER

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 30 N., R. 16 E.
T. 31 N., R. 16 E.
T. 32 N., R. 16 E.
T. 33 N., R. 16 E.

KONESS RIVER

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 34 N., Rs. 15 and 16 E.
T. 35 N., R. 16 E.
T. 36 N., Rs. 14 and 15 E.
T. 37 N., Rs. 13 and 14 E.

UMIAT MERIDIAN

Protracted Descriptions

T. 13 S., Rs. 32 and 33 E.
T. 14 S., Rs. 32 and 33 E.
T. 15 S., Rs. 32 and 33 E.
T. 16 S., R. 33 E.
T. 17 S., R. 33 E.

BEAVER CREEK RIVER

FAIRBANKS MERIDIAN

Protracted Descriptions

T. 6 N., Rs. 1, 2, 3, and 4 E.
T. 7 N., Rs. 1, 2, 3, and 4 E.
T. 8 N., R. 1 E.
T. 9 N., R. 1 E.
T. 10 N., Rs. 1, 2, 3, and 4 E.
T. 11 N., Rs. 1, 2, 3, 4, 5, and 6 E.
T. 12 N., R. 5 E.
T. 7 N., Rs. 1 and 2 W.
T. 8 N., R. 1 W.
T. 9 N., R. 1 W.

2. Subject to valid existing rights, all of the lands described in paragraph 1 of this order are added to Public Land Order No. 5179, as amended by Public Land Order No. 5192, and immediately become subject to all of the terms and conditions of that order, including the withdrawal of the lands from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), and from selection by Regional Corporations under section 12 of the Alaska Native Claims Settlement Act, supra. Any of the lands herein described which are under the administrative jurisdiction of the Secretary of the Interior shall not be subject to any prior withdrawals or classifications of these lands which are inconsistent with the terms and conditions of Public Land Order No. 5179, and any such prior withdrawals and classifications are, to the

extent of the inconsistency, hereby modified, including the deletion of any of these lands from those listed in paragraph 1 of Public Land Order No. 5180 of March 9, 1972, as amended by Public Land Order No. 5193 of March 17, 1972.

3. The purpose of this order is to supplement Public Land Order No. 5179, as amended by Public Land Order No. 5192, by reserving additional lands for possible additions to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems, as provided for by section 17(d)(2)(A) of the Act.

4. To the extent that there are not available within the region other public lands, excluding public lands withdrawn by Public Land Order No. 5179, as amended, which meet the criteria of section 11(a)(3) of the Act, then such lands described in Public Land Order No. 5179, as amended, shall be subject to additional orders of withdrawal concurrent with Public Land Order No. 5179, as amended, pursuant to said section 11(a)(3) to the extent necessary to accommodate the rights of Village Corporations to select, and Regional Corporations to identify lands to which they are entitled under the Act.

5. While the lands described in this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations and his authority to make contracts, and to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. New applications for leases under the Mineral Leasing Act of February 25, 1920, supra, will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

6. 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.

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

SEPTEMBER 12, 1972.

[FR Doc.72-15781 Filed 9-14-72;8:52 am]

Title 49—TRANSPORTATION

Chapter I—Department of Transportation

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 195-4, Docket No. HM-6D]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Testing of Relief Valves on Storage Tanks

The purpose of this amendment is to extend the time period in § 195.428 for the testing of relief valves on pressurized storage tanks used to store liquefied gases.

On November 1, 1971, the Hazardous Materials Regulations Board issued Notice 71-27 (36 F.R. 21211, November 4, 1971) proposing to amend § 195.428 of the Department's liquid pipeline safety regulations. Three comments were received and have been considered.

The effect of the amendment is to add a new paragraph (b) to § 195.428 which extends the time interval for the testing of relief valves on liquefied petroleum gas storage tanks from 6 months to 5 years. This extension is justified for several reasons. First, LPG is a "sweet gas" which has little or no corrosive effect on the metal of the valve. Second, valves are not subjected to temperature variations which could cause a permanent set of the valve springs. Third, industry experience indicates many years of operation at infrequent testing intervals without incident due to improper functioning of relief valves. Finally, in many cases, testing of a valve requires removal of the LPG and depressurization of the tank which exposes the carrier to a potentially hazardous condition that would occur less frequently at longer testing intervals. For these reasons, a 6-month testing interval is an expense that is not warranted by considerations of safety.

Notwithstanding this amendment, paragraph (a) still requires that the inspection of these valves be conducted at 6-month intervals. The amendment only affects the testing of these valves.

In response to the comments, two minor changes have been made to paragraph (b). One comment suggested the exception be extended to other liquefied gases since the same reasons would apply to them as well. The Board agrees with this comment. The only other liquefied gas presently being transported under Part 195 is anhydrous ammonia which has the same effect on relief valves as LPG. To the extent any other liquefied gases might be transported, the requirements of § 195.6 would assure notice to the Administrator and an opportunity to review its effect on relief valves.

It was also pointed out by a comment that liquefied gases are stored in storage vessels which are not horizontal storage vessels. However, the relief valves in both types are functionally identical and no basis exists for limiting the exception in § 195.428(b) to horizontal vessels. For this reason, the word "horizontal" has been deleted from the amended regulation.

In consideration of the foregoing, § 195.428 of Title 49 of the Code of Federal Regulations is amended to read as follows, effective October 15, 1972:

§ 195.428 Overpressure safety devices.

(a) Except as provided in paragraph (b) of this section, each carrier shall, at intervals not exceeding 12 months, or 6 months in the case of pipelines used to carry liquefied gases, inspect and test each pressure limiting device, relief valve, pressure regulator, or other item of pressure control equipment to determine that it is functioning properly, is in good mechanical condition, and is adequate from the standpoint of capacity and reliability of operation for the service in which it is used.

(b) In the case of relief valves on pressure storage vessels containing liquefied gas, each carrier shall test each valve at intervals not exceeding 5 years.

(Secs. 831-835 of Title 18, United States Code; secs. 6(e)(4), (f)(3)(A), Department of Transportation Act, 49 U.S.C. 1655(e)(4), (f)(3)(A); § 1.49(f) regulations, Office of the Secretary of Transportation)

Issued in Washington, D.C., on September 7, 1972.

JOHN W. INGRAM,
Administrator,
Federal Railroad Administration.

[FR Doc.72-15760 Filed 9-14-72;8:51 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 72-21; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires and Rim Selection and Rims for Passenger Cars

This amendment adds certain new tire size designations and accompanying values and amends values for existing tire size designations in Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and adds alternative rim sizes and test rims to Motor Vehicles Safety Standard No. 110 (49 CFR 571.110).

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 F.R. 14964) by which routine additions could be added to Appendix A, Standard No. 109, and to Appendix A, Standard No. 110. Under these guidelines the additions become effective 30 days from the date of publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rulemaking pursuant to the procedures for motor vehicle safety standards (49 CFR Part 533) is followed. An amendment to the tables was published on August 2, 1972 (37 F.R. 15430). This notice adds tire size designations inadvertently omitted and corrects certain errors made in that publication. It also adds a new tire size designation on which a petition was received after August 2, 1972.

Accordingly, Appendix A of Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and Appendix A of Motor Vehicle Safety Standard No. 110 (49 CFR 571.110), are amended, subject to the 30-day provision indicated above, as specified below.

§ 571.109 [Amended]

A. The following changes are to be made to Appendix A of § 571.109 *Motor Vehicle Safety Standard No. 109; New Pneumatic Tires.* (Amendments requested by the Rubber Manufacturers Association.)

1. In Table I-R, the following tire size designations and corresponding values are added:

TABLE I–R

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
FR60–14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6½	34.25	9.35
ER60–15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	33.84	8.70
LR60–15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	7	37.91	10.50

2. A new Table I–V, with the following new tire size designation and corresponding values, is added as follows:

TABLE I–V

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR SERIES "50" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
H50–14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	8	36.24	11.35

1. The letter "H", "S", or "V" may be included in any specified tire size designations adjacent to or in place of the dash.
2. Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

3. In Table I–C, the load at 34 p.s.i. for the 195–15 tire size designation is changed from "1450" to "1490".

4. In Table I–C, the minimum size factor for the 185–15 tire size designation is changed from "34.09" to "33.59".

5. In Table I–D, the load at 40 p.s.i. and the minimum size factor for the 240–15 tire size designation are corrected to read "2440" and "38.28" respectively.

6. In Table I–K, the tire size designation, "D60–15" is changed to "C60–15".

§ 571.110 [Amended]

B. The following changes are to be made to Appendix A of § 571.110 *Standard No. 110; Tire Selection and Rims:* (Amendment requested by the Rubber Manufacturers Association.

1. A new Table I–V is added listing the 8–JJ test rim size for the H50–14 tire size designation. (Miscellaneous correction.)

2. In Table I–N, the tire size designation "175/7014" is changed to "175/70R14".

Following is a tabulation of the changes made by this amendment.

FMVSS No. 110

APPENDIX A, TABLE I

Tire size	*Rim*
Table I–V:	
H50–14	*8–JJ*

Italic designations denote test rims.

Where JJ rims are specified in the above Tables, J and JK rim contours are permissible.

Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201, 202, National Traffic and Motor Vehicle Safety Act. 15 U.S.C. 1392, 1407, 1421, 1422; delegations of authority at 49 CFR 1.51, 49 CFR 501.8)

Issued on September 8, 1972.

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

[FR Doc.72–15621 Filed 9–14–72;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Sand Lake National Wildlife Refuge, South Dakota

The following special regulations are issued and are effective on date of publication in the FEDERAL REGISTER (9–15–72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Public hunting of waterfowl on the Sand Lake National Wildlife Refuge is permitted only on the areas designated by signs as open to hunting. These open areas, totaling 165 acres, are designated on a map available from the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111.

Hunting shall be in accordance with all applicable State regulations concerning the hunting of waterfowl subject to the following conditions;

(1) The open season for hunting geese on the refuge is from October 1, 1972 through December 11, 1972, inclusive. The open season for hunting ducks and coots on the refuge is from October 1, 1972 through December 9, 1972, inclusive.

(2) Hunting will be from established blind sites only, without cost, with each site restricted to not to exceed two hunters, and on a first-come, first-served basis. Blind sites and their use are more specifically described on a map and a list of regulations available at each of the hunting sites.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 11, 1972.

TRAVIS S. ROBERTS,
Regional Director, Bureau of
Sport Fisheries and Wildlife.

AUGUST 28, 1972.

[FR Doc.72–15711 Filed 9–14–72;8:46 am]

PART 32—HUNTING

Tamarac National Wildlife Refuge, Minn.

The following special regulations is issued and is effective on date of publication in the FEDERAL REGISTER (9–15–72).

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

MINNESOTA

TAMARAC NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, and coots on the Tamarac National Wildlife Refuge, Minn., is permitted only on the area designated by signs as open to hunting. This open area, comprising 12,500 acres, is delineated on a map available at the refuge headquarters, Rochert, Minn. 56578, and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State and Federal regulations.

Ducks and coots may be taken from October 1, 1972, through November 19,

1972. Hunting of Canada geese will be permitted from October 1, 1972, through October 12, 1972. All other geese may be hunted from October 1, 1972, through December 9, 1972.

Portions of Tamarac Refuge open to hunting will be posted "Public Hunting Area" except as described in refuge hunting maps. In addition, no persons shall, for the purpose of hunting, enter or leave a refuge except by access roads so designated; and all hunters shall comply with further regulations which the Refuge Manager may prescribe.

The provisions of this special regulation supplement the regulations which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 9, 1972.

TRAVIS S. ROBERTS,
Regional Director.

SEPTEMBER 6, 1972.

[FR Doc.72-15712 Filed 9-14-72;8:46 am]

PART 32—HUNTING

Upper Souris National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (8-15-72).

§ 32.32 Special regulations: Big game: for individual refuge areas.

NORTH DAKOTA

UPPER SOURIS NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Upper Souris National Wildlife Refuge, N. Dak., is permitted on all areas except those designated as closed. The open areas, comprising 31,800 acres are delineated on maps available at headquarters, Foxholm, N. Dak., and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minn. 55111. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer subject to the following conditions:

(1) The open season for hunting deer on the refuge is from noon November 10 to sunset November 19, 1972, c.s.t.

(2) The refuge shall be closed to all vehicular travel except the main public roads.

(3) Regular gun license permits the taking of white-tailed deer with forked antlers on at least one side. Hunters with Special Unit III-A licenses may take white-tailed deer of any age or sex or an antlered mule deer buck.

(4) Deer are the only species that may be taken; it is unlawful to carry firearms after the deer tag is used.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 19, 1972.

DON R. PERKUCHIN,
Refuge Manager, Upper Souris National Wildlife Refuge, Foxholm, N. Dak. 58738.

SEPTEMBER 7, 1972.

[FR Doc.72-15710 Filed 9-14-72;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Foreign Investment Attributable to Producer's Loans

Notice is hereby given that the regulations set forth in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by October 16, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by October 16, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

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

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect certain changes made by section 501 of the Revenue Act of 1971 (85 Stat. 535), relating to Domestic International Sales Corporations, the following regulations are prescribed under section 995 to precede § 1.1001. The amendment is effective for taxable years beginning after December 31, 1971.

§ 1.995 Statutory provisions; taxation of DISC income to shareholders.

SEC. 995. Taxation of DISC Income to Shareholders.

(a) General rule.—A shareholder of a DISC or former DISC shall be subject to taxation on the earnings and profits of a DISC as provided in this chapter, but subject to the modifications of this subpart.

(b) Deemed distributions.—

(1) Distributions in qualified years.—A shareholder of a DISC shall be treated as having received a distribution taxable as a dividend with respect to his stock in an amount which is equal to his pro rata share of the sum (or, if smaller, the earnings and profits for the taxable year) of—

(A) The gross interest derived during the taxable year from producer's loans,

(B) The gain recognized by the DISC during the taxable year on the sale or exchange of property, other than property which in the hands of the DISC is a qualified export asset, previously transferred to it in a transaction in which gain was not recognized in whole or in part, but only to the extent that the transferor's gain on the previous transfer was not recognized,

(C) The gain (other than the gain described in subparagraph (B)) recognized by the DISC during the taxable year on the sale or exchange of property (other than property which in the hands of the DISC is stock in trade or other property described in section 1221(1)) previously transferred to it in a transaction in which gain was not recognized in whole or in part, but only to the extent that the transferor's gain on the previous transfer was not recognized and would have been treated as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231 if the property had been sold or exchanged rather than transferred to the DISC,

(D) One-half of the excess of the taxable income of the DISC for the taxable year, before reduction for any distributions during the year, over the sum of the amounts deemed distributed for the taxable year under subparagraphs (A), (B), and (C), and

(E) The amount of foreign investment attributable to producer's loans (as defined in subsection (d)) of a DISC for the taxable year.

Distributions described in this paragraph shall be deemed to be received on the last day of the taxable year of the DISC in which the gross income (taxable income in the case of subparagraph (D)) was derived. In the case of a distribution described in subparagraph (E), earnings and profits for the taxable year shall include accumulated earnings and profits.

(2) Distributions upon disqualification.—

(A) A shareholder of a corporation which revoked its election to be treated as a DISC or failed to satisfy the conditions of section 992(a)(1) for a taxable year shall be deemed to have received (at the time specified in subparagraph (B)) a distribution taxable as a dividend equal to his pro rata share of the DISC income of such corporation accumulated during the immediately preceding consecutive taxable years for which the corporation was a DISC.

(B) Distributions described in subparagraph (A) shall be deemed to be received in equal installments on the last day of each of the 10 taxable years of the corporation following the year of the termination or disqualification described in subparagraph (A) (but in no case over more than the number of immediately preceding consecutive taxable years during which the corporation was a DISC).

(c) Gain on Disposition of Stock in a DISC.—If a shareholder disposes of stock in a DISC or former DISC, any gain recognized on such disposition shall be included in gross income as a dividend to the extent of the accumulated DISC income of such DISC or former DISC which is attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods the stock disposed of was held by such shareholder. If stock of the DISC or former DISC is disposed of in a transaction in which the separate corporate existence of the DISC or former DISC is terminated other than by a mere change in place of organization, however effected, any gain realized on the disposition of such stock in the transaction shall be recognized notwithstanding any other provision of this title to the extent of the accumulated DISC income of such DISC or former DISC which is attributable to such stock and which was accumulated in taxable years of such corporation during the period or periods the stock disposed of was held by the stockholder which disposed of such stock, and such gain shall be included in gross income as a dividend.

(d) Foreign Investment Attributable to DISC Earnings.—For the purposes of this part—

(1) In general.—The amount of foreign investment attributable to producer's loans of a DISC for a taxable year shall be the smallest of—

(A) The net increase in foreign assets by members of the controlled group (as defined in section 993(a)(3)) which includes the DISC,

(B) The actual foreign investment by domestic members of such group, or

(C) The amount of outstanding producer's loans by such DISC to members of such controlled group.

(2) Net increase in foreign assets.—The term "net increase in foreign assets" of a controlled group means the excess of—

(A) The amount incurred by such group to acquire assets (described in section 1231(b)) located outside the United States over,

(B) The sum of—

(i) The depreciation with respect to assets of such group located outside the United States;

(ii) The outstanding amount of stock or debt obligations of such group issued after December 31, 1971, to persons other than the U.S. persons or any member of such group;

(iii) One-half the earnings and profits of foreign members of such group and foreign branches of domestic members of such group;

(iv) One-half the royalties and fees paid by foreign members of such group to domestic members of such group; and

(v) The uncommitted transitional funds of the group as determined under paragraph (4).

For purposes of this paragraph, assets which are qualified export assets of a DISC (or would be qualified export assets if owned by a DISC) shall not be taken into account. Amounts described in this paragraph (other than in subparagraphs (B) (ii) and (v)) shall be taken into account only to the extent they are attributable to taxable years beginning after December 31, 1971.

(3) Actual foreign investment.—The term "actual foreign investment" by domestic members of a controlled group means the sum of—

(A) Contributions to capital of foreign members of the group by domestic members of the group after December 31, 1971,

(B) The outstanding amount of stock or debt obligations of foreign members of such group (other than normal trade indebtedness) issued after December 31, 1971, to domestic members of such group,

(C) Amounts transferred by domestic members of the group after December 31, 1971, to foreign branches of such members, and

(D) One-half the earnings and profits of foreign members of such group and foreign branches of domestic members of such group for taxable years beginning after December 31, 1971.

As used in this subsection, the term "domestic member" means a domestic corporation which is a member of a controlled group (as defined in section 993(a)(3)), and the term "foreign member" means a foreign corporation which is a member of such a controlled group.

(4) Uncommitted transitional fnds.—The uncommitted transitional funds of the group shall be an amount equal to the sum of—

(A) The excess of—

(i) The amount of stock or debt obligations of domestic members of such group outstanding on December 31, 1971, and issued on or after January 1, 1968, to persons other than U.S. persons or any members of such group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing for purposes of the foreign direct investment program, over

(ii) The net amount of actual foreign investment by domestic members of such group during the period that such stock or debt obligations have been outstanding; and

(B) The amount of liquid assets to the extent not included in subparagraph (A) held by foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs on such date.

For purposes of this paragraph, the term "liquid assets" means money, bank deposits (not including time deposits), and indebtedness of 2 years or less to maturity on the date of acquisition; and the actual foreign investment shall be determined under paragraph (3) without regard to the date in subparagraph (A) of such paragraph and without regard to subparagraph (D) of such paragraph.

(5) Special rule.—Under regulations prescribed by the Secretary or his delegate, the determinations under this subsection shall be made on a cumulative basis with proper adjustments for amounts previously taken into account.

[Sec. 995 as added by sec. 501 Revenue Act, 1971 (85 Stat. 544)]

§ 1.995–1 [Reserved]

§ 1.995–2 [Reserved]

§ 1.995–3 [Reserved]

§ 1.995–4 [Reserved]

§ 1.995–5 Foreign investment attributable to producer's loans.

(a) *In general*—(1) *Limitation.* Under section 995(d), the amount as of the close of a "group taxable year" (as defined in subparagraph (3) of this paragraph) of foreign investment attributable to producer's loans of a DISC for purposes of section 995(b)(1)(E) shall be the excess (as of the close of such year) of—

(i) The smallest of—

(a) The amount of the net increase in foreign assets (as defined in paragraph (b) of this section) by domestic and foreign members of the controlled group which includes the DISC,

(b) The amount of the actual foreign investment by the domestic members of such group (as determined under paragraph (c) of this section), or

(c) The amount of outstanding producer's loans (as determined under section 993(d)) by such DISC, over

(ii) The amount (determined under § 1.995–2, to be proposed) of foreign investment attributable to producer's loans treated under section 995(b)(1)(E) as deemed distributions by the particular DISC taxable as dividends for prior taxable years of that particular DISC. Thus, for example, if the shareholders of a DISC which uses the calendar year as its taxable year (and which is a member of a controlled group in which all of the members use the calendar year as their taxable year) are treated under section 995(b)(1)(E) as receiving foreign investment attributable to producer's loans of a DISC of $0 in 1972, $10 in 1973, and $30 in 1974, or a total of $40, and if the smallest of the amounts described in subdivision (i) of this subparagraph at the end of 1975 is $90, then the amount of the foreign investment attributable to producer's loans of a DISC at the end of 1975 is $50, i.e., the excess (as of the close of 1975) of the smallest of the amounts described in subdivision (i) of this subparagraph ($90) over the sum of the amounts of foreign investment attributable to producer's loans treated under section 995(b)(1)(E) as deemed distributions by the DISC taxable as dividends for prior taxable years of the DISC ($40). If the DISC as to which the amount described in this subdivision relates ceases to exist, such amount shall no longer be taken into account by the group for any purpose. For inclusion of amounts because of certain corporate acquisition, see paragraph (d) of this section.

(2) *Controlled group; domestic and foreign member.* For purposes of this section—

(i) The term "controlled group" has the meaning assigned to such term by section 993(a)(3).

(ii) The term "domestic member" means a domestic corporation which is a member of a controlled group, and the term "foreign member" means a foreign corporation which is a member of a controlled group.

(3) *Group taxable year.* (i) The term "group taxable year" refers collectively to the taxable year of the DISC and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the taxable year of the DISC. Thus, for example, if a corporation has a subsidiary which uses the calendar year as its taxable year and which elects to be treated as a DISC, and if the parent has a taxable year ending on October 31, the "group taxable year" for 1973 would refer to calendar year 1973 for the DISC and to the parent's taxable year ending October 31, 1973.

(ii) In cases in which the DISC makes a return for a short taxable year, that is, for a taxable year consisting of a period of less than 12 months, pursuant to section 443 and the regulations thereunder, or § 1.991–1(b)(3) (as proposed in 37 F.R. 10366 for May 20, 1972), the following rules shall apply—

(a) In the case of a change in the annual accounting period of the DISC resulting in a short taxable year, the "group taxable year" refers collectively to the short taxable year and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the short taxable year.

(b) In the case of a DISC which is in existence during only part of what would otherwise be its taxable year, the "group taxable year" refers collectively to the short period during which the DISC was in existence and to the taxable year of each corporation in the controlled group which includes the DISC ending with or within the 12-month period ending on the last day of the short period.

(iii) With respect to periods prior to the first taxable year for which a member of the group qualified (or is treated) as a DISC, each group taxable year shall be determined under subdivision (i) of this subparagraph as if such member was in existence, it qualified as a DISC, and its taxable year ended on that date corresponding to the date such member's first taxable year ended after it qualified (or is treated) as a DISC whether or not the corporation which qualifies (or is treated) as a DISC used the same taxable year before it so qualified (or is so treated). Thus, for example, if a corporation which is organized on March 3, 1975, uses the calendar year as its taxable year, and is a member of a controlled group which does not include a DISC, first qualifies (or is treated) as a DISC for calendar year 1975, then the term "group taxable year" with respect to years prior to 1975 refers collectively to such prior calendar years and to the taxable year of each corporation in the group ending with or within such prior calendar years.

(iv) For special rules in the case of a group which includes more than one DISC, see paragraph (g) of this section.

(4) *Amounts determined for prior years.* Unless the 3-year limitation is properly elected under subparagraph (5) of this paragraph, the amounts described in paragraphs (b) (relating to net increase in foreign assets) and (c) (relating to actual foreign investments by domestic members) of this section reflect, as of the close of a group taxable year, amounts for all taxable years of members of the group beginning after December 31, 1971 (and amounts arising after December 31, 1971, or such other date prescribed in paragraph (b)(7) of this section), provided that such amounts relate to such group taxable year and preceding group taxable years. Thus, for example, if all members of a controlled group use the calendar year as the taxable year, and 1980 is the first taxable year for which any member of the group qualifies (or is treated) as a DISC, then, unless the 3-year limitation is elected under subparagraph (5) of this paragraph, the amounts described in paragraphs (b) and (c) of this section will be taken into account beginning with the dates specified in the preceding sentence. For rules as to

carryovers on certain corporate acquisitions and reorganizations, see paragraph (d) of this section.

(5) *Three-year elective limitation.* (i) A DISC may elect to take into account only amounts described in paragraphs (b) (relating to net increase in foreign assets) and (c) (relating to actual foreign investment by domestic members) for the 3 taxable years of each member immediately preceding its taxable year included in that first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC. For purposes of the preceding sentence, determinations shall be made by reference to the taxable year of the issuer or transferor (as the case may be). If an election is made under this subdivision, the offset for uncommitted transitional funds under paragraph (b)(7) of this section is not allowed.

(ii) An election under subdivision (i) of this subparagraph shall not apply with respect to amounts which must be carried over under paragraph (d) of this section in the case of certain corporate acquisitions and reorganizations.

(iii) An election under subdivision (i) of this subparagraph shall be made by the DISC attaching to its first information return, filed under section 6011(e)(2), a statement to the effect that the 3-year limitation is being elected under § 1.995–5(a)(5)(i).

(6) *Cumulative basis.* Pursuant to section 995(d)(5), all determinations under this section are to be made on a cumulative basis from the first year provided for in this section. However, if the 3-year limitation is elected under subparagraph (5) of this paragraph, then only amounts with respect to periods specified in such subparagraph (5) are amounts taken into account for years before a member of the group qualifies (or is treated) as a DISC. The computations described in this section may be made in any way chosen by the DISC (including a corporation being tested as to whether it qualifies as a DISC), provided such method results in the amount prescribed by this section.

(7) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. X corporation, which uses the calendar year as its taxable year, is a member of a controlled group (within the meaning of subparagraph (2) of this paragraph). X elects to be treated as a DISC beginning with 1972. The amount of foreign investment attributable to X's producer's loans treated under section 995(b)(1)(E) as a distribution taxable as a dividend as of the close of each group taxable year with respect to each taxable year of X from 1972 through 1975 are set forth in the table below, computed on the basis of the facts assumed (the amounts on lines (1), (2), (3), and (5) being running balances):

Taxable year of X	1972	1973	1974	1975
(1) Net increase (or decrease) in foreign assets since January 1, 1972, at close of group taxable year	($30)	$10	$100	$150
(2) Actual foreign investment at close of group taxable year	20	60	80	140
(3) Outstanding producer's loans of X (the DISC) as of the close of group taxable year	0	40	90	120
(4) Smallest of lines (1), (2), or (3) (not less than zero)	0	10	80	120
(5) Less section 995(b)(1)(E) deemed distributions for prior taxable years (sum of lines (5) and (6) from prior year)	0	0	10	80
(6) Section 995(b)(1)(E) deemed distribution as of close of taxable year	0	10	70	40

(b) *Net increase in foreign assets*—(1) *In general.* (i) The term "net increase in foreign assets" when used in this section means the excess for the controlled group (as of the close of the group taxable year) of (*a*) the investment in foreign assets to be taken into account under subparagraph (2) of this paragraph over (*b*) the aggregate of the five offsets allowed by subparagraphs (3) through (7) of this paragraph.

(ii) No amount described in this paragraph (other than amounts described in subparagraphs (4) and (7) of this paragraph) with respect to a member of the group (or foreign branch of a member) shall be taken into account unless it is attributable to a taxable year of such member beginning after December 31, 1971. For 3-year elective limitation with respect to the first taxable year for which a member qualifies (or is treated) as a DISC, see paragraph (a)(5) of this section.

(2) *Investments made in foreign assets.* (i) For purposes of subparagraph (1) of this paragraph, there shall be taken into account as investment in foreign assets the aggregate of the amounts expended (within the meaning of subdivision (ii) of this subparagraph) during the period described in subparagraph (1)(ii) of this paragraph by all members of the controlled group which includes the DISC to acquire assets described in section 1231(b) (determined without regard to any holding period therein provided) which are located outside the United States (as defined in section 993(g)) reduced by the aggregate of the amounts received by all such members of the controlled group from the sale of such assets described in section 1231(b). For purposes of this section, amounts expended for assets which are qualified export assets (as defined in § 1.993–2, to be proposed) of a DISC (or which would be qualified export assets if owned by a DISC) shall not be taken into account. Thus, for example, if a DISC acquires a qualified export asset located outside the United States, the asset is not to be taken into account for purposes of determining the net increase in foreign assets.

(ii) As used in subdivision (i) of this subparagraph, the term "amounts expended" means the amount of any money or the fair market value (on the date of acquisition) of any property other than money used to acquire the assets described in such subdivision (i). If property is acquired in a transaction in which gain or loss is not recognized in whole or in part by reason of the application of section 1031 (relating to like kind exchanges) or section 1033 (relating to involuntary conversion), then the amount expended to acquire such property within the meaning of this subdivision shall be an amount equal to the excess of the adjusted basis of the property acquired over the adjusted basis of the property disposed of.

(iii) For purposes of this subparagraph, an asset (other than an aircraft or vessel) is considered as located outside the United States if it was used predominantly outside the United States during the group taxable year. The determination as to whether such an asset is used predominantly outside the United States during the group taxable year in which it was acquired shall be made by applying the rules of § 1.993–3 (to be proposed) except that an aircraft described in section 48(a)(2)(B)(i) or a vessel described in section 48(a)(2)(B)(iii) shall be considered located in the United States and all other aircraft or vessels shall be considered located outside the United States. Thus, for example, if a member of a controlled group which includes a DISC acquires a vessel which is documented under the laws of a foreign country, the amount expended to acquire that vessel is an amount described in subdivision (i) of this subparagraph.

(3) *Depreciation with respect to all assets of a controlled group.* (i) An offset allowed by this subparagraph is the depreciation (determined under subdivision (ii) of this subparagraph) or depletion (determined under subdivision (iii) of this subparagraph) attributable to taxable years of the member beginning after December 31, 1971, with respect to all of the group's foreign assets described in subparagraph (2) of this paragraph including such assets acquired prior to the date provided in such subparagraph (2), and without regard to whether the 3-year election in paragraph (a)(5) of this section is made. Thus, for example, depreciation for a taxable year of a member beginning after December 31, 1971, with respect to an asset described in section 1231(b) which is located outside of the United States and which was acquired during a taxable year of the member beginning before January 1, 1972, is an offset allowed by this subparagraph. For a further example, depreciation with respect to a qualified export asset is not such an offset.

(ii) The depreciation taken into account under subdivision (i) of this subparagraph shall be:

(*a*) In the case of an asset owned by a domestic member, only the amount allowed under section 167(b)(1) (relating to the allowance of the straight line method depreciation) and § 1.162–11(b) (relating to amortization in lieu of depreciation), but not the amount allowed under section 179 (relating to the additional first-year depreciation allowance), and

(*b*) In the case of an asset owned by a foreign member, the depreciation and amortization (referred to in (*a*) of this subdivision) allowable for purposes of computing earnings and profits under § 1.964–1 (relating to a controlled foreign corporation's earnings and profits). A DISC may elect to determine historical cost under § 1.964–1(b)(2) of a foreign member which is not a controlled foreign corporation (as defined in section 957) by attaching a statement to that effect to the return of the DISC under section 6011(e)(2) for the first taxable year it qualifies (or is treated) as a DISC and for which there is an offset under this subparagraph. An election under this (*b*) shall be irrevocable.

(iii) The depletion taken into account under subdivision (i) of this subparagraph shall be limited to cost depletion computed under sections 611 and 612 and the regulations thereunder. Thus, discovery or percentage depletion is not to be taken into account in computing the offset under this subparagraph.

(4) *Amount of outstanding stock or debt.* (i) An offset allowed by this subparagraph is the outstanding amount of stock (including treasury stock) or debt obligations of any member of the group issued, sold, or exchanged after December 31, 1971, by any member (whether or not the same member) to persons who (on the date of such issuance, sale, or exchange) were neither U.S. persons (within the meaning of section 7701(a)(30)) nor members of the group: *Provided*, That, in the case of a debt obligation, such obligation is not repaid within 12 months after such issuance, sale, or exchange. Thus, for example, if stock is issued to a member of the group before January 1, 1972, and after December 31, 1971, it is sold to a person who is neither a U.S. person nor a member of the group, an offset allowed by this subparagraph includes the outstanding amount of such stock. For purposes of this subparagraph foreign branches of U.S. banks are not considered to be U.S. persons.

(ii) For purposes of this subparagraph, the outstanding amount of stock or debt is the excess of (*a*) the aggregate of the amount of money received and the fair market value of all property (other than money) received from persons who are not members of the group and who are not U.S. persons as consideration for stock or debt obligations described in subdivision (i) of this subparagraph, over (*b*) the aggregate of the amount of money and the fair market value of all property (other than money) distributed to persons who are not members of the group nor U.S. persons on redemptions of such stock or debt obligations or from distributions in respect of stock from other than earnings and profits. In the case of a redemption, the stock or debt redeemed shall be charged against the earliest of such stock or debt issued, sold, or exchanged in order to determine the amount by which the balance of outstanding stock or debt is to be reduced. For purposes of this subparagraph, the fair market value of property received as consideration shall be determined as of the date the transaction occurs, and a contribution to capital within the meaning of section 118 shall be treated as the issuance of stock.

(iii) The provisions of subdivision (i) of this subparagraph apply regardless of the treatment under the Code of the transaction in which the stock or debt was issued, sold, or exchanged. Thus, for example, if X Corporation, a member of a controlled group which includes a DISC, acquires from a nonresident alien individual in exchange solely for X's voting stock all of the stock of Y Corporation pursuant to a reorganization as defined in section 368(a)(1)(B), the fair market value of the Y stock on the date of the exchange would be an offset allowed by this subparagraph.

(5) *Earnings and profits.* (i) An offset allowed by this subparagraph is one-half the aggregate of the earnings and profits accumulated for all taxable years beginning after December 31, 1971, computed (without regard to any distributions from earnings and profits) in accordance with § 1.964–1 (relating to a foreign corporation's earnings and profits), of each foreign member of the group which is controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and each foreign branch of a domestic member of the group (computed as if the branch were a foreign corporation).

(ii) If the aggregate of the accumulated earnings and profits described in subdivision (i) of this subparagraph is a deficit, the amount allowable as an offset under this subparagraph is zero.

(6) *Royalties and fees.* An offset allowed by this subparagraph is one-half the royalties and fees paid by foreign members of the group to domestic members of the group and by foreign branches of domestic members of the group to domestic member of the group during the taxable years of such members beginning after December 31, 1971.

(7) *Uncommitted transitional funds.* (i) An offset allowed by this subparagraph for the uncommitted transitional funds of the group is the sum described in subdivision (ii) of this subparagraph of the amount of certain capital raised under the foreign direct investment program and the amounts described in subdivision (iv) of this subparagraph of certain foreign excess working capital held on October 31, 1971.

(ii) The amount described in this subdivision of certain capital raised under the foreign direct investment program is the excess (if any) of:

(*a*) The amount of the offset allowed by subparagraph (4) of this paragraph, determined, however, with respect to the stock and debt obligations of domestic members of the group outstanding on December 31, 1971 (including amounts treated as stock outstanding by reason of a contribution to capital), which were issued, sold, or exchanged on or after January 1, 1968, by any member (whether or not the same member) to persons who (on the date of such issuance, sale, or exchange) were neither U.S. persons (within the meaning of section 7701(a)(30)) nor members of the group, but only to the extent the taxpayer establishes that such amount constitutes a long-term borrowing (see 15 CFR 1000.324) for purposes of the foreign direct investment program (see 15 CFR Part 1000), over

(*b*) The net amount (determined under paragraph (c) of this section) of actual foreign investment by the domestic members of the group during the period such stock or debt obligations have been outstanding, such determination to be made by substituting January 1, 1968, for the December 31, 1971, date specified in such paragraph (c), and by not taking into account the earnings and profits described in paragraph (c)(3) of this section.

(iii)(*a*) A taxpayer may establish that an amount under subdivision (ii)(*a*) of this subparagraph constitutes a long-term borrowing for purposes of the foreign direct investment program by keeping records sufficient to demonstrate that appropriate reports were filed with the Office of Foreign Direct Investment of the Department of Commerce with respect to the foreign borrowing or by any other method satisfactory to the district director.

(*b*) The amounts described in subdivision (ii)(*a*) of this subparagraph include amounts with respect to which an election under section 4912(c), to subject certain obligations of a U.S. person to the interest equalization tax, has been made provided that the obligations to which such amounts relate were issued by an "overseas financing subsidiary" described in 15 CFR Part 1000 N and were assumed by a U.S. person from such overseas financing subsidiary. Thus, for example, if an overseas financing subsidiary issues its notes to a foreign person in 1968, and such notes are assumed by its U.S. parent in 1973, which parent elects under section 4912(c) to have the notes subject to the interest equalization tax, then the amount of money received by the subsidiary is an amount described in subdivision (ii)(*a*) of this subparagraph.

(iv) The amount described in this subdivision of foreign excess working capital is the amount of liquid assets held by the foreign members of such group and foreign branches of domestic members of such group on October 31, 1971, in excess of their reasonable working capital needs (as defined in § 1.993–2(e) (to be proposed)) but only to the

extent not included in subdivision (ii) of this subparagraph. For purposes of this subdivision, the term "liquid assets" means money, bank deposits (not including time deposits), and indebtedness of any kind (including time deposits) which on the day acquired had a maturity of 2 years or less.

(c) *Actual foreign investment by domestic members.* For purposes of determining the limitation in paragraph (a) of this section, the amount of the actual foreign investment by domestic members of a controlled group is the sum (as of the close of the group taxable year) of:

(1) *Outstanding stock or debt (including contributions to capital).* The outstanding amount of stock (including treasury stock) or debt obligations, other than normal trade indebtedness (determined in accordance with the principles of paragraph (b)(4)(ii) of this section, applied with respect to the stock or debt obligations described in this subparagraph) of foreign members of the group issued, sold, or exchanged after December 31, 1971, by any person (whether or not a member) which is not a domestic member to domestic members of the group, provided that the outstanding amount of debt obligations of any foreign member shall be the greater of such amount outstanding at the close of the taxable year of such member, or the highest such amount outstanding at any time during the immediately preceding 90 days,

(2) *Transfers to foreign branches.* The amount of money or the fair market value of property (other than money) transferred by domestic members of the group after December 31, 1971, to foreign branches of such members in transactions which would, if the branch were a corporation, be in consideration for the sale of stock or debt obligations of (or a contribution of capital to) such foreign branches (as determined under subparagraph (1) of this paragraph), and

(3) *Earnings and profits of foreign members.* One-half of the earnings and profits (computed in accordance with paragraph (b)(5) of this section for purposes of computing net increase in foreign assets) of foreign members of the group which are controlled directly or indirectly (as determined under the principles of section 958 and the regulations thereunder) by a domestic member of the group and foreign branches (treated for this purpose as a corporation) of domestic members of the group accumulated during the taxable years of such foreign members (or branches) beginning after December 31, 1971.

(d) *Carryovers on certain corporate acquisitions and reorganizations*—(1) *Certain corporate acquisitions.* (i) If:

(*a*) A member of a controlled group ("first controlled group") acquires in a transaction to which section 381 applies the assets of a corporation which is a member of a second controlled group or acquires stock in such a corporation pursuant to a reorganization as defined in section 368(a)(1)(B) to which section 361 applies, or

(*b*) A member or combination of members of the first controlled group acquire a majority interest (as defined in paragraph (e)(2) of this section) in the stock of a corporation which is a member of a second controlled group which includes a DISC so that such DISC after the acquisition is a member of the new controlled group, then for purposes of computing foreign investment attributable to producer's loans with respect to the new controlled group as constituted after such acquisition, all amounts described in paragraphs (a) through (c) of this section, including the amount specified in paragraph (a)(1)(ii) of this section (relating to amounts treated under section 995(b)(1)(E) as deemed distributions by the DISC taxable as dividends for prior taxable years of the DISC) with respect to members of the second controlled group which become members of the new controlled group shall carry over to such new controlled group. For purposes of this subdivision, a controlled group may consist of only one member. With respect to certain transactions involving foreign corporations, see section 367.

(ii) If a member or combination of members of a controlled group, immediately after an acquisition of stock to which subdivision (i) of this subparagraph applies do not control the total combined voting power (determined under § 1.957-1(b)) of the corporation whose stock was acquired, proper apportionment consistent with the principles of paragraph (e)(5) of this section shall be made with respect to amounts to which paragraphs (a) through (c) of this section apply.

(iii) (*a*) If subdivision (i) of this subparagraph applies, then for purposes of determining the application of the 3-year elective limitation provided for in paragraph (a)(5) of this section the rules in (b), (c), and (d) of this subdivision (iii) apply.

(*b*) If both the "first controlled group" and the "second controlled group" (as those terms are defined in subdivision (i) of this subparagraph) include a DISC, and a DISC in either group has elected the 3-year limitation provided in paragraph (a)(5) of this section, then only those amounts taken into account under such paragraph (a)(5) by the electing DISC or DISC's shall be taken into account.

(*c*) If one of the groups includes a DISC and the other does not, and if the DISC has elected the 3-year limitation provided in paragraph (a)(5) of this section, then, for purposes of computing foreign investment attributable to producers' loans with respect to the new controlled group as constituted after the acquisition, all amounts described in paragraphs (a) through (c) of this section with respect to members of the controlled group which did not include the DISC shall carry over to such new controlled group, but only to the extent provided in such paragraph (a)(5) computed as if the group taxable year in which the acquisition occurred was the first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC.

(*d*) If (c) of this subdivision (iii) applies, except that the DISC has not elected the 3-year limitation provided in paragraph (a)(5) of this section, then the DISC in the new controlled group as constituted after the acquisition may make the election provided in such paragraph (a)(5), and treat the year in which the acquisition occurred as if it were the first group taxable year which includes a member's first taxable year during which it qualifies (or is treated) as a DISC.

(iv) If a majority interest, or an interest in addition to a majority interest is acquired in a transaction other than a transaction described in subdivision (i) of this subparagraph, then the rules in paragraph (e) of this section (relating to the acquisition of the foreign assets of a corporation) apply.

(2) *Corporation ceasing to be a member.* As of the date a corporation which is a member of a controlled group ceases to be a member of such group, the amounts of such group described in paragraphs (a) through (c) of this section will be reduced by such amounts which are attributable to the corporation which is no longer a member of the group.

(e) *Acquisition of a majority interest in a corporation*—(1) *In general.* If paragraph (d)(1)(i) of this section (relating to certain corporate acquisitions in which all amounts described in paragraphs (a) through (c) of this section carryover) does not apply, then for purposes of determining under paragraph (b)(2) of this section the investments made in foreign assets by a controlled group, the acquisition of a majority interest (as defined in subparagraph (2) of this paragraph) or an interest in addition to a majority interest in a corporation by any member or combination of members of the controlled group is considered an acquisition of the assets (to the extent provided in subparagraph (5) of this paragraph) of the acquired corporation by the group, including the assets of any foreign corporation in which the acquired corporation owns a majority interest (to the extent provided in subparagraph (5) of this paragraph). For the rules concerning the date upon which an acquisition of a majority interest is considered to have occurred, see subparagraph (3) of this paragraph.

(2) *Majority interest.* For purposes of this section, a majority interest is more than 50 percent of the total combined voting power of all classes of a corporation's stock entitled to vote, as determined under § 1.957-1(b).

(3) *Acquisition date.* For purposes of this paragraph, an acquisition of a majority interest shall be considered to have occurred on the day on which the combined voting power of the group first reached the percent required in subparagraph (2) of this paragraph.

(4) *Valuation of assets.* For purposes of this section, the amount of a corporation's assets deemed acquired is the fair market value of the assets on the date a

majority interest, or an interest in addition to a previously held majority interest, is acquired.

(5) *Apportionment in the case of the acquisition of less than all of the voting stock.* (i) If the acquisition described in subparagraph (1) of this paragraph of a majority interest is of less than 100 percent of the total combined voting power of all classes of stock of the acquired corporation entitled to vote, then for purposes of subparagraph (1) of this paragraph the amount of the foreign assets of the corporation deemed acquired as of the day the majority interest is considered acquired shall be an amount equal to the fair market value of all of the corporation's foreign assets described in paragraph (b)(2) of this section multiplied by the percentage of the total combined voting power (determined under § 1.957-1(b)) held by members of the group on the day the majority interest is considered acquired.

(ii) If any member or combination of members of the controlled group hold a majority interest in a corporation, then for purposes of subparagraph (1) of this paragraph, the acquisition of additional voting power by members of the controlled group shall be considered an acquisition of its foreign assets described in paragraph (b)(2) of this section in an amount equal to the fair market value of all such assets held by the foreign corporation on the date of the acquisition, multiplied by the increase (expressed in percentage points) in total voting power (as determined under § 1.957-1(b)) which occurred during the group taxable year.

(6) *Examples.* The application of this paragraph may be illustrated by the following examples:

Example (1). M corporation uses the calendar year as its taxable year. On November 18, 1973, M acquires from A, an individual U.S. person, for $1 million cash all 10,000 shares of the voting stock of N, a foreign corporation. N's only asset is a warehouse located in France with a fair market value on the date of acquisition of $1 million. Under subparagraph (1) of this paragraph, the controlled group of which M is a member is considered to have expended $1 million for the acquisition of foreign assets described in paragraph (b)(2) of this section.

Example (2). The facts are the same as in example (1), except that on November 18, 1973, M acquires only 80 percent of N's voting stock. M is considered to have expended $800,000 for the acquisition of assets described in paragraph (b)(2) of this section, computed as follows:

(1) Fair market value of N's foreign assets described in paragraph (b)(2) of this section	$1,000,000
(2) Multiply by percentage of total combined voting power of all classes of N stock entitled to vote held by M on the last day of the taxable year	.8
(3) Amount considered expended	800,000

Example (3). The facts are the same as in example (2), except that individual A is not a U.S. person, and M acquires the 80 percent of N voting stock in exchange for cash of $100,000 and M stock having a fair market value on the date of the acquisition of $700,000. M is considered to have acquired assets described in paragraph (b)(2) of this section in the amount of $800,000 (see computations in example (2)) and to have an offset under paragraph (b)(4) of this section (relating to outstanding stock or debt) of $700,000 (the fair market value of the M stock transferred to A who is not a U.S. person). However, the controlled group of which M is a member is not considered to have acquired any other amounts described in paragraphs (a) through (c) of this section with respect to N for taxable years prior to the taxable year of N during which the acquisition occurred.

Example (4). P corporation, which uses the calendar year as its taxable year, is a member of a controlled group which includes a DISC. During 1973, P acquires from B, an individual U.S. person, for cash, 30 percent of the total combined voting power of all classes of stock entitled to vote of Q, a foreign corporation. All of Q's assets are assets described in paragraph (b)(2) of this section. No additional interest in Q is acquired by members of the group during 1973. The controlled group of which Q is a member is not considered to have made any investments in foreign assets described in paragraph (b)(2) as of the close of 1973.

Example (5). Assume the same facts as in example (4). Assume further that during 1974, R Corporation, a member of the controlled group which includes P, acquires for cash 40 percent of the total combined voting power of all classes of stock of Q entitled to vote as follows: 20 percent on July 31, and 20 percent on December 31. Thus, on December 31, 1974, members of the controlled group own 70 percent of Q's voting power (30+20+20) and on that date are considered to have acquired a majority interest in Q. The fair market value of Q's assets on December 31, 1974, is $5 million. The group is considered to have expended $3,500,000 for the acquisition of assets described in paragraph (b)(2) of this section computed as follows:

(1) Fair market value of Q's foreign assets described in paragraph (b)(2) of this section as of the date the acquisition is deemed to have occurred under subparagraph (3) of this paragraph (December 31, 1974)	$5,000,000
(2) Multiply by percentage of total combined voting power of all classes of Q stock entitled to vote held by members of the group on the last day of the taxable year (December 31, 1974)	.7
	$3,500,000

Example (6). The facts are the same as in example (5), except that on July 15, 1975, P acquires the remaining 30 percent of the total combined voting power of all classes of Q stock entitled to vote, and the fair market value of Q's assets is $5,500,000. The group is considered to have expended $5,150,000 for the acquisition of assets described in paragraph (b)(2) of this section as of the close of 1975, computed as follows:

(1) Amount of prior years investment	$3,500,000
(2) Investment during 1975:	
(a) Fair market value of Q's foreign assets described in paragraph (b)(2) of this section as of the date the acquisition is deemed to have occurred under subparagraph (3) of this paragraph (July 15, 1975)	5,500,000
(b) Multiply by additional percentage of total combined voting power of all classes of Q stock entitled to vote held by members of the group on the last day of the taxable year	3
	1,650,000
(3) Amount considered expended for foreign assets described in paragraph (b)(2) of this section by reason of the acquisition of Q stock	5,150,000

(f) *Records.* A DISC shall keep such permanent books of account or records as are sufficient to establish the transactions and amounts described in this section. Where applicable, such books of account or records shall be cumulative and shall show transactions and amounts of the members of the controlled group which includes the DISC which occurred prior to the date the DISC qualified (or is treated) as a DISC.

(g) *Multiple DISC's*—(1) *Allocation among DISC's.* In the case of a controlled group which includes more than one DISC, the amounts described in paragraphs (b) and (c) of this section shall be allocated among the DISC's in order to determine the limitation in paragraph (a) of this section. Each DISC's allowable portion of these amounts shall be equal to the total of such amounts multiplied by a fraction the numerator of which is the individual DISC's outstanding producer's loans to members of the group, and the denominator of which is the aggregate amounts of outstanding producer's loans to members of the group by all DISC's which are members of the group.

(2) *Different taxable years.* (i) If all of the DISC's which are members of the controlled group do not have the same taxable year, then the DISC shall elect to make all computations under section 995(d) as if all DISC's that are members of the group use the same taxable year as the actual taxable year of any one of the DISC's. The election as to which DISC's taxable year is to be used shall be made by the DISC attaching to its first information return, filed under section 6011(e)(2), a statement indicating which such taxable year will be used. Once such an election is made it may not be revoked until such time as all of the DISC's which are members of the group use the same taxable year. If this subparagraph applies, books and records must be kept by the group which are adequate to show the necessary computations under section 995.

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

Example. Corporation X and corporation Y are members of the same controlled group and each has elected to be treated as a DISC. X uses a taxable year ending March 31, and Y uses a taxable year ending November 30. Notwithstanding the fact that all other members of the group use the calendar year as their taxable year, all computations for purposes of determining the amount of foreign investment attributable to producer's loans

under section 995(d) must be made as if both DISC's use a taxable year ending either March 31 (X's taxable year) or November 30 (Y's taxable year).

[FR Doc.72-15780 Filed 9-14-72;8:52 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 948]

[Area 2]

IRISH POTATOES GROWN IN COLORADO

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 Area Committee for Area No. 2 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado 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 should file the same, in quadruplicate, with the Hearing Clerk, Room 112-A, United States Department of Agriculture, Washington, D.C. 20250 by September 24, 1972. 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:

§ 948.268 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 2 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1973, will amount to $14,050.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.0025 per hundredweight of potatoes grown in Area No. 2 handled by him as the first handler thereof during said fiscal period: *Provided*, That potatoes for canning, freezing, and other processing are exempt under the act.

(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 shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: September 11, 1972.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.72-15734 Filed 9-14-72;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CERTAIN CHEESES AND CHEESE PRODUCTS

Identity Standards; Xanthan Gum as Optional Ingredient

Notice is given that a petition has been filed jointly by Kelco Co., 1010 Second Avenue, San Diego, CA 92191, and the National Cheese Institute, Inc., 110 North Franklin Street, Chicago, IL 60606, proposing that the identity standards for cream cheese, neufchatel cheese, pasteurized process cheese spread, cream cheese with other foods, pasteurized neufchatel cheese spread with other foods, and cold-pack cheese food (21 CFR 19.515, 19.520, 19.775, 19.782, 19.783, and 19.787) be amended to provide for xanthan gum as an optional ingredient by adding it to the list of stabilizing ingredients heretofore provided. It is proposed that the provisions of §§ 19.515(b)(2)(i), 19.520(b)(2)(i), 19.775(f)(1)(i), 19.782(a)(1)(i), 19.783(b)(1)(i), and 19.787(e)(8), limiting the total amount of stabilizers used shall also apply to xanthan gum and to stabilizer combinations that include xanthan gum. Label declaration of the ingredient by the common name "xanthan gum" is proposed.

Grounds given in support of the proposal are: (1) Stabilizers function in the spreadable cheese products as waterbinders to impart stiffness, and to prevent having a "gummy" textured product that sticks to wrappings and does not slice well.

(2) Xanthan gum is effective as a stabilizer when used alone or in combination with other stabilizing ingredients now permitted for use in the foods listed above.

(3) Addition of xanthan gum to certain other stabilizers or stabilizer combinations increases functionality, making possible a reduction in the total amount of stabilizing ingredients used.

(4) Use of xanthan gum in the above listed foods results in improved flavor release and mouth feel.

Due to cross-referencing, adoption of the proposed amendment to the above-cited cheese standards would have the effect of making xanthan gum also a permitted ingredient of pasteurized cheese spread, pasteurized process cheese spread with fruits, vegetables, or meat, pasteurized cheese spread with fruits, vegetables, or meat, and cold-pack cheese food with fruits, vegetables, or meat (§§ 19.776, 19.780, 19.781, and 19.788).

The Commissioner of Food and Drugs recognizes the desire of consumers that complete ingredient information be given on labels of standardized foods. Statutory authority does not exist to require declaration of the mandatory ingredients in such foods, and an order published in the FEDERAL REGISTER of July 7, 1972 (37 F.R. 13339), requires declaration of all optional ingredients on the labels of process cheese products. Two of the foods to which optional addition of xanthan gum is proposed, cream cheese and neufchatel cheese, were not included in the July 7, 1972, order. The Commissioner proposes on his own initiative that all optional ingredients in cream cheese and neufchatel cheese be listed on an appropriate information panel of the package label. It is proposed that the optional ingredients be declared by common name, except that:

(1) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, and milk-clotting enzymes may be declared by the collective term "enzymes". Simple common names have not been established for some bacterial cultures and enzymes that may be used, and the generic terms will be more meaningful to consumers than the complex technical declarations for such ingredients.

(2) Milk, concentrated milk, dried milk, and reconstituted milk may be declared by the collective term "milk". The sources of milk solids in manufactured dairy products vary from day to day depending on such factors as availability and price, and there is no difference in the finished products through such variations in the sources of milk solids used. Similarly, collective designations are proposed for liquid, concentrated, dried, and reconstituted forms of skim milk and cheese whey.

Accordingly, it is proposed that Part 19 be amended:

1. In § 19.515 by revising paragraphs (b)(2)(i) and (c), as follows:

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2)(i) In the preparation of cream cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum may be used; but the quantity of any such ingredient or mixture is such that the total weight of solids contained therein is not more than 0.5 percent by weight of the finished cream cheese.

* * * * *

(c) The common name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part I of this chapter except that:

(1) Cream need not be declared.

(2) Concentrated milk and reconstituted milk prepared by addition of water to concentrated milk may be declared as "milk".

(3) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(4) Cheese whey, concentrated cheese whey, dried cheese whey, and reconstituted cheese whey prepared by addition of water to concentrated cheese whey or dried cheese whey may be declared as "whey".

(5) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured cream".

(6) Milk clotting enzymes may be declared by the word "enzymes".

Further, the declaration of the ingredients as set forth in this paragraph shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents but in no case less than one-sixteenth of an inch in height.

2. In § 19.520 by revising paragraphs (b) (2) (i) and (c) as follows:

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(2) (i) In the preparation of Neufchatel cheese, one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, guar gum, carrageenan, gelatin, algin (sodium alginate), propylene glycol alginate, or xanthan gum may be used, but the quantity of any such ingredient or mixture is such that the weight of the solids contained therein is not more than 0.5 percent of the weight of the finished Neufchatel cheese.

* * * * *

(c) The common name of each of the ingredients used in the food shall be declared on the label as required by the applicable sections of Part I of this chapter except that:

(1) Concentrated milk and reconstituted milk prepared by addition of water to concentrated milk may be declared as "milk".

(2) Concentrated skim milk, nonfat dry milk, and reconstituted skim milk prepared by addition of water to concentrated skim milk or nonfat dry milk may be declared as "skim milk".

(3) Cheese whey, concentrated cheese whey, dried cheese whey, and reconstituted cheese whey prepared by addition of water to concentrated cheese whey or dried cheese whey may be declared as "whey".

(4) Bacterial cultures may be declared by the word "cultured" followed by the name of the substrate, e.g., "made from cultured cream".

(5) Milk clotting enzymes may be declared by the word "enzymes". Further, the declaration of the ingredients as set forth in this paragraph shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents but in no case less than one-sixteenth of an inch in height.

3. In § 19.775 by revising paragraph (f) (1) (i), as follows:

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

* * * * *

(f) * * *

(1) (i) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, algin (sodium alginate), propylene glycol alginate, or xanthan gum. The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

* * * * *

4. In § 19.782 by revising paragraph (a) (1) (i), as follows:

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(a) * * *

(1) (i) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, algin (sodium alginate), propylene glycol alginate, or xanthan gum. The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

* * * * *

5. § 19.783 by revising paragraph (b) (1) (i), as follows:

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

* * * * *

(b) * * *

(1) (i) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), propylene glycol alginate, guar gum, sodium carboxymethylcellulose (cellulose gum), carrageenan, oat gum, or xanthan gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

* * * * *

6. In § 19.787 by revising paragraph (e) (8), as follows:

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

* * * * *

(e) * * *

(8) In the preparation of cold-pack cheese food, guar gum, or xanthan gum, or both may be used, but the total quantity of such ingredient or combination is not to exceed 0.3 percent of the weight of the finished food. When one or both such optional ingredients is used, dioctyl sodium sulfosuccinate complying with the requirements of § 121.1137 of this chapter may be used in a quantity not in excess of 0.5 percent by weight of such ingredient or ingredients.

* * * * *

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), interested persons are invited to submit their views in writing (preferable in quintuplicate) regarding this proposal within 60 days after publication in the FEDERAL REGISTER. Such views and comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: September 8, 1972.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.72-15748 Filed 9-14-72;8:52 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-AGL-42]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Austin, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, IL 60018.

The public instrument approach procedures for the Austin Airport, Austin, Minn., have been revised. Accordingly, it is necessary to alter the Austin transition area to adequately protect the aircraft executing the revised approach procedures and to comply with the revised transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (37 F.R. 2143), the following transition area is amended to read:

AUSTIN, MINN.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Austin Municipal Airport (latitude 43°40′ 00″ N., longitude 92°56′00″ W.); within 3 miles each side of the Austin VOR 350° radial extending from the 5-mile radius to 8 miles north of the VOR; and within 3 miles each side of the Austin VOR 175° radial extending from the 5-mile radius to 8 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface within a 21½-mile radius of the Austin Municipal Airport; excluding the portions which overlie the Rochester, Minn., Albert Lea, Minn., and Mason City, Iowa, transition areas.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Ill., on August 22, 1972.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.72-15725 Filed 9-14-72;8:48 am]

[14 CFR Part 93]

[Docket No. 9974; Notice 72-24]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 93 of the Federal Aviation Regulations to extend for 1 year the special air traffic rule for high density traffic airports which would otherwise expire on October 25, 1972, and to delete the flight plan and transponder provisions of that rule.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before October 11, 1972, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Initially, the high density traffic airports rule was adopted in order to provide immediate relief from the major air congestion that existed at five airports designated as high density traffic airports under that rule. The five airports designated as high density traffic airports were the John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National Airports. Since the adoption of the original rule (Amdt. 93-13, 33 F.R. 17896) the rule has been extended with amendments so that it now will expire on October 25, 1972. The most recent amendment (Amdt. 93-22, 36 F.R. 16574) which was adopted on August 18, 1971, not only extended the expiration date of the rule to October 25, 1972, but also partially suspended the allocation and reservation requirements for Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill. In the preamble to that amendment, it was stated that so long as capacity is adequate to meet the demands of all airspace users without unreasonable delay or inconvenience, "first come—first served" will remain the fundamental policy, but that, when capacity limitations compel a choice between airspace users, the public service offered by the common carrier must be preferred. The capacity limitations of the affected airports, having been carefully examined and reviewed, indicated the need for extension of the rule. However, there was some relaxation of the reservation and allocation requirements at Kennedy and O'Hare International Airports. In the preamble to that amendment, it was also stated that the Administrator retains the authority to suspend the quotas at a particular high density traffic airport or to restore those provisions in order to alleviate inefficient airspace use. Now, as at that time, the basic questions underlying a decision to further extend the quota system are whether or not there has been improvement in delay and congestion, and how much.

In general, there has been a decline in aircraft delays each year since the quota system was established. So far as the high density traffic airports are concerned, the New York complex shows the most significant improvement, particularly Kennedy International Airport. In June and July 1969, the three New York airports accounted for 60 percent of reported delays in the system. Kennedy alone experienced an average of 4,200 delays per month for the year 1968. During the most recent 12 months the three New York airports accounted for 30 percent of system delays. Kennedy reported an average of 575 delays per month during that period.

Numerically, delays at O'Hare have been reduced, but O'Hare's percentage of system delays has increased. In 1969 O'Hare delays averaged 1,365 per month and accounted for 20 percent of system delays. Presently, average monthly delays are 900, which is 32 percent of system delays. Comparing delays at the five high density traffic airports with those in the entire system, the FAA found that, in June and July of 1969, the high density traffic airports reported 85 percent of total delays. That percentage is now reduced to 65 percent.

When the quota system was established in June 1969, average number of delays in the ATC system were at a rate of about 350 per day with extremely wide excursions ranging from 50 to nearly 650 daily. By June of 1971 the figure gradually diminished to 100 per day and has remained at that level during the past year, with daily excursions ranging between 60 and 165. Flight operations congestion is thus markedly improved.

However, it is not believed that this improvement justifies termination of the quota system, for two reasons. First the delay statistics do not account for delays less than 30 minutes. It must realistically be assumed that, when these lesser delays are considered, the total impact of delays on air traffic system efficiency is considerably greater than indicated by the statistics alone. Second, while the improvements are real, the FAA believes that these improvements would evaporate if quota restraints were removed.

In view of the rising demand for airport use, the demonstrated success of the quota system in balancing this demand against the need for efficient airspace use, and the apparent present need for continued quotas, the FAA proposes to extend this rule for an additional year from the expiration date of October 25, 1972.

Airspace users should be assured that monitoring of the need for quotas is being done and will continue. For example, all quotas at Newark were suspended on October 23, 1970. Adjustments to certain quotas have been proposed on two occasions in the past year. A year ago the FAA proposed to suspend quotas completely at O'Hare and JFK. Based on further review and comments received, quotas were retained during hours of heaviest use between 3 p.m. and 8 p.m. at both airports. In January of this year it was proposed to increase quotas for O'Hare by 19 allocated operations, but, because of the negative reaction of interested persons, including the city of Chicago, the proposal was not adopted.

Section 93.125(b) states that an IFR and VFR flight plan must be filed for an

operation to or from a high density traffic airport. In actual practice a VFR flight plan is not believed to be needed. For a VFR operation, the pilot's communication to the control facility should be adequate. The IFR flight plan requirement is provided elsewhere in the rules and the VFR flight plan requirement is unnecessary. The FAA, therefore, proposes that § 93.125(b) be deleted.

Section 93.127 requires that aircraft using the high density traffic airports be equipped with an operable transponder. An exception is provided in § 93.129(c) whereby, under a letter of agreement, the transponder requirement does not apply. Each of the high density traffic airports is now situated within a terminal control area (TCA). The TCA rules in Part 91 also contain a transponder requirement. Because an undesirable duplication exists, it is proposed to delete the transponder requirement from the quota rule. The letter of agreement exclusion would also be dropped because it is rarely used and its purposes could be accomplished by certificate of waiver to the pertinent subsection of § 91.90 (TCA rules) issued under § 91.63 under appropriate conditions.

In consideration of the foregoing, it is proposed that Part 93 of the Federal Aviation Regulations be amended as follows:

1. By amending § 93.125 to read as follows:

§ 93.125 **Arrival or departure reservation.**

Except between 12 midnight and 6 a.m. local time, no person may operate an aircraft to or from an airport designated as a high density traffic airport unless he has received, for that operation, an arrival or departure reservation from ATC.

§ 93.127 **[Deleted]**

2. By deleting § 93.127.

§ 93.129 **[Amended]**

3. By amending § 93.129 by deleting paragraph (c) thereof.

4. By amending § 93.131 to read as follows:

§ 93.131 **Termination date.**

The provisions of §§ 93.121–93.131 and 93.133 terminate October 25, 1973.

This amendment is proposed under the authority of sections 103, 307, 313(a), and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354(a), and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and section 1.4(c) of Part 1 of the regulations of the Office of the Secretary (49 CFR 1.4(c)).

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

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service.

[FR Doc.72-15761 Filed 9-14-72;8:50 am]

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-30; Notice 72-15]

CONFORMITY WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Docket Closing Notice

On July 22, 1971, the Director of the Bureau of Motor Carrier Safety issued a notice, announcing that he was considering an amendment to Part 393 of the Motor Carrier Safety Regulations (36 F.R. 14148). Under the proposed amendment, motor carriers who operate commercial vehicles in interstate or foreign commerce would have been required to insure that, to the maximum extent practicable, vehicles manufactured in conformity with Motor Vehicle Safety Standards applicable to them at the dates of their manufacture remain in conformity as long as they are operated by those carriers.

Upon review of the comments received in response to that notice, the Director has concluded that implementation of the proposal is not practicable at the present time and is unlikely to become practicable in the near future. He is, therefore, announcing that the Bureau of Motor Carrier Safety has closed Docket No. MC-30 and intends to take no further action with reference to the rule making proposal in that docket.

The Director will, of course, continue to support the safety efforts of the National Highway Traffic Safety Administration by selected rule making actions which will assure that operators of commercial vehicles maintain their vehicles in a safe and proper manner.

If the subject matter of the July 22, 1971, proposal is again considered for rule making action, another notice of proposed rule making will be issued.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 49 CFR 389.4.

Issued on September 5, 1972.

ROBERT A. KAYE,
Director, Bureau of
Motor Carrier Safety.

[FR Doc.72-15738 Filed 9-14-72;8:49 am]

PRICE COMMISSION

[6 CFR Part 300]

[Notice 72-2]

PRICE STABILIZATION

Profit Margin Calculation for Lumber Firms Formerly Exempted From Control

The Price Commission is considering the question of whether it should amend Part 300 of the price stabilization regulations to permit profit margin adjustments for lumber firms that were exempt from the economic stabilization program regulations from May 2, 1972, to July 17, 1972.

During the period from May 2, 1972, to July 17, 1972, most lumber firms with less than 61 employees were exempt from the Economic Stabilization Program. On July 17, 1972, the Cost of Living Council ordered price controls to be reimposed on those lumber firms, including wholesalers, retailers, and brokers, having sales of more than $100,000 in their most recent fiscal year. As a result of the Council's action, an estimated 62,000 lumber firms were brought back under the price stabilization regulations of Part 300 of the regulations of the Price Commission which control, among other things, profit margin limitations, markups, and cost increases.

In order to provide a reasonable time for those firms which were exempt, and whose exemption was thus removed, to make the necessary computations and to take those actions necessary to comply with the requirements of Part 300, the Price Commission by Order No. 8, which was also issued on July 17, 1972 (37 F.R. 14338, 14647), ordered those firms to comply with the price control provisions of Part 300 by July 31, 1972, except as provided in that order.

As an additional facet of the renewed applicability of price controls to those lumber firms, the Price Commission informed the industry in Order No. 8 that it was considering the profit margin limitation problem and would issue further information with respect to that problem. This notice of proposed rule making is issued to invite the views and comments of all interested persons in regard to possible actions to be taken by the Commission.

The Commission is considering two alternative methods of profit margin calculation for lumber wholesalers, retailers, or manufacturers affected by the elimination of the exemption.

The "first" alternative would be to apply the profit margin limitations contained in the current regulations with no recognition of the exempted period.

The "second" alternative would have the three following different methods of possible computation of profit margin depending upon the ability of a firm to make the required calculations.

Alternative 2A would be used by a firm that is able to determine both its sales and profits during the period of exemption from Part 300, and would deduct those amounts from its annual sales and profits and calculate its profit margin on the sales and profits of the remainder of the fiscal year to determine whether it exceeded the base period profit margin.

Alternative 2B would be used by a firm that cannot calculate its actual profits and profit margin during the period of exemption, but would be required to identify total dollar volume of sales for

that period, and would calculate its annual profit margin in the following manner:

(1) Wholesale and retail firms which do not operate distribution yards would apply their customary initial percentage markup, not to exceed 5 percent, to the cost of lumber sold during the exempt period. The gross profit represented by that calculation would then be used to calculate the profit margin for the full twelve month fiscal year. The calculations for this option would be as follows:

(a) Inventory at beginning of exempt period plus purchases during exempt period minus inventory at end of exempt period equals cost of lumber sold during exempt period.

NOTE: Inventory calculations would not be required to be made by actual count.

(b) Cost of lumber sold during exempt period times customary initial percentage markup (not to exceed 5 percent) equals included gross profits during exempt period.

(c) Cost of lumber sold during exempt period plus included gross profits during exempt period equals included costs for exempt period.

(d) Actual sales during exempt period minus included costs for exempt period equals exempt profits.

(e) Year's actual profits minus exempt profits equals profits for profit margin calculation.

(2) Manufacturers, retailers and those wholesalers which operate distribution yards would apply the previously experienced profit margin percentage on applicable product lines to the dollar sales volume for the period of their exemption and include this profit in the calculation of annual profits and profit margin for the profit margin test. The calculations for this option would be as follows:

1. Sales during exempt period divided by Total Sales equals Exemption Factor (expressed as a percentage).

2. Total profits times Exemption Factor equals Exempt Profits.

3. Total profits minus Exempt Profits equals Profits for profit margin calculation.

Alternative 2C would be used by a firm that is unable to use either Alternatives 2A or 2B because it cannot determine either its sales and profits or its total dollar volume of sales during the exempt period. It would determine its annual profit margin and compare that margin with the base period profit margin to determine whether it is in excess of the base period profit margin. If there is no excess, no further action would be required. If there is an excess, the firm would divide both the annual sales and profit dollar amounts by 12 to determine a monthly average for each. These monthly averages would both be multiplied by a factor consisting of the number of months which the firm was exempted during its fiscal year, factor not to exceed 2.5 (representing the entire 2.5-month period of exemption). The resulting products of these multiplications would be deducted from the original annual sales or profit dollar amounts from which they were derived, respectively. The resulting amounts of annual sales and dollar profits would be used to calculate the profit margin for the fiscal year covering the exempted operations to determine if there is a violation.

Interested persons are invited to participate in the proposed actions by submitting such written data, views, or comments as they may desire. Communications should identify this document as NPRM 72-2 and be submitted in duplicate to the Office of the General Counsel, Price Commission, 2000 M Street NW., Washington, DC 20508. All communications received before October 12, 1972, will be considered by the Commission before taking action on the proposed order. The proposals contained in this notice may be changed in the light of the comments received. All comments submitted will be available for examination by interested persons.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558; 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210; Executive Order No. 11640, 37 F.R. 1213, January 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, October 16, 1971)

Issued in Washington, D.C., on September 13, 1972.

JAMES B. MINOR,
General Counsel
Price Commission.

[FR Doc.72-15863 Filed 9-14-72;10:08 am]

Notices

FEDERAL POWER COMMISSION

[Project No. 271]

ARKANSAS POWER AND LIGHT CO.

Notice of Application for Change in Land Rights

SEPTEMBER 11, 1972.

Public notice is hereby given that application for change in land rights has been filed August 3, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by Arkansas Power and Light Co. (correspondence to: Mr. W. M. Murphey, Vice President, Arkansas Power and Light Co., Ninth and Louisiana Streets, Little Rock, Ark. 72203) for Project No. 271, located on the Ouachita River, in Hot Spring and Garland Counties, Ark., near the towns and cities of Malvern and Hot Springs.

Applicant proposes to grant an easement for the construction of a 6-inch sewage effluent line to Gram Motel, Inc., an affiliate of Holiday Inns, adjacent to Lake Hamilton Reservoir in Garland County, Ark. The sewage effluent line will be constructed along the bottom of the Lake Hamilton Reservoir extending approximately 320 feet into the reservoir.

Applicant filed with the application a certificate of approval issued by the Arkansas State Board of Health, a letter of authority issued by the Arkansas Department of Pollution Control and Ecology, and a copy of the proposed easement. Applicant states that the proposed easement prohibits any use which would be incompatible with the overall recreational use of the project or would adversely affect the environmental qualities or esthetic values of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before November 6, 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.72-15769 Filed 9-14-72;8:51 am]

[Docket No. CS72-1066]

B. R. CANNON

Notice of Petition To Waive Regulations

SEPTEMBER 11, 1972.

Take notice that by letter filed on August 18, 1972, in Docket No. CS72-1066 B. R. Cannon (Petitioner), Box 776, Perryton, TX 79070, requested that the Commission waive in part subsection (c) of § 157.40 of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under a small producer certificate from reserves which were developed by large producers prior to March 18, 1971. Petitioner's application for a small producer certificate is pending in the subject docket.

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 larger producer.

Petitioner states that the actual gas production from the reserves in question, from information furnished by Colorado Interstate Gas Co., a division of Colorado Interstate Corp., from the date of Petitioner's acquisition of the property is as follows:

1972	*Mcf*
February	465
March	2,342
April	3,169
May	3,842
June	3,490

Petitioner states that he expects the production from these reserves for the balance of 1972 and for 1973 to be 4,000 M.c.f. of natural gas per month.

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 October 6, 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.72-15770 Filed 9-14-72;8:51 am]

[Project No. 553]

CITY OF SEATTLE

Order Ruling on Motion, Providing for Hearing and Setting Dates

SEPTEMBER 11, 1972.

On December 17, 1970, the city of Seattle, Wash. (Licensee),[1] filed an application for further amendment to its license for Project No. 553, located on the Skagit River in Whatcom, Skagit, and Snohomish Counties, Wash. Project No. 553 consists of the Diablo, Gorge, and Ross Developments. The original license was issued on October 28, 1927.

The Licensee currently seeks Commission authorization to permit: (1) Construction of the fourth and final step of Ross Dam to a nominal roadway elevation of 1,736 feet with the normal full lake level in the reservoir to be at elevation 1,725 feet, and (2) necessary modification to appurtenant facilities.

All lands and waters affected by the proposed amendment lie entirely within the Ross Lake National Recreation Area operated by the National Parks Service. In addition, the proposed High Ross Reservoir would inundate approximately 5,200 acres of land situated in Canada within the Province of British Columbia. The 1,725 feet m.s.l. operating level of the proposed High Ross Reservoir was authorized by the International Joint Commission on January 27, 1942, subject to a compensatory indemnification agreement to be executed a ta later date with the Province of British Columbia. Such an agreement was executed between the city of Seattle, Wash., and the Province of British Columbia on January 10, 1967, for a period of 99 years. Among other conditions the agreement provides for an annual payment to the Province of British Columbia of $34,566.21.

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[1] By Amendment No. 1 to the license issued July 23, 1937, the Licensee was authorized to begin the initial construction of Ruby (Ross) Dam by Step 1 to elevation 1,280 and by Step 2 to elevation 1,500. There was also a provision for the * * * incorporation of Ruby Dam in a higher dam which may ultimately be constructed to elevation 1,725 * * * By Commission orders of July 17, 1945, January 25, 1946, and May 3, 1946, the Licensee was permitted to change the name of Ruby Dam to Ross Dam and to increase Step 2 construction from elevation 1,500 to elevation 1,551. By our order of April 29, 1947, Amendment No. 4 authorized construction of Step 3 to the present elevation 1,615 with a spillway crest at elevation 1,582 and a full lake at elevation 1,600. Amendment No. 16 issued July 14, 1967, authorized extensions to the Ross Dam spillway gates to raise the normal water level of Ross Reservoir 2.5 feet, from elevation 1,600 to elevation 1,602.5.

Petitions to intervene in the proceeding were filed by:

(1) The North Cascades Conservation Council.

(2) The State of Washington Department of Ecology.

(3) R.O.S.S., et al., and David M. Brousson, MLA.

(4) The Wilderness Society, et al.

(5) The State of Washington, Department of Fisheries.

(6) The State of Washington, Department of Game.

On July 29, 1971, we granted the aforementioned petitions to intervene. With the exception of the Department of Fisheries all of the petitions are in opposition to the Licensee's application to raise Ross Dam by amending its license. The interveners raise the issues of the impairment of recreation and wildlife values of the Skagit River and surrounding area, the adverse effects on existing fish, wildlife, fauna and flora in the Skagit River Valley, and the inundation of areas of land in both the United States and Canada. The Department of Fisheries urges the Commission to require the Licensee to provide the necessary funds for past and present studies of the salmon population of the Skagit River and to correspondingly modify the project according to the criteria developed from such rehabilitation studies.

A petition to intervene was initially filed by the State of Washington, Department of Ecology in which the Department asserting its interest took no formal position for or against the application. A suplemental petition in opposition to the application was later filed by the Department of Ecology. In answer to the Department of Ecology's supplement to its petition to intervene the Licensee moved this Commission to deny the permission to intervene previously granted to the Department on the ground that neither the original petition nor the supplement complied with § 1.8(c) of the Commission's rules of practice and procedure which requires the petitioner to fully and completely set out the issues of fact or law to be raised or controverted. While the petition to intervene and the supplement thereto submitted by the Department of Ecology does not fully set out the issues to be raised or controverted, it is in the public interest to permit such intervention. Moreover, we expect that agency and all other interveners to more fully set out their respective positions in the testimony and exhibits to be submitted as hereinafter provided. Accordingly, it is appropriate that a public hearing be held on matters involved and issues presented respecting the Licensee's application to raise the height of Ross Dam.

The Commission finds:

(1) It is appropriate and in the public interest as provided herein to hold a public hearing respecting matters involved and issues presented in this proceeding on the application by the city of Seattle to raise the height of Ross Dam in Project No. 553.

(2) It is appropriate and in the public interest to deny the pending motion of the city of Seattle to dismiss the Department of Ecology's petition to intervene.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act particularly sections 4(e), 10(a), and 308 thereof and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, respecting the matters involved and issues presented in this proceeding. The time for convening hearing sessions in Washington, D.C., and such other places as may be necessary shall be determined by the Administrative Law Judge.

(B) The following procedure is prescribed for this proceeding:

1. The Applicant shall file by January 29, 1973, with the Secretary of the Commission an original and 10 copies of all testimony, including qualifications of the witnesses, and exhibits to be presented in Applicant's direct case. Copies of such testimony and exhibits shall be served on all participants.

2. All other participants, including the Commission staff, shall file by March 5, 1973, with the Secretary, an original and 10 copies of all direct testimony and exhibits including qualification of witnesses with copies served on all parties.

3. All motions to strike prepared testimony and exhibits and replies to such motions shall be filed with the Administrative Law Judge within periods of time to be set by the Administrative Law Judge.

4. All of the testimony, except exhibits, shall be in question and answer form.

5. No exhibits, except those of which official notice may properly be taken, shall contain narrative material other than brief explanatory notes.

6. Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

7. The Administrative Law Judge will specify the order of cross examination and time to be permitted for preparation of rebuttal evidence.

8. Prior to the evidentiary hearing, the Administrative Law Judge shall hold a public hearing session in the vicinity of the project for the purpose of receiving statements of position from interested members of the public. Public notice of the public hearing session shall be given in the vicinity of the project prior to such hearing session.

9. If upon motion filed 20 days in advance of the due date for submission of prepared direct testimony and a showing of facts upon which the Administrative Law Judge finds it would be an economic hardship to prepare written testimony the Administrative Law Judge may permit a party to present sworn direct oral testimony.

10. If upon motion filed 20 days in advance of the opening date of the hearing and a showing that presentation of a witness in Washington, D.C., will constitute a hardship the Administrative Law Judge may permit cross examination of such witness during the hearing session in the vicinity of the project as provided for in subparagraph 8 of this paragraph.

11. If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a prehearing conference, at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefore shall be considered.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

(D) The city of Seattle's motion to dismiss the Department of Ecology's petition to intervene is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15768 Filed 9-14-72;8:51 am]

[Docket No. G-4298, et al.]

CLINTON OIL CO. ET AL.

Findings and Order

SEPTEMBER 5, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificate, making successors corespondent, and accepting rate schedules for filing.

Each Applicant herein has filed an application pursuant to section 7 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 or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

At a hearing held on August 30, 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 and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) 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.

(3) 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.

(4) 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.

(5) 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 issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered and the certificates issued to certain of said Applicants should be terminated.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that certain successors in interest, who are herein authorized to continue sales of natural gas in interstate commerce, should be made corespondents in their predecessors' rate proceedings.

(9) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing.

(10) The certificate application pending in Docket No. CI67–1157 is moot.

(11) 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 issuing certificates, for sales authorized herein to be continued under new or amended certificates, should be amended by deleting therefrom authorization to sell gas.

(12) Applicant in Docket No. RI63–383 has collected no amounts under its FPC Gas Rate Schedule No. 313 subject to refund in Docket No. RI72–129.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by Applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) 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.

(C) The grant of the certificates issued in paragraph (A) 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.

(D) The orders issuing certificates of public convenience and necessity in various dockets are amended by adding thereto or deleting therefrom authorization to sell natural gas or by substituting successors in interest as certificate holders as more fully described in the applications and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(E) Applicants in the dockets indicated shall charge and collect the following rates, subject to Btu adjustment where applicable:

Docket No.	Rate[1] (cents per Mcf)	Pressure base (p.s.i.a.)
CI69–1053	18.5	14.65
CI72–448	16.0	14.65

(F) Within 90 days from the date of this order, Applicants in Docket Nos. G–9922, G–15223, CI60–182, CI69–1053, CI71–286, CI72–426, CI72–448, CI72–449, CI72–523, CI72–525, CI72–602, CI72–603, and CI72–610 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 598, or 607, as applicable.

(G) Within 90 days from the date of initial delivery, Applicants in Docket Nos. G–7535, CI72–298, CI72–499, CI72–513, CI72–514, CI72–566, CI72–586, and CI72–600 shall each file three copies of a rate schedule-quality statement in the form prescribed in Opinion Nos. 586, 598 or 607, as applicable.

(H) The certificates and certificate authorization granted in Docket Nos. G–7535, G–9922, G–15223, CI60–182, CI69–1053, CI71–286, CI72–298, CI72–448, CI72–449, CI72–499, CI72–513, CI72–514, CI72–523, CI72–525, CI72–566, CI72–586, CI72–600, CI72–602, CI72–603, and CI72–610 are subject to the Commission's findings and orders accompanying Opinion Nos. 586, 586–A, 598, 598–A, 607, and 607–A, as applicable. If the quality of the gas deviates at any time from the quality standards set forth in the Regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act; provided, however, that adjustment reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(I) The certificates granted in Docket Nos. CI72–298 and CI72–499 are subject to § 2.71 of the Commission's general policy and interpretations establishing charges for transporting liquids and liquefiable hydrocarbons.

(J) Permission for and approval of the abandonment of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation, are granted.

(K) Applicants in the following dockets are made corespondents in their predecessors' rate proceedings and said proceedings are redesignated accordingly:

Successor's Certificate Docket No.	*Rate Proceeding Docket No.*
G–11511	RI69–349
G–12325	RI70–1543
G–15222	RI71–638
G–17508	RI69–349
G–19223	RI71–638
CI61–1461	RI64–194
CI72–522	RI71–299

Applicants shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(L) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein. Where the effective date is the date of initial delivery, Applicant shall advise the Commission of said date within 10 days thereof.

(M) Within 90 days from the date of initial delivery, Applicant in Docket No. CI72–566 shall file three copies of a billing statement for the first month of service as required by § 154.92(b) of the regulations under the Natural Gas Act.

(N) Issuance of certificates in Dockets Nos. CI72–513 and CI72–514 does not constitute a determination that amounts paid to Applicants for the emergency sales made pursuant to § 157.29 of the regulations under the Natural Gas Act may be included in the purchaser's cost of service.

(O) Orders issuing certificates in the following dockets are amended by deleting therefrom authorization to sell gas where said sales are authorized to be continued under new or amended certificates herein:

New Certificate Docket No.	*Amended Certificate Docket No.*
CI72–603	G–12309
CI72–602	G–11762
CI72–610	G–10474
G–12325	G–12324

(P) The certificate application pending in Docket No. CI67–1157 is dismissed and the temporary certificate issued in said docket is terminated.

(Q) Applicant in Docket No. CI72–499 shall advise the Commission, at least 30 days prior to the commencement of processing of gas, of the terms and conditions of the processing arrangement.

(R) Docket No. CI72–531, erroneously assigned to the application in Docket No. CI63–383, is cancelled.

(S) The certificate issued in Docket No. CI63–383 is terminated; however, Applicant is not relieved of any refund obligation in Docket No. RI70–878.

(T) The proceeding pending in Docket No. RI72–129 is terminated with respect to sales made pursuant to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 313.

(U) The certificates issued for sales authorized to be abandoned in the following dockets are terminated:

Abandonment Docket No.	*Certificate Docket No.*
CI62–88	CI62–88
CI71–524	G–5361
CI72–417	CI65–454
CI72–418	CI64–1199
CI72–426	CI67–718
CI72–445	CI64–761
CI72–446	CI70–118
CI72–452	G–7175
CI72–454	CI60–486
CI72–455	CI69–126
CI72–457	G–5179
CI72–463	CI64–1206
CI72–481	G–12431
CI72–485	G–7345
CI72–488	G–7346
CI72–505	G–4630
CI72–517	G–11620
CI72–520	G–6190

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [6] Description and date of document	No.	Supp.
G–4298 E 2–28–72	Clinton Oil Co. (successor to Amoco Production Co.).	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Cecil Noble Field, Colorado County, Tex.	Amoco Production Co., FPC Gas Rate Schedule No. 178 and supplements Nos. 1–8 thereto.	62	1–8
			Notice of succession 2–24–72		
			Assignment 12–31–69 [1]	62	9
			(Effective date: 12–31–69) [2]		
G–7535 C 3–15–72	Amoco Production Co.	El Paso Natural Gas Co., Jalmat-Yates and other Fields, Lea County, N. Mex.	Supplement agreement 12–13–71.	115	23
			(Effective date: Date of initial delivery).		
G–9922 E 8–20–70	La Verne M. Wilson (successor to Norton F. Wilson).	United Gas Pipe Line Co., Greenwood-Waskom Field, Caddo Parish, La.	Norton F. Wilson FPC Gas Rate Schedule No. 1 and Supplements Nos. 1–7 thereto.	1 1	 1–7
			Notice of succession 8–18–70		
			Judgment 3–24–70	1	8
			(Effective date: 3–24–70) [2]		
G–10474 D 8–26–71 [3]	Petroleum, Inc. (Operator), et al.	Northern Natural Gas Co., Hugoton Field, Finney County, Kans.	Assignment 7–6–71 [1]	5	9
			(Effective date: 7–1–71) [2]		
G–10706 B 2–22–72	Sun Oil Co.	Cities Service Gas Co., Eureka Field, Grant County, Okla.	Notice of partial cancellation. 2–16–72 [5]	335	13
G–11511 E 2–23–72	Clinton Oil Co. (successor to Amoco Production Co.).	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Amoco Production Co., FPC Gas Rate Schedule No. 170 and Supplements Nos. 1–5 thereto.	61 61	 1–5
			Notice of succession 2–21–72		
			Assignment 12–31–69 [1]	61	6
			(Effective date: 12–31–69) [2]		
G–12325 E 3–1–72 [7]	do	Panhandle Eastern Pipe Line Co., Greenwood Field, Morton County, Kans.	Amoco Production Co., FPC Gas Rate Schedules No. 196 and supplements Nos. 1–9 thereto.	64 64	 1–9
			Notice of succession 2–28–72		
			Assignment 12–31–69 [1]	64	10
			(Effective date: 12–31–69) [2]		
G–12690 D 2–18–72	Phillips Petroleum Co.	Northern Natural Gas Co., East Hansford Area, Hansford, Hutchinson, and Ochiltree Counties, Tex.	Letter agreement 11–22–71 [8]	294	21
G–14783 E 3–1–72	Clinton Oil Co. (successor to Amoco Production Co.).	Northern Natural Gas Co., Sonora Field, Sutton County, Tex.	Amoco Production Co., FPC Gas Rate Schedule No. 214 and supplements Nos. 1–8 thereto.	63 63	 1–8
			Notice of succession 2–26–72		
			Assignment 12–31–69 [1]	63	9
			(Effective date: 12–31–69) [2]		
G–15222 E 3–16–72	do	United Gas Pipe Line Co., Bourg Field, Terrebonne and Lafourche Parishes, La.	Amoco Production Co. FPC Gas Rate Schedule No. 227 and supplements Nos. 1–10 thereto.	66 66	 1–10
			Notice of succession 3–14–72		
			Assignment 12–31–69 [1]	66	11
			(Effective date: 12–31–69) [2]		
G–15223 E 3–9–72	do	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bully Camp Field, Lafourche Parish, La.	Amoco Production Co. FPC Gas Rate Schedule No. 226 and supplements Nos. 1–9 thereto.	65 65	 1–9
			Notice of succession 3–6–72		
			Assignment 12–31–69 [1]	65	10
			(Effective date: 12–31–69) [2]		
G–17508 E 3–16–72	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	Amoco Production Co., FPC Gas Rate Schedule No. 245 and supplements Nos. 1–5 thereto.	67 67	 1–5
			Notice of succession 3–14–72		
			Assignment 12–31–69 [1]	67	6
			(Effective date: 12–31–69) [2]		
G–19223 E 3–16–72	do	Transcontinental Gas Pipe Line Corp., Wildcat Bayou Field, Terrebonne Parish, La.	Amoco Production Co., FPC Gas Rate Schedule No. 257 and supplements Nos. 1–7 thereto.	68 68	 1–7
			Notice of succession 3–14–72		
			Assignment 12–31–69 [1]	68	8
			(Effective date: 12–31–69) [2]		

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See foot notes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [6] Description and date of document	No.	Supp.
CI60-182 E 2-15-72	Amerada Hess Corp. (successor to Mobil Oil Corp.).	Cities Service Gas Co. Northeast Waynoka Field, Woods County, Okla.	Mobil Oil Corp FPC Gas Rate Schedule No. 222 and supplements Nos. 1-5 thereto.	161 161	 1-5
			Notice of succession 2-14-72		
			Assignment 10-12-71 [9]	161	6
			(Effective date: 10-1-71) [3]		
CI61-711 B 2-10-72	Cabot Corp. (SW)	Transwestern Pipeline Co., Mahaffey, Anderson, and Howard Units, Beaver County, Okla.	Notice of partial cancellation 2-7-72.[10]	61	10
CI61-718 D 2-14-72	Atlantic Richfield Co.	Natural Gas Pipeline Co. of America, Northwest Dower Unit, Beaver County, Okla.	Acreage release 1-3-72 [11]	223	10
CI61-1461 E 3-3-72	Odessa Natural Corp. (successor to El Paso Products Co. (Operator), et al.)[12].	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Sweetwater County, Wyo.	El Paso Products Co., FPC Gas Rate Schedule No. 11 and supplements Nos. 1-2 thereto.	4 4	 1-2
			Notice of succession undated.		
			Assignment 1-1-70 [13]	4	3
			do [13]	4	4
			do [13]	4	5
			do [13]	4	6
			do [13]	4	7
			do [13]	4	8
			Assignment 3-10-70 [13]	4	9
			Assignment 12-23-69 [2] [13]	4	10
CI62-88 B [14]	Jalou Gas Co. (Operator).	El Paso Natural Gas Co., San Juan County, N. Mex.	Letter agreement 9-1-69 [15]	1	9
CI63-383 D 3-2-72 [16]	Humble Oil & Refining Co.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	Notice of cancellation 2-24-72.[17]	313	8
CI63-1035 E 2-22-72	Lynco Oil Corp. (successor to Mountain States Natural Gas Corp.).	El Paso Natural Gas Co., Tapacito-South Blanco-Picture Cliff Fields, Rio Arriba County, N. Mex.	Mountain States Natural Gas Corp. (Operator), et al., FPC Gas Rate Schedule No. 1 and supplements Nos. 1-10 thereto.	1 1	1-10 1-10
			Notice of succession 2-17-72.		
			Assignment 1-27-71	1	11
			(Effective date: 1-1-71) [2]		
CI64-157 D 2-24-72 [3]	Skelly Oil Co	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans.	Assignment 1-25-72 [18]	190	9
			(Effective date: 11-1-71) [2]		
CI64-902 3-9-72 [19]	Suburban Propane Gas Corp.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 30 and supplements Nos. 1-25 thereto.	16 16	 1-25
			Notice of succession 3-6-72		
			(Effective date: 3-9-72)		
CI65-594 3-7-72 [19]	do	do	Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 33 and supplements Nos. 1-5 thereto.	17 17	 1-5
			Notice of succession 3-6-72		
			(Effective date: 3-9-72)		
CI67-1157 B 2-18-72	Humble Oil & Refining Co.	Trunkline Gas Co., Bayou Sale Field, St. Mary Parish, La.	Notice of cancellation 2-14-72.	419	5
CI68-87 3-7-72 [19]	Suburban Propane Gas Corp.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	Delta Drilling Co. (Operator) et al., FPC Gas Rate Schedule No. 36 and supplements Nos. 1-3 thereto.	18 18	 1-3
			Notice of succession 3-6-72		
			(Effective date: 3-9-72)		
CI69-1053 C 1-21-72	Champlin Petroleum Co.	Panhandle Eastern Pipe Line Co., State Line Field, Woods County, Okla.	Amendment 10-21-71 [20]	104	8
			(Effective date: 2-21-72)		
CI69-1061 D 3-13-72	Getty Oil Co	Tennessee Gas Pipeline Co., a division of Tenneco Inc., West Delta Block Nos. 95 and 96, and Grand Isle Blocks 33 and 34, Plaquemines and Jefferson Parishes, Offshore Louisiana.	Notice of partial cancellation 3-10-72.[21]	177	6
CI69-1099 D 3-2-72	Continental Oil Co	Tennessee Gas Pipeline Company, a Division of Tenneco Inc. Blocks 95 and 96, Grand Isle Blocks 33 and 34, Offshore Louisiana.	Notice of cancellation (undated).[21] (Cancels FPC Gas Rate Schedule No. 350 in Part).	350	5
CI70-1115 3-7-72 [19]	Suburban Propane Gas Corp.	Northern Natural Gas Co., Ozona (Canyon Sand) Field, Crockett County, Tex.	Delta Drilling Co. (Operator) et al. FPC Gas Rate Schedule No. 39 and supplements Nos. 1-4.	19 19	 1-4
			Notice of succession 3-6-72		
			(Effective date: 3-9-72)		
CI71-286 2-25-72 F [22]	LVO Corp	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Area, Hamilton County, Kans.	Assignment 1-25-72 [23]	27	7
			(Effective date 11-1-71) [3]		
CI71-482 B 12-18-70 [24]	Tamarack Petroleum Co., Inc., agent et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Seven Sisters Queen City Field, Duval County, Tex.	Notice of cancellation 12-18-70.	([25])	
CI71-524 B 1-15-71	Skelly Oil Co	Phillips Petroleum Co., acreage in Gray County, Tex.	Notice of cancellation 1-13-71.[26]	64	1
CI72-298 A 11-19-71	Humble Oil & Refining Co.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Contract 11-5-71	495	
			Contract 6-1-71	495	1
			(Effective date: Date of initial delivery).		
CI72-417 B 1-11-72	Skelly Oil Co	Panhandle Eastern Pipe Line Co., Seward County, Kans.	Notice of cancellation (undated).[27]	202	3
CI72-418 B 1-11-72	do	Arkansas Louisiana Gas Co., Sibley Field, Webster Parish, La.	Notice of cancellation (undated).[27]	197	2
CI72-426 B 1-13-72	Petroleum, Inc. (Operator), et al.	Panhandle Eastern Pipe Line Co., Hurley Gas Unit, Texas County, Okla.	Notice of cancellation 1-10-72.[26]	40	2
CI72-431 B 1-17-72 [26]	Claud B. Hamill	United Gas Pipe Line Co., Mount Selman Field, Cherokee and Smith Counties, Tex.	([28])		
CI72-445 B 1-19-72	Sun Oil Co. (Operator), et al.	Lone Star Gas Co., East Hewitt Field, Carter County, Okla.	Notice of cancellation 1-17-72.[26]	465	4
CI72-446 B 1-19-72	Sun Oil Co	Panhandle Eastern Pipe Line Co., Morse Field, Hansford County, Tex.	Notice of cancellation 1-13-72.[26]	250	3
CI72-448 1-14-72 [29]	Diamond Shamrock Corp.	Arkansas Louisiana Gas Co., Section 16, Township 22 North, Range 6 West, Garfield, County, Okla.	Contract 11-17-67	64	
			Contract 9-5-67	64	1
			Letter agreement 9-5-67	64	2
			Letter agreement 6-28-68	64	3
			(Effective date : 5-26-71) [30]		

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [5]		
			Description and date of document	No.	Supp.
CI72-449 F 1-17-72	Amoco Production Co. (successor to Dan R. Wagner).	Arkansas Louisiana Gas Co., Wilburton Field, Pittsburg County, Okla.	Contract 10-2-64 [31]	579	
			Contract 3-15-62	579	1
			Agreement 3-6-63	579	2
			Amendment 10-15-66	579	3
			Assignment 2-27-67 [32 33]	579	4
			do [34]	579	5
			do [35]	579	6
			do [36]	579	7
			do [37]	579	8
			do [38]	579	9
			do [39]	579	10
			do [40]	579	11
			do [41]	579	24
			do [42]	579	31
			do [43]	579	11
			do [44]	579	15
			do [45]	579	16
			do [46]	579	17
			do [47]	579	18
			do [48]	579	19
			(Effective date: 2-27-67) [2]		
CI72-449 F 3-10-72	do	do	Assignment 2-27-67 [49]	579	20
			Assignment 2-27-67 [50 51]	579	21
			(Effective date: 2-27-67) [2]		
CI72-452 B 1-21-72	Gulf Oil Corp	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Notice of cancellation 1-18-72 [52]	82	16
CI72-454 B 1-24-72	Anadarko Production Co.	Panhandle Eastern Pipe Line Co., Harris No. 1-5 Well, Boyer Field, Meade County, Kans.	Notice of cancellation 1-20-72 [26]	14	6
CI72-455 B 1-24-72	Mobil Oil Corp	United Gas Pipe Line Co., Laura LaVelle Field, Houston County, Tex.	Notice of cancellation 1-20-72 [26]	438	1
CI72-457 B 1-24-72	Sun Oil Co	Lone Star Gas Co., Doyle Field, Stephens County, Okla.	Notice of cancellation 1-17-72 [26]	296	8
CI72-463 B 1-26-72	Clinton Oil Co	H. L. Hutton, Tonkawa Chat Field, Kay County, Okla.	Notice of cancellation 1-24-72 [27]	10	3
CI72-481 B 2-2-72	Mobil Oil Co	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	Notice of cancellation 1-31-72 [53]	106	9
CI72-485 B 2-2-72	Sun Oil Corp	Lone Star Gas Co., Katie Field, Garvin County, Okla.	Notice of cancellation 1-31-72 [54]	48	1
CI72-488 B 2-3-72	do	do	Notice of cancellation 2-1-72 [54]	50	1
CI72-499 A 2-10-72 [55]	Texas Pacific Oil Co., Inc.	Cities Service Gas Co., Southeast Nash Area, Grant County, Okla.	Contract 1-3-72	104	
			(Effective date: Date of initial delivery.)		
CI72-505 B 2-14-72	Amoco Production Co.	Mississippi River Transmission Corp., Woodlawn Field, Harrison County, Tex.	Notice of cancellation 2-10-72 [26]	19	13
CI72-512 B 2-17-72	W. R. Dean, Operator et al.	Natural Gas Pipeline Co. of America, Milton Field, Harris County, Tex.	([56])([57])		
CI72-513 A 2-17-72 [58 59]	Caroline Hunt et al	United Gas Pipe Line Co., East Donner Field, Terrebonne Parish, La.	Contract 1-12-72 [60]	19	
			(Effective date: Date of initial delivery.)		
CI72-514 A 2-17-72 [58 59]	Lamar Hunt et al	do	Contract 1-12-72 [60]	15	
			(Effective date: Date of initial delivery.)		
CI72-517 B 2-18-72	Skelly Oil Co	Panhandle Eastern Pipe Line Co., acreage in Meade County, Kans.	Notice of cancellation (undated). [26]	111	5
CI72-520 B 2-22-72	Cities Service Oil Co.	United Gas Pipe Line Co., Elysian Fields Field, Harrison County, Tex.	Notice of cancellation 2-15-72 [26]	361	13
CI72-522 2-18-72 [61]	Getty Oil Co	Transwestern Pipeline Co., Bluitt (Wolfcamp) North Field, Roosevelt County, N. Mex.	Ratification 9-1-61 [62]	196	
			Contract 2-22-61 [63]	196	1
			Letter agreement 3-21-61	196	2
			Letter agreement 8-24-62	196	3
			Letter agreement 8-26-64	196	4
			(Effective date: 6-7-71)		
CI72-523 2-17-72 [64]	Lone Star Producing Co.	Texas Gas Transmission Corp., West Simsboro Field, Lincoln Parish, La.	Contract 1-3-63	93	
			(Effective date: 5-3-71) [65]		
CI72-525 2-24-72 [20 66 67]	Atlantic Richfield Co.	Natural Gas Pipeline Co. of America, Joiner City Plant, Carter County, Okla.	Contract 6-5-61	653	
			Agreement 7-7-61	653	1
			Amendment 12-5-66	653	2
			(Effective date: 5-2-71) [20]		
CI-72-566 A 3-10-72	Champlin Petroleum Co.	Mountain Fuel Supply Co., Church Buttes Unit, Sweetwater and Uinta Counties, Wyo. [68]	Contract 9-24-71 [69]	124	
			(Effective date: Date of initial delivery.)		
CI72-586 A 3-17-72 [20 70]	Tenneco Oil Co	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	Contract 2-16-72	279	
			(Effective date: Date of initial delivery.)		
CI72-600 A 3-21-72 [20]	Cities Service Oil Co.	Arkansas Louisiana Gas Co., Smackover C Sand Units, A and C, Haynesville Field, Claiborne Parish, La.	Contract 2-28-72	383	
			Contract 10-19-71	383	1
			Letter agreement 10-14-71	383	2
			(Effective date: Date of initial delivery.)		
CI72-602 F 3-15-72 [71]	T. P. McAdams, Jr. (successor to Sun Oil Co.).	Northern Natural Gas Co., Section 21 Township 34S, Range 21W, Clark County, Kans.	Contract 11-2-56 [72]	4	
			Amendment 7-16-58	4	1
			Letter agreement 1-20-59	4	1
			Assignment 12-14-71 [73]	4	3
			(Effective date: 12-1-71) [2]		
CI72-603 F 3-15-72 [71]	do	do	Contract 2-5-57 [74]	5	
			Assignment 12-1-71 [75]	5	1
			(Effective date: 12-1-71) [2]		
CI72-610 F 3-20-72 [22]	Marion Lynn Russell (successor to Petroleum, Inc.).	Northern Natural Gas Co., Section 12-23-32, Hugoton Field, Finney County, Kans.	Contract 3-23-56 [76]	1	
			Agreement 6-3-57	1	1
			Supplement 9-25-61	1	2
			Assignment 7-6-71 [77]	1	3
			(Effective date: 7-1-71) [2]		

[1] From Amoco Production Co. to applicant.
[2] Effective date of transfer of producing properties.
[3] No certificate filing required. 18 CFR 2.64.
[4] From applicant to Marion Lynn Russell. Russell's filing in Docket No. CI72-610 is included in this tabulation.
[5] Includes agreement canceling contract insofar as it pertains to the NW¼ sec. 29, T. 28 N., R. 5 W.
[6] Where no effective date is shown, it is the date of this order.
[7] Also filed under Docket No. G-12324 which added acreage under the basic contract. This docket will be terminated.
[8] Releases Hoover A No. 2 well. Gas does not meet contract quality standards. Buyer declined to connect well.
[9] Conveys interest from Mobil Oil Corp. to applicant.
[10] Includes agreement deleting acreage from contract.
[11] Releases the Upper Morrow Sand of the Northwest Dower unit. The well cannot be economically connected to pipeline's facilities.
[12] El Paso Oil and Gas Co. changed its name to Odessa Natural Corp. by amendment to its articles of incorporation of Aug. 1, 1970.
[13] From El Paso Products Co. to Odessa Natural Corp. (formerly El Paso Oil and Gas Co.).
[14] No filings made by Jalou Gas Co. Commission efforts to obtain appropriate filing have been unsuccessful.
[15] Letter agreement furnished by El Paso Natural Gas Co.
[16] Application erroneously assigned Docket No. CI72-531 which will be canceled.
[17] Includes letter from buyer canceling the contract.
[18] From applicant to LVO Corp. Assignee's succession filings reported in this tabulation.
[19] Suburban Propane Gas Corp. filing is to cover its own interest previously covered by the operator, Delta Drilling Co., which was issued a small producer certificate pursuant to Commission Order No. 411 and on Mar. 9, 1972, filed to cover its non-Applachian Basin sales.
[20] Already accepted for filing.
[21] Includes amendment deleting Grand Isle Blocks 33 and 34 from the contract.
[22] Predecessor's filing reflecting the assignment of the subject acreage being reported in this tabulation.
[23] From Skelly Oil Co., to applicant. Basic contracts of applicant and predecessor are identical.
[24] Applicant cites sale of property to W. H. Doran as of Feb. 1, 1967 as reason for abandonment. Efforts to obtain abandonment or succession filing from Doran have been unsuccessful. Applicant indicates that service ceased from the acreage and states that buyer concurred.
[25] Applicant received small producer certificate in Docket No. CS72-385 on Feb. 3, 1972. The same order canceled FPC Gas Rate Schedule No. 9.

[20] Includes agreement canceling contract.
[21] Buyer concurs in the abandonment.
[22] No related rate schedule on file. Applicant is a small producer.
[23] Applicant is filing to cover sales from its own interest. Operator, L. O. Ward, issued a small producer certificate in Docket No. CS71-998.
[24] Effective date of operator's small producer authorization.
[25] Formerly on file as Dan R. Wager et al., FPC Gas Rate Schedule No. 1 which was canceled by order issuing small producer certificate.
[26] From Dan R. Wager to Pan American Petroleum Corp. (predecessor of applicant).
[27] Hitchcock et al., Lease.
[28] John Pink et al., Lease.
[29] Johnnie M. Pink et al., Lease.
[30] Inez Houston et al., Lease.
[31] Floyd Thomason et al., Lease.
[32] Joe Corn et al., Lease.
[33] V. L. Roberts, Lease.
[34] Carl F. Schwenk et al., Lease.
[35] George W. Schwenk et al., Lease.
[36] Floyd E. Schwenk et al., Lease.
[37] G. W. Moody, Lease.
[38] J. D. McCullar et al., Lease.
[39] Wylie A. Morgan, Lease.
[40] Catherine Corn, Lease.
[41] E. A. Martin, Lease.
[42] Lois Hendrick et al., Lease.
[43] Strong lease.
[44] Billy B. Waldrop et al., Lease.
[45] From Dan R. Wager to Pan American Petroleum Corp. (predecessor of applicant).
[46] Agreement terminating contract previously submitted.
[47] Contract terminated Jan. 1, 1972, pursuant to agreement between buyer and seller.
[48] Includes letter from buyer advising that contract was canceled in June 1956.
[49] By letter filed Mar. 17, 1972, applicant indicated that it had not elected to process its gas.
[50] Applicants received small producer certificates in Dockets Nos. CS72-159, CS72-160, and CS72-161.
[51] Applicants submitted undated notice of cancellation as proposed supplement to FPC Gas Rate Schedule No. 1.
[52] Temporary certificate issued Mar. 24, 1972, conditioned to a rate of 26 cents. Certificate was effective at the end of 60-day emergency sale.
[53] Applicant agreed to accept a permanent certificate at 26 cents.
[54] Previously accepted for filing by letter order issuing temporary authorization.
[55] Getty Oil Co.'s application covers its 16.67 percent interest formerly covered by the certificate issued in Docket No. CI61-1331 to the Operator, H. L. Brown, Jr. et al., under its FPC Gas Rate Schedule No. 1. The operator received a small producer certificate in Docket No. CS71-1057 effective June 7, 1971, excluding Getty's interest and Docket No. CI61-1331 was terminated.
[56] By Tidewater Oil Co., now Getty Oil Co., of contract between H. L. Brown, Jr. et al., and Transwestern Pipeline Co.
[57] Between H. L. Brown, Jr. et al., and Transwestern Pipeline Co.
[58] Applicant is filing to cover own interest, previously covered by the operator, J. C. Trahan, who was issued a small producer certificate, which does not cover sales from applicant's interest.
[59] Effective date of Trahan's small producer certificate issued in Docket No. CS71-555.
[60] Amendment to application filed Mar. 29, 1972. Application only to cover interest of Atlantic Richfield Co.
[61] Applicant's interest previously covered by operator, Mack Oil Co. Applicant now required to file pursuant to Commission Order No. 428.
[62] Formations below the top of the Morrison formation.
[63] Contract provides for downward B.t.u. adjustment from a base of 1,000 B.t.u.
[64] Amended contract summary filed Mar. 30, 1972, reflecting proposed rate of 24 cents.
[65] Amended contract summary filed Apr. 17, 1972.
[66] Currently on file as Sun Oil Co. FPC Gas Rate Schedule No. 332.
[67] From Sun Oil Co. to applicant.
[68] Currently on file as Ashland Oil, Inc., FPC Gas Rate Schedule No. 59.
[69] From Ashland Oil, Inc., to applicant.
[70] Currently on file as Petroleum, Inc. (Operator) et al., FPC Gas Rate Schedule No. 5.
[71] From Petroleum, Inc. et al., to applicant.

[FR Doc.72-15516 Filed 9-14-72;8:45 am]

[Docket No. CS73-115, etc.]

CHARLES A. DEAN ET AL.

Notice of Applications for "Small Producer" Certificates [1]

AUGUST 29, 1972.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before September 25, 1972, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Name of applicant
CS73-115...	8-11-72	Charles A. Dean, 825 Midland Tower Bldg., Midland, Tex. 79701.
CS73-116...	8-10-72	Strafe & Co., Nominee, Box 1205, Columbus, OH 43016.
CS73-117...	8-10-72	John H. Adger, 6305 Kenwick St., Fort Worth, TX 76116.
CS73-118...	8-10-72	Cauble Exterprises, Post Office Box 22046, Houston, TX 77027.
CS73-119...	8-11-72	Mrs. Marilyn Flaitz Knolle, 3640 Piping Rock, Houston, TX 77027.
CS73-120...	8-11-72	Sterling Production Co., Post Office Box 49, Alice, TX 78332.
CS73-121...	8-14-72	Sylvia and David McLane Trust, 1000 LTV Tower, Dallas, Tex. 75201.
CS73-122...	8-14-72	Andrew Hancock, Post Office Box 82, Midland, TX 79701.
CS73-123...	8-14-72	James A. Whitson, Jr., 3100 Richmond, Suite 103, Houston, TX 77006.
CS73-124...	8-14-72	Robert A. Price et al., 2207 Dawn Marie Dr., Oklahoma City, OK 73112.
CS73-125...	8-14-72	Robert E. Davis, Post Office Box 366, Great Bend, KS 67530.
CS73-126...	8-14-72	Bates & McIntyre et al., 1220 Vaughn Bldg., Midland, Tex. 79701.
CS73-127...	8-14-72	Corinne Roy Kelly, 1040 Delaware, Shreveport, LA 71106.
CS73-128...	8-14-72	Dyco Petroleum Corp., 607 Philtower Bldg., Tulsa, Okla. 74103.
CS73-129...	8-14-72	Jane Flaitz Burks, 1200 Tellem Dr., Pacific Palisades, CA 90272.
CS73-130...	8-17-72	The Vermillion Irrigation Co., Post Office Box 51742, OCS, Lafayette, LA 70501.
CS73-132...	8-18-72	Robert L. Holcomb, 111 Lookout Dr., Fairfield, CT 06604.
CS73-133...	8-17-72	Halliburton Services, a division of Halliburton Co., Post Office Box 1431, Duncan, OK 73533.
CS73-134...	8-17-72	Green & Funk Oil Co., Post Office Box 291, Sundown, TX 79372.
CS73-135...	8-15-72	Wainoco, Inc., 1435 Bank of the Southwest Bldg., Houston, Tex. 77002.
CS73-136...	8-18-72	Calvin G. Campbell, 105G Gulf Bldg., Midland, Tex. 79701.
CS73-137...	8-18-72	John R. Dorr, Security State Bank Bldg., Pecos, Tex. 79772.
CS73-138...	8-21-72	Hoover & Bracken Oil Properties, Inc., 3232 Liberty Tower, Oklahoma City, Okla. 73102.
CS73-139...	8-21-72	Caribou Four Corners, Inc., Post Office Box 1451, Afton, WY 83110.
CS73-140...	8-21-72	Cameo Minerals Inc., 231 South 13th East, Salt Lake City, UT 84102.
CS73-141...	8-21-72	West Artesia Transmission Co., Post Office Box 6027, San Antonio, TX 78209.
CS73-142...	8-22-72	Patrick Petroleum Corp., 744 Michigan Ave., Jackson MI 49201.
CS73-143...	8-18-72	Rose M. Thomas, 717 South Fordham, Perryton, TX 79070, c/o Allen, Gaines, and Julian.
CS73-144...	8-21-72	M. E. Gimp, 2505 East 36 Pl., Tulsa, OK 74105.
CS73-145...	8-21-72	Robert C. Witten, Trustee, 2505 East 36 Pl., Tulsa, OK 74105.
CS73-146...	8-21-72	Barbara Ann Witten, 2505 East 36 Pl., Tulsa, OK 74105.
CS73-147...	8-21-72	Robert B. Briggs, 5514 Russett, Houston, TX 77027.
CS73-148...	8-21-72	Weldon L. Strawn, 5627 Doliver, Houston, TX 77027.
CS73-149...	8-21-72	Herbert A. Warren, 500 Houston Natural Gas Bldg., Houston, Tex. 77002.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS73-150...	8-21-72	J. Whitley Morris, Box 799, Carrollton, GA 30177.
CS73-151...	8-21-72	W. F. Cooke, Jr., 1 Briar Dale Ct., Houston, TX 77027.
CS73-152...	8-23-72	Bruce M. Roberts, Post Office Box 7125, Shreveport, LA 71107.
CS73-153...	8-23-72	J. I. Roberts, Post Office Box 7125, Shreveport, LA 71107.
CS73-154...	8-23-72	Jack C. Jorden, Jr., 6721 East Ridge Dr., Shreveport, LA 71106.
CS73-155...	8-23-72	Burlington Northern, Inc., Post Office Box 1855, Billings, MT 59103.
CS73-156...	8-23-72	M. J. Brannon, Jr., 4225 Glenwood Dr., Fort Worth, TX 76109.
CS73-157...	8-24-72	Rutledge & Rutledge, 510 First National Bank Bldg., Abilene, Tex. 79601.

[FR Doc.72-15637 Filed 9-14-72;8:45 am]

[Docket No. G-2798, etc.]

FOREST OIL CORP.

Findings and Order After Statutory Hearing

SEPTEMBER 6, 1972.

Findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, canceling FPC gas rate schedules, accepting rate schedules and rate schedule supplements for filing, canceling docket number, and terminating rate proceedings.

Each applicant herein has filed an application pursuant to section 7 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 or for permission and approval to abandon service or a petition to amend an order issuing a certificate, all as more fully set forth in the applications and petitions to amend.

Applicants have filed FPC gas rate schedules or supplements to rate schedules on file with the Commission and propose to initiate, abandon, add, or discontinue in part natural gas service in interstate commerce as indicated in the tabulation herein.

The Commission's staff has reviewed each application and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the applications has been filed.

At a hearing held on August 30, 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) Each applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of the Natural Gas Act upon the commencement of service under the authorizations hereinafter granted.

(2) 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.

(3) 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.

(4) 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.

(5) 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 issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(6) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(7) The abandonments proposed by applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates heretofore issued to applicants relating to the abandonments hereinafter permitted and approved should be terminated.

(9) The application pending in Docket No. CI69-937 is moot.

(10) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedules and supplements related to the authorizations hereinafter granted should be accepted for filing or are redesignated as hereinafter ordered.

(11) Applicants and/or their predecessors have in the rate proceedings indicated either collected no money subject to refund or have collected a rate in effect subject to refund which is equal to or below the applicable area rate ceiling with respect to the rate schedules herein involved:

Rate proceeding	*Applicant*
RI62-337	CI72-496.
RI64-23	G-4773.
RI65-268	CI72-496.
RI65-364	G-4773.
RI66-333	CI72-612.
RI68-377	G-4773.
RI70-335	CI72-612.
RI70-621	CI72-479.
RI71-677	CI72-633.
RI71-700	CI69-937.
RI71-741	CI72-444.

The Commission orders:

(A) Certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing sales by applicants of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications and in the tabulation herein.

(B) The certificates granted in paragraph (A) 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.

(C) The grant of the certificates issued in paragraph (A) 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 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.

(D) Applicant in Docket No. CI72-506 shall charge and collect 21.25 cents per Mcf at 15.025 p.s.i.a. from May 1, 1971, the date of transfer of properties, until March 19, 1972, and thereafter 22.15 cents per Mcf at 15.025 p.s.i.a.

(E) The orders issuing certificates of public convenience and necessity in the following dockets are amended to reflect the deletion of acreage where new certificates are issued herein by authorizing

the continuation of service from the subject acreage, and in all other respects said orders shall remain in full force and effect:

Amend to delete acreage	*New certificate*
G–11762	CI72–534.
G–12309	CI72–537.
CI61–1329	CI72–539.
CI62–125	CI72–536.
CI62–407	CI72–506.
CI62–531	CI72–538.

(F) Applicants in the dockets indicated are subject to the Commission's findings and order accompanying the following opinions:

Docket No.	*Commission Opinion No.*
G–4773	595, 595–A.
CI70–1083	598, 598–A.
CI72–506	598, 598–A.
CI72–534	586.
CI72–535	586.
CI72–536	586.
CI72–537	586.
CI72–538	586.
CI72–539	586.
CI72–553	586.
CI72–562	586.
CI72–589	586.
CI72–644	586.

If the quality of the gas deviates at any time from the quality standards set forth in the regulations under the Natural Gas Act so as to require a downward adjustment of the existing rates, notices of changes in rate shall be filed pursuant to section 4 of the Natural Gas Act, provided, however, that adjustments reflecting changes in B.t.u. content of the gas shall be computed by the applicable formula and charged without the filing of notices of changes in rate.

(G) The certificates granted in Docket Nos. CI72–553 and CI72–644 are subject to § 2.71 of the Commission's general policy and interpretations establishing charges for transporting liquids and liquefiable hydrocarbons.

(H) The order issuing a certificate of public convenience and necessity in Docket No. G–4773 is amended by substituting the successor in interest, R. C. Hagens, as certificate holder as more fully described in the application and in the tabulation herein. In all other respects said order shall remain in full force and effect.

(I) Docket No. CI72–553 is canceled.

(J) Applicant in Docket No. G–4773 shall file within 90 days from the date of this order a rate schedule quality statement in the form prescribed in Opinion No. 595 for the sale authorized herein.

(K) Applicants in Docket Nos. CI70–1083 and CI72–506 shall file within 90 days from the date of this order rate schedule quality statements in the form prescribed by Opinion No. 598 for the sales of natural gas authorized herein.

(L) Applicant in Docket Nos. CI72–534, CI72–535, CI72–536, CI72–537, CI72–538, and CI72–539 shall file within 90 days from the date of this order rate schedule quality statements in the form prescribed by Opinion No. 586 for the sales of natural gas authorized herein.

(M) The orders issuing certificates of public convenience and necessity in Docket Nos. G–2798, CI61–1327, and CI63–349 are amended by deleting therefrom authorization to sell natural gas from nonproductive acreage as more fully described in the application and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(N) The application pending in Docket No. CI69–937 is dismissed, the temporary certificate issued in said docket is terminated and the related rate schedule is canceled.

(O) The following rate proceedings are terminated as indicated:

RI62–337.
RI64–23.
RI65–268.
RI65–364.[1]
RI66–333.[2]
RI68–377.
RI70–335.[3]
RI70–621.[3]
RI71–677.[4]
RI71–700.[5]
RI71–741.[6]

[1] Terminated only insofar as said proceeding pertains to Amerada Hess Corp. FPC Gas Rate Schedule No. 6.

[2] Terminated only insofar as said proceeding pertains to Texaco, Inc., FPC Gas Rate Schedule No. 130.

[3] Terminated only insofar as said proceeding pertains to Atlantic Richfield Co. FPC Gas Rate Schedule No. 254.

(P) Permission for and approval of the abandonment of service by applicants, as hereinbefore described and as more fully described in the applications and the tabulation herein, are granted.

(Q) The certificates of public convenience and necessity issued in Docket Nos. G–3913, G–8718, G–10551, G–11092, CI60–122, CI61–1283, CI62–125, CI64–1018, and CI71–131 are terminated and the related rate schedules are canceled.

(R) Applicant in Docket No. CI72–574 is not relieved of any refund obligations ordered by Opinion No. 498 as a result of the abandonment of service permitted and approved herein.

(S) The rate schedules and rate schedule supplements related to the authorizations granted herein are accepted for filing or are redesignated, all as set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[4] Terminated only insofar as said proceeding pertains to Cities Service Oil Co. (Operator), et al., FPC Gas Rate Schedule No. 184.

[5] Terminated only insofar as said proceeding pertains to Humble Oil & Refining Co. FPC Gas Rate Schedule No. 462.

[6] Terminated only insofar as said proceeding pertains to Tenneco Oil Co. FPC Gas Rate Schedule No. 61.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [1] Description and date of document	No.	Supp.
G–2798 D 3–23–72	Forest Oil Corp. (Operator) et al.	Columbia Gas Transmission Corp., North Bourg Field, Terrebonne and Lafourche Parishes, La.	Notice of partial cancellation 3–21–72.[2] [3]	2	20
G–4773 E 2–22–72 [4] [5]	R. C. Hagans	Texas Eastern Transmission Corp., Dial Field, Goliad County, Tex.	Amerada Hess Corp. FPC Gas rate schedule No. 6 and supplement Nos. 1–31 thereto.	1 1	--- 1–31
			Notice of succession 2–18–72.		
			Assignment 10–26–71 [6] (Effective date: 11–1–71)	1	32
CI61–1327 D 3–6–72	Mobil Oil Corp.	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	Assignment 11–23–71 [7] (Effective date: 11–23–71)	304	15
CI63–349 D 3–3–72	Texaco, Inc.	Panhandle Eastern Pipe Line Co., Kismit South Field, Seward County, Kans.	Amendment 1–6–72 [8]	303	5
CI69–937 [9] B 3–10–72	Humble Oil & Refining Co.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Block 17 Field, East Cameron Area, offshore Louisiana.	Notice of cancellation 3–3–72.[2] [3]	462	5
CI70–1083 [10] F 6–8–70 [11]	King Resources Co., et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Kings Bayou Field, Cameron Parish, La.	Contract 10–16–67 Letter agreement 9–8–69 [12] (Effective date: Date of initial delivery).	39 39	--- 1
CI72–365 B 12–17–71 [13]	Ashland Oil, Inc.	Texas Gas Transmission Corp., Monroe Field, Union, Quachita and Morehouse Parishes, La.	Notice of cancellation 12–15–71.[14]	106	3

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule [4] Description and date of document	No.	Supp.
CI72-443 B 1-13-72 [15]	Hewitt B. Fox, Inc.[17]	Texas San Juan Oil Corp., Miller and Fox Fields, Jim Wells County, Tex.	(16)		
CI72-444 B 1-20-72 [18]	Tenneco Oil Co	Transcontinental Gas Pipe Line Corp., Block 76 Field, Vermilion Area, offshore Louisiana.	Notice of cancellation [2 3] (undated).	61	8
CI72-479 B 2-2-72 [19]	Atlantic Richfield Co	Natural Gas Pipeline Co. of America, Clayton Field, Live Oak County, Tex.	Notice of cancellation [2 3] 1-31-72.	254	7
CI72-486 B 2-1-72 [15]	Logue and Patterson [20]	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Agua Dulce Field, Nueces County, Tex.	(3) (21)		
CI72-496 B 2-3-72 [27A]	Texas San Juan Oil Corp.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Miller and Fox Field, Jim Wells County, Tex.	Notice of cancellation [22] (undated).	2	8
CI72-503 B 2-11-72 [15]	Schimmel Oil Co.[23]	Texas Eastern Transmission Corp., Marsden Field Area, Live Oak County, Tex.	(2) (3)		
CI72-506 F 2-9-72 [24]	Aladdin Production Co., Inc.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	Contract 10-31-61 assignment 5-1-71.[25] (Effective date: 5-1-71)	2 2	 1
CI72-534 F 2-29-72 [26]	Glen E. Jeffery	Northern Natural Gas Co., Harper Field, Clark County, Kans.	Contract 11-2-56 assignment 11-11-71.[27] (Effective date: 11-11-71)	3 3	 1
CI72-535 F 2-29-72 [28]	Glen E. Jeffery	do	Contract 6-20-61 Assignment 11-11-71 [27] (Effective date: 11-11-71)	4 4	 1
CI72-536 F 2-29-72 [29]	do	do	Contract 2-25-72 Contract 6-23-61 (Effective date: 11-11-71)	5 5	 1
CI72-537 F 2-29-72 [30]	do	do	Contract 2-5-57 Assignment 11-11-71 [27]	6 6	 1
CI72-538 F 2-29-72 [31]	do	do	Contract 8-18-61 Assignment 11-11-71 [27] (Effective date: 11-11-71)	7 7	 1
CI72-539 F 2-29-72 [32]	do	do	Contract 1-19-61 Assignment 11-11-71 [27] (Effective date: 11-11-71)	8 8	 1
CI72-553 A 3-7-72	Pennzoil United, Inc	Panhandle Eastern Pipe Line Co., East Hobart Ranch and Buffalo Wallow Areas, Hemphill County, Tex.	Contract 4-30-71 [33]	32	
CI72-562 A 3-9-72	Oklahoma Natural Gas Co.	Northern Natural Gas Co., North Follett Field, Lipscomb County, Tex.	Contract 2-23-72 [33] Compliance 4-11-72 (Effective date: Date of initial delivery).	42 42	 1
CI72-574 B 3-13-72 [34]	Hassie Hunt Trust (Operator), et al.	Natural Gas Pipe Line Co. of America, Atla Loma Field, Galveston County, Tex.	Notice of cancellation 3-7-72 [2 3].	28	2
CI72-589 A 3-20-72	HNG Oil Co	Kansas-Nebraska Natural Gas Co., Inc., Reydon West Area, Roger Mills County, Okla.	Contract 3-2-72 Compliance 4-12-72 (Effective date: Date of initial delivery).	28 28	 1
CI72-599 B 3-20-72 [35]	Sun Oil Co	Northern Natural Gas Co., North Harper Ranch Field, Clark County, Kans.	Notice of cancellation 3-15-72.[2 3]	136	6
CI72-612 B 3-22-72 [36]	Texaco, Inc	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Magnolia City Field, Jim Wells County, Tex.	Notice of cancellation 3-20-72.[2 3]	130	7
CI72-633 B 4-3-72 [37]	Cities Service Oil Co. (Operator) et al.	Florida Gas Transmission Co., Bay Natchez Field, Assumption and Iberville Parishes, La.	Notice of cancellation 3-28-72.[2 3]	184	10
CI72-644 A 4-7-72	Texas Oil & Gas Corp	Panhandle Eastern Pipe Line Co., West Teagarden Field, Woods County, Okla.	Contract 3-3-72 [38]	99	
CI72-647 B 4-3-72 [15]	Fred W. Shield [38]	Trunkline Gas Co., Heard Ranch (3,500') Field, Bee County, Tex.	(4)		
CI72-650 B 4-10-72 [39]	Tribal Oil Co. (Operator) et al.	Trunkline Gas Co., Bearhead Creek Field, Beauregard Parish, La.	Notice of cancellation 2-28-72.[2 40]	1	2

[1] Unless otherwise stated, the effective date is the date of this order.
[2] Includes buyer's concurrence.
[3] Source of gas depleted.
[4] Docket No. CI72-533 was erroneously assigned to this application.
[5] Applicant proposes to continue a sale of natural gas heretofore authorized in Docket No. G-4773 to be made pursuant to Amerada Hess Corp. FPC Gas Rate Schedule No. 6.
[6] Assigns acreage to applicant from Amerada Hess Corp.
[7] Conveys nonproductive acreage to Blaik Oil Co., holder of a small producer certificate in Docket No. CS71-1115.
[8] Deletes nonproducing lease which has expired.
[9] Applicant proposes to abandon a sale of natural gas heretofore authorized under a temporary certificate in Docket No. CI69-937.
[10] Application supplemented on July 13, 1970.
[11] Applicant proposes to continue a sale of natural gas heretofore authorized to be made by Bradco Oil & Gas Co. (Operator), et al., now holder of a small producer certificate in Docket No. CS71-953.
[12] Assigns acreage to applicant from Bradco, et al.
[13] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-3913.
[14] By letter dated Apr. 16, 1971, applicant notified buyer that it no longer has gas available for delivery in excess of the requirements under its other contracts in the subject field.
[15] Applicant proposes to abandon a sale of natural gas heretofore authorized under a small producer certificate.
[16] Wells are uneconomical to operate.
[17] Applicant is holder of a small producer certificate in Docket No. CS72-715.
[18] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. CI64-1018.
[19] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-10551.
[20] Applicant is holder of a small producer certificate in Docket No. CS71-367.
[21] Applicant and buyer have canceled their subject gas sales and purchase contract.
[22] Applicant states that the cost of compression is now greater than the revenues from the sale of gas thereof.
[23] Applicant is holder of a small producer certificate in Docket No. CS71-302.
[24] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. CI62-407 to be made pursuant to Texaco, Inc. FPC Gas Rate Schedule No. 250.
[25] Assigns acreage to applicant from Texaco, Inc.
[26] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. G-11762 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 332.
[27] Assigns acreage to applicant from Sun Oil Co., J. M. Huber Corp., Ashland Oil Inc., Falcon Seaboard Inc., Texaco, Inc., W. V. Conover, Genevieve Farrot Peterkin, Independent Executrix of the Estate of Geo. A. Peterkin, Deceased, and Atlantic Richfield Co.
[27A] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. CI60-122.

[2] Applicant proposes to continue in part a sale of natural gas heretofore authorized to be made by Falcon Seaboard, Inc., holder of a small producer certificate in Docket No. CS72-503.
[3] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. CI62-125 to be made pursuant to Sun Oil Co. FPC Gas Rate Schedule No. 136.
[4] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. G-12309 to be made pursuant to Ashland Oil, Inc. FPC Gas Rate Schedule No. 59.
[5] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. CI62-531 to be made pursuant to Atlantic Richfield Co. FPC Gas Rate Schedule No. 462.
[6] Applicant proposes to continue in part a sale of natural gas heretofore authorized in Docket No. CI61-1329 to be made pursuant to J. M. Huber Corp. FPC Gas Rate Schedule No. 45.
[7] Rate schedule filings have heretofore been accepted.
[8] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. CI61-1283.
[9] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. CI62-125.
[10] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-8718.
[11] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. G-11092.
[12] Applicant is holder of a small producer certificate in Docket No. CS71-400.
[13] Applicant proposes to abandon a sale of natural gas heretofore authorized in Docket No. CI71-131.
[14] Applicant states that there has been cessation of gas production from the subject well.

[FR Doc.72-15593 Filed 9-14-72;8:45 am]

NATIONAL GAS SURVEY DISTRIBUTION-TECHNICAL ADVISORY TASK FORCE-FINANCE

Order Designating Change From Representative to a Member

SEPTEMBER 11, 1972.

The Federal Power Commission by order issued May 25, 1972, established the Distribution-Technical Advisory Task Force-Finance of the National Gas Survey.

1. Membership. A change of status from a FPC representative to a member of the Distribution-Technical Advisory Task Force-Finance, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Dr. Donald A. Murry, associate dean of faculties (associate professor of economics), University of Missouri-St. Louis.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15773 Filed 7-14-72;8:51 am]

NATIONAL GAS SURVEY SUPPLY-TECHNICAL ADVISORY TASK FORCE-SYNTHETIC GAS-COAL

Order Designating an Additional Member

SEPTEMBER 11, 1972.

The Federal Power Commission by order issued December 21, 1971, established the Technical Advisory and Coordinating Committee Task Forces of the National Gas Survey.

1. Membership. An additional member to the Supply-Technical Advisory Task Force-Synthetic Gas-Coal, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Robert E. Buss, president, Hall Engineering Co., Centerville, Iowa.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15774 Filed 9-14-72;8:51 am]

NATIONAL GAS SURVEY; TRANSMISSION-TECHNICAL ADVISORY TASK FORCE-OPERATIONS

Agenda of Meeting

Agenda of the meeting of the Transmission-Technical Advisory Task Force-Operations. To be held in conference room 4535 of the Federal Power Commission, 441 G Street NW., Washington, DC, September 19, 20, and 21, 1972, 9 a.m.

Presiding: Mr. Thos. H. Jenkins (Acting) FPC Survey Coordinating Representative and Secretary.

September 19, 1972

1. Call to order—Mr. Jenkins.
2. Introduction to Phase II objectives and requirements—Mr. Ronald MacNicholas.
3. Discussion of methodology to project transmission cost of service.
4. Determination of input requirements from other task forces.

September 20, 1972

1. Discussion of other transmission factors to be projected.
2. Finalize methodology.

September 21, 1972

1. Continuation of finalized methodology.
2. Status of assigned work program and estimated date for completion.
3. Adjournment—Mr. Jenkins.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.72-15775 Filed 9-14-72;8:52 am]

[Docket No. CI73-163]

SHELL OIL CO.

Notice of Application

SEPTEMBER 12, 1972.

Take notice that on September 5, 1972, Shell Oil Co. (Applicant), Post Office Box 2463, Houston, TX 77001, filed in Docket No. CI73-163 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 of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from Vermilion Block 247, offshore Louisiana, and delivery of said gas to Michigan Wisconsin Pipe Line Co. in South Marsh Island Block 58, offshore Louisiana, for the account of the purchaser, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 4,000 Mcf of casinghead gas per day at 35 cents per Mcf, plus 2.45 cents per Mcf upward B.t.u. adjustment, at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

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 September 25, 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.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.72-15755 Filed 9-14-72;8:51 am]

[Docket No. RP72-91]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

SEPTEMBER 8, 1972.

Take notice that Southern Natural Gas Co. (Southern) on August 30, 1972, tendered for filing revised tariff sheets to its

FPC gas tariff, Sixth Revised Volume No. 1, proposed to become effective on October 1, 1972. The revised tariff sheets contain proposed changes in rates and charges which would increase the annual revenues for jurisdictional sales and service in the amount of $3,137,197 over and above the rates and charges which became effective July 1, 1972, subject to refund in Docket No. RP72–91. The proposed rates and charges reflect increases in commodity charges and reductions in demand charges contained in all of Southern's FPC rate schedules in Volume No. 1 of its tariff, as reflected in the rates simultaneously tendered by Southern in Docket No. RP73–16.

Southern states that this rate filing is intended solely to redesign its rates to reflect the rate design principles enunciated by the Commission in its Opinion No. 600–A, in El Paso Natural Gas Co. The cost of service reflected in the redesigned rates is the same as utilized in Docket Nos. RP72–91, RP73–13, and RP73–16.

Copies of the increased rate filing have been served upon all jurisdictional customers and upon 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 September 19, 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.72–15771 Filed 9–14–72;8:51 am]

[Docket No. CP73–57]

SOUTHERN UNION GAS CO. AND EL PASO NATURAL GAS CO.

Notice of Application

SEPTEMBER 11, 1972.

Take notice that on August 30, 1972, Southern Union Gas Co. (Applicant), Fidelity Union Tower Building, Dallas, Tex. 75201, filed in Docket No. CP73–57 an application pursuant to section 7(a) of the Natural Gas Act for an order directing El Paso Natural Gas Co. (Respondent) to sell and deliver natural gas to Applicant for resale and distribution in the city of Borger, Tex., and environs, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the distribution facilities of Applicant and the transmission facilities of Respondent have already been physically connected, and El Paso will not be required to construct any improvements or extensions of its transmission facilities. Applicant asserts that its sole firm sources of gas supply for the operation of its distribution system are subject to freezeup in the line and to declining deliverability. Consequently, Applicant asserts that, in the absence of the additional gas supply requested herein, it will be necessary to curtail its firm residential and commercial customers served by the distribution system due to the insufficient supply of volumes of gas, or the possibility of no volumes of gas due to freezeup. Applicant estimates the maximum daily requirements it will require from El Paso to be 5,887 Mcf for 1972, 7,759 Mcf for 1973, 7,837 Mcf for 1974, and 7,914 Mcf for 1975. Applicant estimates the maximum annual volumes it will require to be 358,860 Mcf for 1972, 1,029,300 Mcf for 1973, 1,039,300 Mcf for 1974, and 1,050,100 Mcf for 1975.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 2, 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.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72–15772 Filed 9–14–72;8:51 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

ELECTRONIC COLOR SEPARATING OR SORTING MACHINES FROM THE UNITED KINGDOM

Antidumping Proceeding Notice

On August 14, 1972, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that electronic color separating or sorting machines from the United Kingdom are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

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

Approved: September 11, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.72–15862 Filed 9–14–72;9:27 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ASSISTANT SECRETARY OF DEFENSE (COMPTROLLER)

The Deputy Secretary of Defense approved the following on July 11, 1972:

Refs.: (a) DOD Directive 5118.3, subject as above, January 24, 1966 (hereby canceled) (31 F.R. 4251).

(b) DOD Directive 5110.1, "Assistant Secretary of Defense (Administration)," July 11, 1964 (hereby canceled).

I. GENERAL

Pursuant to the authority vested in the Secretary of Defense, and the provisions of title 10, United States Code, section 136(b), one of the Assistant Secretary positions authorized by law is designated Assistant Secretary of Defense (Comptroller) with responsibilities, functions, and authorities as prescribed herein. The Assistant Secretary of Defense (Comptroller) shall be the Comptroller of the Department of Defense.

II. RESPONSIBILITIES

The Assistant Secretary of Defense (Comptroller) is the principal staff assistant to the Secretary of Defense for programing, budgeting, auditing, and fiscal functions; for all matters pertaining to organization, management, and administration; and for DOD investigative and security policies. He shall provide staff supervision for the Defense Contract Audit Agency, Defense Mapping Agency, and the Defense Investigative Service. In addition, he shall:

A. Provide for the design and installation of resource management systems throughout the DOD.

B. Collect, analyze, and report resource management information for the Secretary of Defense and as required for the Office of Management and Budget, the Congress, the General Accounting Office, and other agencies outside of the DOD.

III. FUNCTIONS

Under the direction, authority, and control of the Secretary of Defense, the Assistant Secretary of Defense (Comptroller) shall:

A. Coordinate and control the programing process.

B. Supervise, direct, and review the preparation and execution of the DOD budget.

C. Establish policies and procedures for:

1. Expenditure and collection of funds administered by the DOD and related fiscal accounting systems.

2. International financial matters.

3. Control of prices for transactions involving the exchange of goods and services by DOD components.

4. Contract audit and internal audit.

5. Terminologies, classifications, and procedures relating to programing, budgeting, funding, accounting, reporting, auditing, economic analysis, program evaluation, output measurement, and resource management.

6. Management of DOD automatic data systems.

7. Management and control of DOD information requirements.

D. Conduct:

1. Audit functions and services for the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, and other DOD components, as assigned.

2. DOD-wide audits of the military assistance program and other selected areas and functions.

3. Special audits or audit surveys of selected areas within the DOD as requested or as deemed appropriate.

E. Serve as DOD liaison with the General Accounting Office and process GAO or other external audit reports and assure appropriate corrective actions.

F. Provide the Office of the Secretary of Defense with:

1. An automatic data processing capability.

2. A central data service to accumulate data, provide reports and related analyses and evaluations.

G. Establish policies, plans, and programs for physical, investigative, industrial, and personnel security matters.

H. Serve as Chairman of the Defense Investigative Review Council.

I. Direct and administer the DOD information security program.

J. Oversee the administration of and provide overall policy guidance for the DOD industrial personnel security clearance program.

K. Act for the Secretary of Defense as U.S. security authority for NATO, SEATO, and CENTO, and as the national security authority for security agreements.

L. Conduct research, develop plans, and recommend organizational structures and management practices that will achieve efficient and economical operation.

M. Review and validate organizational arrangements and manning levels of offices within the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, and the Defense Agencies.

N. Provide administrative support for the Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, and other organizations as assigned.

O. Act as Department of Defense coordinator in all matters relating to the improvement of Federal-State relations.

P. Represent the Secretary of Defense in providing for continuity of government, military participation in civil and domestic emergencies, and related emergency planning, and coordinate emergency planning within the DOD.

Q. Establish policy for and supervise DOD audio-visual activities.

R. Insure that all matters presented to the Secretary of Defense for signature reflect established Presidential and DOD policies and are consistent with interdepartmental and interagency agreements.

S. Provide policy, guidance, coordination, and supervision for the operation of administrative facilities and services common to all Defense activities at the seat of government.

T. Establish standards and provide policy guidance, coordination, and evaluation of the operation of administrative facilities and services in support of DOD components as necessary.

U. Establish, control, and manage the DOD Directive System.

V. Prepare, maintain and coordinate historical records and reports for the Office of the Secretary of Defense.

W. Process requests to the Secretary of Defense for special air mission transportation other than for congressional travel.

X. Perform such other functions as the Secretary of Defense assigns.

IV. RELATIONSHIPS

A. In the performance of his functions, the Assistant Secretary of Defense (Comptroller) shall:

1. Coordinate actions, as appropriate, with DOD components having collateral or related functions in the field of his assigned responsibility.

2. Maintain active liaison for the exchange of information and advice with other DOD components, as appropriate.

3. Make full use of established facilities in the Office of the Secretary of Defense and other DOD components rather than unnecessarily duplicating such facilities.

B. The heads of all DOD components and their staffs shall cooperate fully with the Assistant Secretary of Defense (Comptroller) and his staff in a continuous effort to achieve efficient administration of the DOD, and to carry out effectively the direction, authority, and control of the Secretary of Defense.

C. The channel of communication with unified and specified commands on matters relating to audit shall be directly between those commands and the Secretary of Defense. The Assistant Secretary of Defense (Comptroller) is assigned staff responsibility for such matters, and he is authorized to communicate directly in regard to them with commanders of unified and specified commands. All directives and communications of the Assistant Secretary of Defense (Comptroller) to such commands which pertain to audit shall be coordinated with the Joint Chiefs of Staff.

D. DOD components are defined for the purpose of this directive to be: The Office of the Secretary of Defense, the Organization of the Joint Chiefs of Staff, the military departments, Defense agencies and the unified and specified commands.

V. AUTHORITIES

A. The Assistant Secretary of Defense (Comptroller), in the course of exercising full staff functions and those assigned by title 10, United States Code, section 136 (b), is hereby specifically delegated authority to:

1. Issue instructions and one-time directive-type memorandums, in writing, appropriate to carrying out policies approved by the Secretary of Defense for his assigned areas of responsibility. Instructions to the military departments will be issued through the Secretaries of those departments or their designees.

2. Obtain such reports, information, and assistance from DOD components as may be necessary to the performance of his assigned functions.

3. Issue policies and instructions which establish procedures for the review and approval of reporting requirements and forms which the Office of the Secretary of Defense or the Defense agencies propose to place on any component of the DOD and to designate those requirements which are prescribed by the Office of the Secretary of Defense. Review, and when appropriate, transmit to the Office of Management and Budget those reporting requirements which any component of the DOD proposes to place upon the public, including Defense contractors.

4. Request the prompt initiation of reviews by DOD components of organization and management practices.

5. Communicate directly with heads of DOD components.

6. Exercise such authority vested in the Secretary of Defense as may be required in the administration of DOD security programs.

B. Specific delegations to the Assistant Secretary of Defense (Comptroller) are in Enclosure 1 to this Directive.

VI. CANCELLATION

References (a) and (b) are hereby canceled.

VII. EFFECTIVE DATE

This directive is effective immediately.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, the Assistant Secretary of Defense (Comptroller) is hereby delegated, subject to the direction, authority and control of the Secretary of Defense, authority to:

1. Direct and control the Defense Data Elements and Data Codes Standardization Program and monitor application by Depart-

ment of Defense Components, as prescribed in Department of Defense Directive 5000.11.[1]

2. Supervise the operation of the Military Pay and Allowance Committee as prescribed in Department of Defense Directive 5154.13.[1]

3. Establish and supervise the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to internal and contract audit in the Department of Defense, as prescribed in Department of Defense Directive 7600.2,[1] and under the authority of 10 U.S.C. 136(b).

4. Approve requests to hold cash at personal risk for authorized purposes and to redelegate such authority as deemed appropriate in the administration and control of DOD funds, subject to provisions of Treasury Department Circular No. 1030, "Regulation Relating to Cash Held at Personal Risk Including Imprest Funds by Disbursing Officers and Cashiers of the United States Government", as amended, and under the authority of 10 U.S.C. 136(b).

5. Approve the establishment of accounts for the individual operations financed by management funds and to issue regulations for the administration of accounts thus established pursuant to the authority of 10 U.S.C. 2209.

6. Exercise the powers vested in the Secretary of Defense pertaining to the employment and general administration of civilian personnel (5 U.S.C. 301, 302(b), and 3101).

7. Fix rates of pay for wage board employees exempted from the Classification Act by 5 U.S.C. 5102(c)(7) on the basis of rates established under the Coordinated Federal Wage System, in accordance with the Federal Personnel Manual, Supplement 532–1, U.S. Civil Service Commission, "Coordinated Federal Wage System", as amended. The Assistant Secretary of Defense (Comptroller), in fixing such rates, shall follow the wage schedules established by the Department of Defense Wage Fixing Authority.

8. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government, or any other oath required by law in connection with employment therein, in accordance with the provisions of 5 U.S.C. 2903(b).

9. (a) Authorize, in case of an emergency, the appointment of an employee of the Office of the Secretary of Defense or of a Defense Agency to a sensitive position for a limited period, for whom a full field investigation has not been completed, in accordance with Executive Order 10450, as amended; and

(b) Authorize the suspension of an employee in the interest of the national security in accordance with the provisions of 5 U.S.C. 7532.

10. Approve, as the designee of the Secretary of Defense, the establishment or continuation of advisory committees and the employment of part-time advisers as consultants or experts by any Component of the Department of Defense whenever the approval of the Secretary of Defense is required by law, Civil Service Commission regulation, or DOD issuance, and pursuant to the provisions of 5 U.S.C. 3109(b), 10 U.S.C. 173, and the agreement between the Department of Defense and the Civil Service Commission on Employment of Experts and Consultants.

11. Enter into contracts for supplies, equipment, personnel, and services and provide for contract administration required for assigned activities and, subject to the limitation contained in 10 U.S.C. 2311, make the necessary determinations and findings as required.

12. Purchase or requisition through a Military Department, Defense Agency, or other Government department or agency, or directly, equipment and supplies (5 U.S.C. 301).

13. Establish and use Imprest Funds for making small purchases of material and services, other than personal, when it is determined more advantageous and consistent with the best interests of the Government, in accordance with the provisions of DOD Directive 5100.25[1] and DOD Instruction 7280.1,[1] as revised.

14. Approve contractual instruments for commercial-type concessions at the Seat of Government, and maintain general supervision over commercial-type concessions operated by or through the Department of Defense at the Seat of Government, DOD Directive 5120.18 (24 F.R. 1807).

15. Act as agent for the collection and payment of employment taxes imposed by Chapter 21 of the Internal Revenue Code of 1954, and, as such agent, make all determinations and certifications required or provided for under section 3122 of the Internal Revenue Code of 1954 (26 U.S.C. 3122), and section 205(p) (1) and (2) of the Social Security Act, as amended (42 U.S.C. 405(p) (1) and (2)).

16. Act as custodian of the seal of the Department of Defense and attest to the authenticity of official records of the Department of Defense under said seal (10 U.S.C. 132).

17. Act for the Secretary of Defense before the Joint Committee on Printing, the Public Printer, and the Director of the Office of Management and Budget on all matters pertaining to printing, binding, and publications requirements (chapter 11 of title 44, United States Code).

18. Authorize the publication of advertisements, notices or proposals, as required (44 U.S.C. 3702).

19. (a) Establish and maintain appropriate property accounts for OSD and organizations assigned thereto for administrative support (10 U.S.C. 136(b)).

b. Appoint boards of survey, approve reports of survey, relieve personal liability, and drop accountability for property contained in authorized property accounts that have been lost, damaged, stolen, destroyed, or otherwise rendered unserviceable, in accordance with applicable laws and regulations (10 U.S.C. 136(b)).

20. Establish and administer an active and continuing Records Management Program for the Department of Defense, pursuant to the provisions of 44 U.S.C. 3102.

21. Clear personnel for access to Top Secret, Secret and Confidential material and information, in accordance with the provisions of Department of Defense Directive 5210.8, as revised, subject: "Policy on Investigation and Clearance of Department of Defense Personnel for Access to Classified Defense Information," and of Executive Order 11652.

22. Authorize and approve overtime work for civilian officers and employees in accordance with the provisions of section 550.111 of the Federal Personnel Manual, Supplement 990–1 (Book III), U.S. Civil Service Commission, "Civil Service Laws, Executive Orders, Rules and Regulations", as amended.

23. Authorize and approve:

(a) Travel for civilian officers and employees in accordance with the Joint Travel Regulations, Vol. 2, DOD Civilian Personnel, as amended;

(b) Temporary duty travel for military personnel in accordance with the Joint Travel Regulations, Vol. 1, Members of the Uniformed Services, as amended;

(c) Invitational travel to persons serving without compensation whose consultive, advisory or highly specialized technical services are required, pursuant to the provisions of 5 U.S.C. 5703.

24. Approve the expenditure of funds for travel incident to attendance at meetings of technical, scientific, professional, or other similar organizations in such instances where the approval of the Secretary of Defense is required by law (5 U.S.C. 4110 and 4111, and 37 U.S.C. 412).

25. Pay cash awards to, and incur necessary expenses for, the honorary recognition of civilian employees of the Government in accordance with the provisions of 5 U.S.C. 4503.

26. Supervise and administer the affairs of welfare and recreation activities (5 U.S.C. 301).

27. Enter into support and service agreements with the Military Departments, other DOD agencies, or other Government agencies, as required (5 U.S.C. 301).

The authorities vested in the delegate named herein may be redelegated by him, as appropriate.

[FR Doc.72–15737 Filed 9–14–72;8:49 am]

[1] Filed as part of original. Copies are available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

[1] Filed as part of original. Copies are available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 300.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

TORRES-MARTINEZ INDIAN RESERVATION, CALIF.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

SEPTEMBER 7, 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 Torres-Martinez Indian Reservation, Calif., was adopted on February 27, 1972, by the Torres-Martinez Tribal Business Committee, 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 over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER, and

Now, therefore, be it hereby resolved, That the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Torres-Martinez Band, 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.72-15713 Filed 9-14-72;8:47 am]

Bureau of Land Management

[Serial No. N-7030]

NEVADA

Notice of Classification of Public Lands for Disposal Revoked in Part

SEPTEMBER 8, 1972.

1. Notice of classification published in the FEDERAL REGISTER under Nevada Serial No. N-2373 is hereby revoked as to the following described lands:

MOUNT DIABLO MERIDIAN

T. 32 N., R. 44 E.,
Sec. 24, lots 1-10 inclusive.
T. 32 N., R. 45 E.,
Sec. 31, all.

The segregation of the lands from other forms of entry afforded by the classification is revoked for the above described lands. The subject notice of classification was published in the FEDERAL REGISTER on October 23, 1968.

2. Notice of classification published in the FEDERAL REGISTER under Serial No. N-2431 is hereby revoked as to the following described lands:

MOUNT DIABLO MERIDIAN, NEV.

LANDER COUNTY

T. 32 N., R. 44 E.,
Sec. 2, lots 1, 2, S½NE¼, SW¼NW¼, S½.
Sec. 14, lots 5-12 inclusive, NE¼.

The segregation of the lands from other forms of entry afforded by the classification is revoked for the above described lands. The notice of classification was published in the FEDERAL REGISTER on September 18, 1968.

3. Pursuant to section 7 of the Act of June 28, 1934 (48 Stat. 1269, 43 U.S.C. 315f), notice is hereby given of a proposal to classify lands described in paragraph 5 below for disposal through selection for exchange under section 8b of the Act of June 28, 1934 (48 Stat. 1272, 43 U.S.C. 315g).

4. This proposal has been discussed with local government officials and other interested parties. Information derived from these discussions and other sources indicate that these lands meet the criterion of 43 CFR 2410 which authorizes classification of lands for exchange under appropriate authority. Information concerning lands, including the field report and environmental analysis record, is available for inspection and study at the Battle Mountain, Bureau of Land Management, District Office located in Battle Mountain, Nev.

5. The lands in this proposed classification for private exchange are described as follows:

MOUNT DIABLO MERIDIAN, NEV.

LANDER COUNTY

T. 33 N., R. 44 E.,
Sec. 34, W½NW¼NW¼, SW¼NW¼, W½SE¼NW¼, SW¼, SW¼SE¼.
T. 32 N., R. 44 E.,
Sec. 2, lots 1 and 2, S½NE¼, SW¼NW¼, S½;
Sec. 10, N½SE¼NE¼, NE¼NE¼, W½NE¼, lots 2-12 and lot 14;
Sec. 13, NW¼, S½;
Sec. 14, lots 5-12, NE¼;
Sec. 24, lots 1-10;
Sec. 36, lots 1 and 2, W½NE¼, NW¼.
T. 32 N., R. 45 E.,
Sec. 30, all.
T. 31 N., R. 45 E.,
Sec. 6, all.

Total acreage—4,482.24.

6. The lands will be open to application by all qualified individuals on an equal opportunity basis when the lands are classified by a subsequent order.

7. Persons may submit comments, suggestions, or objections, to the proposed classification until November 20, 1972, to the Battle Mountain District Manager, Bureau of Land Management, Post Office Box 194, Battle Mountain, NE 89820.

For the State Director.

GENE NODINE,
District Manager.

[FR Doc.72-15726 Filed 9-14-72;8:48 am]

National Park Service

[Order No. 3]

ADMINISTRATIVE OFFICER; FORT LARAMIE NATIONAL HISTORIC SITE, FORT LARAMIE, WYO. 82212

Delegation of Authority Regarding Purchasing Authority

SECTION 1 *Administrative Officer.* The Administrative Officer may issue purchase orders not in excess of $1,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2 *Relocation.* This order supersedes Order No. 2, Fort Laramie National Historic Site, dated April 8, 1966, and published May 20, 1966 (31 F.R. 7357).

(National Park Service Order No. 66, 36 F.R. 21218, as amended 37 F.R. 4001, dated Feb. 25, 1972. Midwest Region Order No. 5, 37 F.R. 6324 and 6875.)

Dated: August 2, 1972.

CHARLES C. SHARP,
Superintendent, Fort Laramie National Historic Site.

[FR Doc.72-15714 Filed 9-14-72;8:47 am]

[Order No. 3]

ADMINISTRATIVE OFFICER AND GENERAL SUPPLY ASSISTANT; VIRGIN ISLANDS NATIONAL PARK, VIRGIN ISLANDS

Delegation of Procurement Authority

1. *Administrative Officer.* The Administrative Officer may execute and approve contracts and issue purchase orders not in excess of $5,000 for equipment, supplies, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. *General Supply Assistant.* The General Supply Assistant may execute and approve contracts and issue purchase orders not in excess of $500 for equipment, supplies, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

3. *Revocation.* This order supersedes Virgin Islands National Park Order No. 2 issued February 16, 1968, and published March 19, 1968 (33 F.R. 4696).

(National Park Service Order No. 66 (36 F.R. 21218) as amended (37 F.R. 4001) (37 F.R. 12854), Southeast Region Order No. 5 (37 F.R. 7721).)

Dated: August 15, 1972.

ROBERT STANTON,
Superintendent, Virgin Islands National Park.

[FR Doc.72-15716 Filed 9-14-72;8:47 am]

[Order No. 3]

ADMINISTRATIVE OFFICER AND PROCUREMENT ASSISTANT; ZION NATIONAL PARK, SPRINGDALE, UTAH 84767

Delegation of Authority Regarding Purchasing Authority

SECTION 1. *Administrative Office and Procurement Assistant.* The Administrative Officer and/or Procurement Assistant may issue purchase orders not in excess of $2,000 for supplies or equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Revocation.* This order supersedes. Order No. 2 published April 18, 1963 (28 F.R. 3788).

(National Park Service Order No. 66, 36 F.R. 21218, as amended 36 F.R. 4001, dated February 25, 1972. Midwest Region Order No. 5, 37 F.R. 6324 and 6875)

Dated: August 14, 1972.

ROBERT C. HEYDER,
Superintendent, Zion National Park.

[FR Doc.72-15715 Filed 9-14-72;8:47 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File 22-60]

MADELEINE CONTRESTY AND JOHN J. KALLMANN

Order Terminating Order Temporarily Denying Export Privileges

In the matter of Madeleine Contresty, Le Moulin Motel, Route 28, Phoenicia, N.Y. 12464, John J. Kallmann, 212 Fifth Avenue, New York, NY 10010, File 22-60; respondents.

On July 21, 1964, effective July 30, 1964, an order was issued against the above named individuals and other parties temporarily denying U.S. export privileges (29 F.R. 10618). The order was to be effective until the completion of criminal proceedings then pending against the parties and thereafter until the completion of administrative compliance proceedings.

Pierre Contresty, husband of the above named Madeleine Contresty, was one of the defendants in the above mentioned criminal proceedings. He died on April 10, 1971, without having been brought to trial because of his absence from this country. The criminal proceedings against the above named respondents have been disposed of by action of Nolle Prosequi. The Compliance Division, Office of Export Control, does not intend to issue a charging letter against the above respondents growing out of the transactions which were the basis of the temporary denial order.

Accordingly, it is hereby ordered, That the above mentioned temporary denial order be and the same is hereby terminated.

Dated: September 11, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-15747 Filed 9-14-72;8:49 am]

[Case 273]

WILLI FARNER MOSER ET AL.

Order Conditionally Restoring Export Privileges

In the matter of Willi Farner, also known as, Willi Farner Moser, and Farner Werke A.G., Grenchen, Switzerland, respondents; Farner Air Service S.A., and Farner Air Leasing S.A., Sion, Switzerland, related parties; Case No. 273.

By order dated July 22, 1960 (25 F.R. 7163), the above respondents were denied all U.S. export privileges for the duration of the U.S. export controls. Prior to the issuance of said order, the respondents had been subject to an order dated August 11, 1958 (23 F.R. 6270) temporarily denying U.S. export privileges.

On September 10, 1970, a determination was made that within the purview of § 388.1(b) of the Export Control Regulations the above named Farner Air Service S.A. and Farner Air Leasing S.A. were related parties to the respondent Willi Farner. Notice of this determination was published in the FEDERAL REGISTER (35 F.R. 16699). Under this determination the terms and restrictions of the said order of July 22, 1960, were effective against said related parties.

The above-named respondents and related parties have applied for relief from the terms of the denial order. The matter was referred to the Hearing Commissioner. He held a hearing on July 11, 1972, at which the respondents and related parties appeared by their duly designated representatives. A representative of the General Counsel's Office appeared on behalf of the Compliance Division.

On consideration of the record relating to this matter the Hearing Commissioner has found that the integrity of the export control program will not be jeopardized if the export privileges of the respondents and related parties are restored conditionally and they are placed on probation. He has recommended such action.

The undersigned having considered the record relating to this matter concurs with the above finding of the Hearing Commissioner and accepts his recommendation.

Accordingly, it is hereby ordered, That the export privileges of the respondents and related parties be and hereby are restored conditionally, and the said respondents and related parties are placed on probation for the duration of export controls. The conditions of probation are that the said respondents and related parties: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of their participation in any and all transactions involving U.S. origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondents and related parties shall promptly disclose the names and addresses of their partners, agents, representatives, employees, and other persons associated with them in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondents or related parties have failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondents, or related parties by supplemental order, may revoke their probation and deny to them all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

This order shall become effective forthwith.

Dated: September 8, 1972.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.72-15746 Filed 9-14-72;8:49 am]

Office of Import Programs

HARTFORD HOSPITAL 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 view 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. 73-00122-33-46040. Applicant: Hartford Hospital, 80 Seymour Street, Hartford, CT 06115. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine biologic specimens consisting of renal biopsy material experiments consisting of observation, recording, and photographing of renal ultrastructure and a wide variety of pathologic states including lipoid nephrosis, post Streptococus syndrome, clinical and subclinical diaeases, idiopathic membranous glomerulonephritis, juvenile and adult nephrotic syndrome, clinical and subclinical diabetes mellitus. The underlying objective is the utilization of ultrastructural renal changes for correlation confirmation and expansion of diagnostic impressions made by light microscopy. The article will also be used for educational purposes in postgraduate residency training in pathology at the Hospital. Application received by Commissioner of Customs: August 21, 1972.

Docket No. 73-00123-33-46040. Applicant: University of Kentucky, Department of Surgery, Division of Neurosurgery, Lexington, Ky. 40506. Article: Electron microscope, Model EM 201.

Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used to study the ultrastructure of tissue from the central nervous system of mammals including normal brain and chemically induced brain tumors, normal and malignant cells growing in tissue culture and secondary tumors induced by the injection of malignant tissue culture cells. Experiments to be conducted include: (a) Identification of transformed cell types by their untrastructural characteristics, (b) identification of tissue cultured cells by ultrastructural features, (c) electron autoradiography study to localize radioactively labeled compounds of biological interest within cell, (d) electron microscope visualization of macromolecules (nuclei acids—DNA and RNA) from isolated brain nuclei. The article will also be used in a limited way in training selected interns, residents, and medical students in techniques used in ultrastructure research. Application received by Commissioner of Customs: August 23, 1972.

Docket No. 73-00124-33-46040. Applicant: St. Cloud State College, Biology Department, St. Cloud, Minn. 56301. Article: Electron microscope, Model HS-8. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used in carrying out the following research projects:

a. Cytology of selected protozoa.

b. Delineation of paramylum bodies of Euglena after light and dark treatment.

c. Ultrastructure of Chlorella pyrenosa grown heterotrophically.

d. Chromosome mapping of Drosophila melanogaster mutant using the salivary gland tissue.

e. Effect of mercury on liver tissue of the white rat.

f. Cytogenetus of aquatic bull rusher Scirpus spp.

g. Phytophage of certain blue-green algae.

h. Anatomy of soil bacteria and their bacteria phages.

The article will also be used for demonstration or on single lesson units in a wide variety of biological courses. In addition, the article will be used extensively in a wide range of courses including: Biology 413-513—Electron Microscope Techniques, Biology 414-514—Advanced Electron Microscopy, and Biology 603—Research in Biology. Application received by Commissioner of Customs: August 22, 1972.

Docket No. 73-00126-36-46070. Applicant: American Museum of Natural History, Center Park West and 79th Street, New York, N.Y., 10024. Article: Scanning electron microscope, Model S4. Manufacturer: Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article is intended to be used to examine a variety of biological material in the following research projects:

(1) Evolutionary Convergence and Divergence in the First-Stage Larvae of Cleotoparasitic Bees (Arthropoda, Insecta, Hymenoptera, Apoidea).

(2) The Hypopharynx and its Significance for Phylogenetic Studies of the Staphylinidae (Arthropoda, Insecta, Coleoptera).

(3) A study of Shell Ultrastructure of Living and Fossil Gastropods with the use of the Scanning Electron Microscope (Mollusca).

(4) Morphological Studies of the Schizochroal Eye of Phacopid Trilobites (Arthropoda).

(5) Comparative studies of the Scales of Superficial Dermal Bones of Teleost Fishes (Chordata).

(6) Studies Concerned with the Integument and External Genitalia of Spiders (Arthropoda, Arachnida).

(7) Microstructure of Cuticular features of Simuliidae (Black Flies) (Insecta, Arthropoda).

(8) Studies of Molluscan Microstructure.

(9) Survey of the Shells of Scaphopod Mollusks to Find New Characters of Systematic Importance.

(10) Hair Structure in the Taxonomy of Heteromyid Rodents (Chordata).

(11) Study of Surface Features of the Glans Penis of Murid Rodents.

The article will also be used for educational purposes in Introduction to Paleontology, Advanced Paleontology seminar, General Systematics of the Fishes and Fish Ecology. Application received by Commissioner of Customs: August 21, 1972.

Docket No. 73-00129-00-46040. Applicant: New York Medical College, Fifth Avenue at 106th Street, New York, N.Y. 10029. Article: Double-tilting device with rotation for Elmiskop 101 electron microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope which is intended to be used to observe the fine structure of membranes and the ultrastructural relationships of closely apposed membranes at those particular angles of tilt and rotation at which these structures are optimally visible. Application received by Commissioner of Customs: August 17, 1972.

Docket No. 73-00130-33-46040. Applicant: University of Texas Southwestern Medical School at Dallas, 5323 Harry Hines Boulevard, Dallas, TX 75235. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in high resolution studies of conformational and redistributional changes of proteins on or within organelle and cell membranes which occur during change in the state of organelle and cell function. The identification of specific proteins on or in cellular membranes will be investigated using antibody and other protein tagging techniques in a research program devoted to studies in the molecular anatomy of membranes. Protein identification and orientation in biomembranes as well as conformation of solubilized proteins will be studied by high-resolution freeze-cleaving electron microscopy, dark field electron microscopy and negative staining. The article will also be used in an advanced seminar course in the graduate-medical program by an experienced operator to train several post-doctoral, graduate, and medical students in the fundamentals of high resolution electron microscopy. Application received by Commissioner of Customs: August 25, 1972.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-15705 Filed 9-14-72;8:46 am]

SANGAMON STATE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles: Correction

In the notice of applications for duty-free entry of scientific articles appearing at page 18102 in the FEDERAL REGISTER of Thursday, September 7, 1972, the following corrections should be made.

1. Docket No. 72-00105-33-78060 should be corrected to read:

Docket No. 73-00105-33-78060. Applicant: Boston University, School of Medicine, 80 East Concord Street, Boston, MA 02118. Article: Microspectrophotometer, Model MMSP. * * *

2. Docket No. 73-00112-33-46500 for the State University of New York, Research Foundation College at Brockport, Brockport, N.Y. 14420, should be corrected to read:

Docket No. 73-00111-33-46500. * * *

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.72-15706 Filed 9-14-72;8:46 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON POPULATION STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Population Statistics will convene on September 22, 1972, at 9:30 a.m. The Committee will meet in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Md.

The Census Advisory Committee on Population Statistics was established in 1965 to advise the Director, Bureau of the Census, on current programs, on plans for the 1970 Census of Population and on other matters dealing with the collection and issuance of population statistics.

The Committee is composed of 15 members appointed by the Secretary of Commerce.

The agenda for the meeting includes: (1) Report on various aspects of the 1970 Census of Population and Housing, (2) report of the task force to study the use of administrative records for estimates of current population, (3) ethnicity, Spanish origin and foreign stock classifications, (4) a nationwide middecade

sample survey, and (5) data needs for revenue sharing.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Dr. Conrad Taeuber, Associate Director for Demographic Fields, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Md. (Mail address: Washington, D.C. 20233.) Telephone 301—763–5171.

HAROLD C. PASSER,
Administrator, Social and Economic Statistics Administration.

[FR Doc.72–15707 Filed 9–14–72;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of the meeting of the National Institute of Allergy and Infectious Diseases Training Grant Committee, September 28–29, 1972, at 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m., September 28, 1972, and closed to the public 9:30 a.m., September 28, 1972, to review, discuss, and evaluate and/or rank grant applications in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination.

Name of the person from whom rosters of the committee members and/or summary of the meeting may be obtained: Dr. Noel H. Gross.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

SEPTEMBER 8, 1972.

[FR Doc.72–15728 Filed 9–14–72;8:48 am]

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given of a meeting of the following committee and the executive secretary from whom a summary of the meeting may be obtained.

Committee, date, time, and location of committee

Transplantation and Immunology Committee, Dr. Donald E. Kayhoe; September 23–24, 1972; 9 a.m.–5 p.m.; Shasta Room, San Francisco-Hilton, San Francisco, Calif.

This meeting shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination in order to discuss and evaluate contractor performance.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

SEPTEMBER 11, 1972.

[FR Doc.72–15730 Filed 9–14–72;8:48 am]

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

Notice of Meetings

Pursuant to Executive Order 11671 notice is hereby given of meetings of the following committees and the executive secretaries from whom summaries of meetings may be obtained.

Committee, Date, Time, and Location of Committee

Growth and Development Research and Training Committee, Dr. George Morgan, Executive Secretary; October 2–3, 1972; 9 a.m.; Room 4, Building 31, NIH.

Population Research and Training Committee, Dr. Bengt Liljeroot, Executive Secretary; October 4–6, 1972; 9 a.m.; Room 10, Building 31, NIH.

Adult Development and Aging Research and Training Committee, Dr. Walter Spieth, Executive Secretary; October 5–6, 1972; 9 a.m.; Room 4, Building 31, NIH.

Perinatal Biology and Infant Mortality Research and Training Committee, Mr. Jehu Hunter, Executive Secretary; October 9–10, 1972; 9 a.m.; Holiday Inn, Bethesda, Md.

Mental Retardation Research and Training Committee, Dr. Lyle Lloyd, Executive Secretary; October 12–14, 1972; 8:30 p.m.; Room 8, Building 31, NIH.

These meetings shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination, in order to review, discuss, and evaluate and/or rank grant applications.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

SEPTEMBER 8, 1972.

[FR Doc.72–15729 Filed 9–14–72;8:48 am]

NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKE

Notice of Meetings

Pursuant to Executive Order 11671 notice is hereby given of meetings of the following committees and the executive secretaries from whom summaries of meetings may be obtained.

Committee, Date, Time, and Location of Committee

NINDS-Neurological Science Research Training A Committee, Dr. Harold Fournelle; September 15–16, 1972; 9 a.m.; Holiday Inn, Bethesda, Md.

NINDS-Neurological Science Research Training B Committee, Dr. George Simon; September 15–16, 1972; 9 a.m.; Holiday Inn, Bethesda, Md.

Communicative Disorders Review Committee, Dr. J. Buckminster Ranney; September 21–22, 1972; 9 a.m.; Fairmont Hotel, Dallas, Tex.

Neurological Disorders Program Project Review Committee; Dr. Leon J. Greenbaum; September 22–23, 1972; 9 a.m.; Embassy Row Hotel, Washington, D.C.

These meetings shall be closed to the public in accordance with section 13(d) of Executive Order 11671 and the Secretary's determination in order to review, discuss, and evaluate and/or rank grant applications.

ROBERT Q. MARSTON,
Director,
National Institutes of Health.

SEPTEMBER 8, 1972.

[FR Doc.72–15727 Filed 9–14–72;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–335]

FLORIDA POWER AND LIGHT CO.

Notice of Availability Draft Environmental Statement Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Draft Environmental Statement," related to the continuation of Construction Permit No. CPPR–74 and the issuance of an operating license to the Florida Power and Light Co. for the Hutchinson Island Nuclear Power Plant, Unit 1, located on Hutchinson Island in St. Lucie County, Fla., has been prepared by the Commission's Directorate of Licensing. The statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, DC, and in the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, FL 33450. The statement is also being made available at the Department of Administration, State Planning and Development Clearinghouse, 725 South Bronough Street, Tallahassee, FL 32304. 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.

Documents entitled "Applicant's Environmental Report-Construction Permit Stage" and supplements thereto, submitted by Florida Power and Light Co. are also available for public inspection at the above-designated locations. Notice of the availability of "Applicant's Environmental Report" and Supplement No. 1 thereto was published in the FEDERAL REGISTER on February 8, 1972 (37 F.R. 2854).

Pursuant to Appendix D to 10 CFR Part 50, interested persons may, within forty-five (45) days from date of publication of this notice in the FEDERAL REGISTER, submit comments on the proposed action, "Applicant's Environmental Report" and supplements thereto, and the draft environmental statement for the Commission's consideration. Federal and State agencies are being provided with

copies of these reports and the draft environmental statement (local agencies may obtain these documents upon request) and, when any comments thereon by 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 12th day of September 1972.

For the Atomic Energy Commission.

R. C. De Young,
Assistant Director for Pressurized Water Reactors, Directorate of Licensing.

[FR Doc.72-15836 Filed 9-14-72;8:56 am]

[Docket No. 50-367]

NORTHERN INDIANA PUBLIC SERVICE CO.

Order Establishing Date and Place for Evidentiary Hearing

In the matter of Northern Indiana Public Service Company (Bailly Generating Station, Nuclear 1).

Take notice, that the evidentiary hearings relating to matters pertaining to health and safety, excluding environmental issues, shall commence on October 10, 1972, at 10 a.m., local time, in the Holiday Inn, 465 Broadway, Gary, IN 46402, in the Hunters Den Meeting Room (Suites 1, 2, and 3). The first session of hearings shall run continuously from October 10 through October 13, 1972. If further sessions on health and safety matters are required, they shall proceed in the same place, from October 17 through October 20, 1972.

During the first 2 days of the evidentiary hearings (October 10 and 11), persons will be permitted to make limited appearances. The limited appearances will be restricted to 5 minutes for each person. Public officials, because of their official responsibilities, will be permitted to present comments prior to other individuals. Limited appearances may be made either orally or in written form.

It is so ordered.

For the Atomic Safety and Licensing Board.

Issued at Washington, D.C., this 11th day of September 1972.

Jerome Garfinkel,
Chairman.

[FR Doc.72-15703 Filed 9-14-72;8:46 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Notice of Issuance of Amendment to Facility Operating License (Temporary Operating License)

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-28 to Vermont Yankee Nuclear Power Corp. (Vermont Yankee). Amendment No. 2 is a temporary operating license which authorizes operation of the Vermont Yankee Nuclear Power Station (the facility) at thermal power levels not to exceed 318.6 megawatts (20 percent of the facility's rated power), in accordance with the Technical Specifications (Appendices "A" and "B") appended thereto. Operation of the facility is restricted to the authorized power level and to the closed-cycle cooling mode and, in accordance with § 50.57 (d) of 10 CFR Part 50, Vermont Yankee and its sponsoring utilities are prohibited from retiring, dismantling, or performing any maintenance on any of their existing generating capacity that could reasonably be delayed, on the ground of the availability of the capacity of the Vermont Yankee Nuclear Power Station. The facility is a boiling water nuclear power reactor located at the licensee's site in Windham County, Vt.

On March 21, 1972, the Commission issued Facility Operating License No. DPR-28 to Vermont Yankee which permitted fuel loading and low-power testing, at power levels not to exceed 15.9 megawatts thermal (1 percent of the facility's rated power), in accordance with the Technical Specifications (Appendix "A") appended thereto. Amendment No. 1 to DPR-28, issued on April 21, 1972, modified the license to authorize the receipt, possession and use of certain special nuclear material and byproduct material.

On August 24, 1972, the presiding Atomic Safety and Licensing Board (Board), after a hearing held August 15, 1972, on a motion by Vermont Yankee, issued an initial decision authorizing the issuance of a temporary operating license, pursuant to section 192 of the Atomic Energy Act of 1954, as amended, (Act) subject to the resolution of two questions certified to the Commission. On September 5, 1972, the Atomic Safety and Licensing Appeal Board (Appeal Board) to which the Commission delegated the authority and review functions which the Commission would otherwise exercise and perform in this proceeding (36 F.R. 3837, February 27, 1971) issued a memorandum with respect to the certified questions. The Appeal Board's responses to the certified questions are such as authorize the immediate issuance of the temporary operating license which has been issued.

Concurrently with the issuance of the temporary operating license, the Commission issued Change No. 3 to the Technical Specifications which, in part, deleted the Environmental Technical Specifications (§ 7.0) previously contained in Appendix "A" to DPR-28, issued on March 21, 1972, and reissued the Environmental Technical Specifications as Appendix "B" to the temporary operating license. The Environmental Technical Specifications contained in Appendix "B" provide for protection of the environment during the period of the temporary operating license. Changes Nos. 1 and 2 to the Technical Specifications, dated July 24, 1972, and August 1, 1972, respectively, clarified and modified the Technical Specifications, but did not present any significant safety considerations not previously described or implicit in the Safety Analysis Report. Similarly, Change No. 3, in addition to transferring the Environmental Technical Specifications to Appendix "B", further clarifies and modifies the Technical Specifications by adding several operating conditions without presenting any significant safety considerations not previously described or implicit in the Safety Analysis Report.

The Commission's regulatory staff has inspected the facility and has determined that, for operation as authorized by the temporary operating license, the facility has been constructed in accordance with the application, as amended, the provisions of Provisional Construction Permit No. CPPR-36, the Act, and the Commission's regulations. The licensee has submitted proof of financial protection in satisfaction of the requirements of 10 CFR Part 140.

The Board has concluded that the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission and will not be inimical to the common defense and security or to the health and safety of the public and that Vermont Yankee is technically and financially qualified to engage in the activities authorized by the temporary operating license. The Board has further concluded that operation of the facility during the period of the temporary operating license in accordance with its terms and conditions will provide adequate protection of the environment during the period of the temporary operating license, and that operation of the facility in accordance with the terms and conditions of the temporary operating license is essential toward insuring that the power generating capacity of the utility system or power pool here involved is at, or is restored to, the levels required to assure the adequacy and reliability of the power supply.

The temporary operating license is effective as of the date of issuance and shall expire on February 28, 1973, or on such later date to which it may be extended or upon earlier issuance of a full-term operating license. The Commission will vacate the temporary operating license if it is found that Vermont Yankee is not prosecuting its application for a full-term operating license with due diligence. Upon expiration of the temporary operating license, without the issuance of a full-term operating license, the facility license in effect for this facility shall be the facility license as it read prior to Amendment No. 2.

For further details, see (1) the Board's orders, dated August 4 and 24, 1972, (2) the Appeal Board's memoranda and orders dated August 29, 1972, and September 5, 1972, (3) Amendment No. 2, to Facility Operating License No. DPR-28, (4) Change No. 3 to Technical Specifications dated September 7, 1972, (5) Vermont Yankee's Motion dated July 11, 1972, and supporting affidavits, and (6) the Regulatory Staff's Answer dated August 3, 1972 and supporting affidavits, all

of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Brooks Memorial Library, 224 Main Street, Brattleboro, VT. Copies of items (3) and (4) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Md., this 7th day of September 1972.

For the Atomic Energy Commission.

ROGER S. BOYD,
Assistant Director, for Boiling Water Reactors, Directorate of Licensing.

[FR Doc.72-15704 iFled 9-14-72;8:46 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23486; Order 72-9-18]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority September 6, 1972.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would permit Air France to postpone to a date not later than December 31, 1972, the performance of its inaugural flights between Tokyo/Anchorage on the one hand, and Paris/Hamburg on the other hand, and also between Paris and various points in the Caribbean/Middle East/Asia. We will herein approve the agreement insofar as it applies in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that Resolutions JT12(Mail 803)200h, JT23(Mail 309)200h, and JT123(Mail 701)200h, which are incorporated in Agreement CAB 23263, are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement CAB 23263 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.72-15763 Filed 9-14-72;8:50 am]

[Docket No. 23780 etc.]

YOUTH AND STUDENT FARES IN FOREIGN AIR TRANSPORTATION

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding now scheduled to commence on October 3, 1972 (37 F.R. 12517), is hereby postponed until further notice.

Dated at Washington, D.C., September 11, 1972.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.72-15764 Filed 9-14-72;8:50 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements received by the Council on Environmental Quality, August 28–September 1, 1972.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202—388-7803.

SOIL CONSERVATION SERVICE

Draft, August 29

Hurricane Creek Watershed, Tenn., Counties: Humphreys and Dickson. The statement refers to a project which would include the use of land treatment measures and the construction of seven floodwater retarding structures and one multipurpose (floodwater and industrial water supply) structure, in order to reduce floodwater damage and erosion on 4,820 acres of floodplain. Approximately 163 acres of upland wildlife habitat will be lost; 353 acres will be altered by construction; 239 acres will be periodically disturbed. (25 pages) (ELR Order No. 05188) (NTIS Order No. EIS 72 5188D)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202—973-5391.

For regulatory matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, Washington, D.C. 20545, 202—973-7373.

Draft, August 30

Hanford Plant No. 2, Washington County: Benton. The statement refers to the proposed issuance of a construction permit to the Washington Public Power Supply system for a 3,458 MWt., 1,100 MWe. boiling water reactor, with a forced-draft cooling tower system. Cooling water will be drawn from the Columbia River at 37 c.f.s. (maximum); gaseous and liquid effluents containing radionuclides will be discharged to the environs. (198 pages) (ELR Order No. 05201) (NTIS Order No. EIS 72 5201D)

DEPARTMENT OF DEFENSE, AIR FORCE

Contact: Col. Cliff M. Whitehead, Room 5E 425, The Pentagon, Washington, D.C. 20330, 202—OX 5-2889.

Draft, August 29

Blair Lakes Range Operations, Alaska. The statement refers to the proposed use of the 31,860 acre range for aerial gunnery and bombing training, with inert ordnance being utilized. The action will result in increased fire potential; there will be restrictions on the airspace in the vicinity of the range. (144 pages) (ELR Order No. 05189) (NTIS Order No. EIS 72 5189D)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202—967-4335.

Draft, August 28

Artificial Reefs, Cape Henry, Va. The statement refers to the proposed creation of two artificial reefs, of 80 and 400 acres, which would be constructed 15 and 30 miles east of Cape Henry by the sinking of 166 surplus Navy landing craft and barges. The purposes of the project are those of creating a habitat attractive to sport fishes and of providing research on the benefits of artificial reefs. Benthic fauna will be damaged at the two sites. (16 pages) (ELR Order No. 05178) (NTIS Order No. EIS 72 5178D)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelley, Director, Office of Public Affairs, Attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 100 Independence Avenue SW., Washington, DC 20314, 202—693-7168.

Draft, August 25

Lake Pontchartrain, La. County: St. Charles. The statement refers to the construction of barriers and levees along the east side of the lake, the St. Charles Parish lakefront, and the Citrus and New Orleans East lakeshores; the improvement of existing works; and necessary modifications to roads, pipelines, etc. The purpose of the action is that of protection against flooding caused by hurricanes. Approximately 5,265 acres of swamp and marsh wetlands will be committed to the project; significant wildlife losses will result. The project plan will also hasten urbanization and industrialization, along with the future loss of additional wetlands. (93 pages) (ELR Order No. 05174) (NTIS Order No. EIS 72 5174D)

Draft, August 21

Rush Island, Mo. County: Jefferson. The statement refers to the proposed granting of a permit to the Union Electric Co. for the construction of two 600,000 kw coal-fueled electrical generating units on the west bank of the Mississippi River. Approximately 150 acres of flood plain land would be committed to the action; cooling water would be drawn from and returned to the Mississippi. The plant would consume 2.5 million tons of coal per year; oxides of nitrogen and sulfur and particulate matter would be released. Fish and larvae may be lost on intake screens and in the cooling system. (314 pages) (ELR Order No. 05141) (NTIS Order No. EIS 72 5141D)

Draft, August 28

Catherine Creek Dam and Lake, Oreg. County: Union. The statement refers to the construction of an earthfill dam on Catherine Creek, 2.9 miles of road relocation, and a fish hatchery. The purposes of the project are those of flood control, irrigation, recreation, anadromous fish enhancement, and water supply. Approximately 2,300 acres will be acquired for the project. Adverse effects will include the loss of 2.5 miles of natural stream bed and an unspecified amount of land to be inundated. Water quality of the stream will be affected, and the acquisition of 480 acres of land for deer and elk will be necessary to compensate for the loss of big game winter range. (98 pages) (ELR Order No. 05183) (NTIS Order No. EIS 72 5183D)

Final, August 29

Flint River, Mich. County: Genesee. The statement refers to a proposed flood control project which would involve the construction of channel works on 20,000 feet of the Flint River and Swartz and Tread Creeks. The streams will be concrete lined, and an improved earth levee will be constructed. Biological communities of the riparian habitat will be displaced. (135 pages) Comments made by: USDA, DOC, EPA, HUD, DOI, and DOT. (ELR Order No. 05186) (NTIS Order No. EIS 72 5186F)

DELAWARE RIVER BASIN COMMISSION

Final, August 30

Eddystone Generating Station, Pa., County: Delaware. The statement refers to the proposed addition of 2 generating units to the Philadelphia Electric Co.'s existing station, located on the confluence of Crum Creek and the Delaware River. The units involved are oil-fired steam-electric, of 400,000 kw. each; a dock facility capable of handling fuel barges and oil storage facilities will also be constructed. (136 pages) Comments made by: USDA, COE, FPC, USCG, GSA, and DOC. (ELR Order No. 05193) (NTIS Order No. EIS 72 5193F)

FEDERAL POWER COMMISSION

Contact: Mr. Frederick H. Warren, Advisor on Environmental Quality, 441 G Street NW., Washington, DC 20426, 202—386-6084.

Draft, August 28

Escanaba Project No. 2506, Michigan, County: Delta, Marquette. The statement refers to the proposed approval of an application by the Escanaba Paper Co. for a license for the constructed project. The project consists of 4 reservoirs and 3 power plants, totalling 8,400 kw. As the project has been in existence for several decades no additional significant impact is expected. (33 pages) (ELR Order No. 05180) (NTIS Order No. EIS 72 5180D)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, 202—755-6186.

Draft, August 23

Forest Glen Apartments, Massachusetts. The proposed project is the construction of 138 units of multifamily housing in the town of Stoughton. Two dwelling units, in clusters of 8 to 10, will be built. The statement indicates that no adverse environmental impact will result. (30 pages) (ELR Order No. 05147) (NTIS Order No. EIS 72 5147D)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202—343-3891.

BUREAU OF RECLAMATION

Draft, August 18

Bonneville Unit, Central Utah Project, Utah. County: several. The statement refers to a project begun in 1967 and now 10 percent complete, which is intended to divert water from the sparsely populated Uinta Basin to the more densely populated, water deficient Bonneville Basin. Facilities of the project will include 10 new reservoirs, 140 miles of aqueducts, tunnels, and canals, 3 power plants, 9 pumping plants, and 200 miles of pipe drains. The project will increase salinity of the Colorado River; 22,000 acres of land will be inundated. (307 pages) (ELR Order No. 05108) (NTIS Order No. EIS 72 5108D)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft, August 29

Smoke River Wilderness, Idaho, Oregon. The statement refers to a legislative proposal which would designate 68 islands (totalling 734 acres), of the Snake River Sector of the Deer Flat National Wildlife Refuge as wilderness within the National Wilderness Preservation System. No significant environmental change is anticipated. (37 pages) (ELR Order No. 05187) (NTIS Order No. EIS 72 5187D)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, DC 20590, 202—426-4355.

FEDERAL AVIATION AGENCY

Draft, August 23

Las Animas County Airport, Colo. County: Las Animas. The statement refers to the proposed construction of a runway extension (of 2,500') and the installation of VASI, fencing, seeding, power lines, and related facilities. Approximately 213.7 acres will be committed to the action. An increase in noise levels from jet aircraft will result. (23 pages) (ELR Order No. 05150) (NTIS Order No. EIS 72 5150D)

Draft, August 29

Challis Airport, Idaho. The statement refers to a project which would involve the extension of an existing runway to 6,200' x 60', and the construction of aprons and a taxiway. Approximately 6 acres of agricultural land will be acquired for the project. (15 pages) (ELR Order No. 05192) (NTIS Order No. EIS 72 5192D)

Draft, August 25

Springfield Airport, Mo. County: Greene. The statement refers to a project involving the extension of one runway and one taxiway, the provision of VASI and lighting, and the painting and striping of paved surfaces. Approximately 19 acres will be acquired for the project. (28 pages) (ELR Order No. 05170) (NTIS Order No. EIS 72 5170D)

Draft, August 29

Seward Airport, Nebr. County: Seward. The statement considers the development of a new basic utility airport which would include a 3600' x' 60' northwest/southeast hard runway and a 3400' x 150' turf runway, taxiways and aprons, and related facilities. Approximately 268 acres of land would be acquired for right-of-way. (31 pages) (ELR Order No. 05191) (NTIS Order No. EIS 72 5191D)

Final, August 21

Gulf Central Airport, Miss. County: Hancock. The statement refers to the proposed extension of a runway from 4,500' to 8,500' and the construction of taxiways and a turnaround, livestock loading facilities, and a fire and crash building. The airport will be used for the transportation of livestock to foreign countries; wastes generated at the facility will require special treatment in order to avoid adverse effects on the human and natural environments. (48 pages) Comments made by: USDA, DOC, EPA, and DOI (ELR Order No. 05130) (NTIS Order No. EIS 72 5130F)

Springer Municipal Airport, N. Mex. Proposed construction of a new airport, with a 60' x 5,000' paved runway, graded taxiways and apron, an access road, fenced perimeter, a wind cone and a segmented circle. Approximately 108 acres of grassland will be committed to the project. (47 pages) Comments made by: USDA, COE, DOC, EPA, HEW, and DOT. (ELR Order No. 05132) (NTIS Order No. EIS 72 5132F)

FEDERAL HIGHWAY ADMINISTRATION

Draft, August 21

US 66—Butler Avenue, Arizona County: Coconino. The statement considers the reconstruction of 1.5 miles of interchange in the city of Flagstaff. An unspecified amount of land will be required for right-of-way. (52 pages) (ELR Order No. 05140) (NTIS Order No. EIS 72 5140D)

Draft, August 28

F.A.R. 17 (Illinois Route 16), Illinois, Counties: Coles and Moultrie. The action is the proposed widening and resurfacing of approximately 8.3 miles of Federal Aid Route 17 (Illinois Route 16). Approximately 40 acres of farmland will be acquired for right-of-way. One family, one business, and several miscellaneous structures will be displaced. (38 pages) (ELR Order No. 05181) (NTIS Order No. EIS 72 5181D)

Draft, August 29

F.A.S. 143, Illinois, Counties: Cook and Du Page. The statement refers to the widening from two to four lanes of 1.2 miles of roadway. Three residences and four businesses would be displaced by the action. (72 pages) (ELR Order No. 05185) (NTIS Order No. EIS 72 5185D)

Draft, August 21

North-South Freeway, Iowa, County: Dubuque. The proposed freeway system would consist of an elevated high mobility loop to serve the inner city of Dubuque, a northeastern access to the city through the Couler Valley, an east leg of the downtown freeway with a new Mississippi River crossing to connect the city with routes on the Wisconsin side, and a Dodge Street freeway to provide access to the city from the west. The project would displace 674 homes and 223 businesses. An unspecified amount of land will be acquired for right-of-way. (78 pages) (ELR Order No. 05138) (NTIS Order No. EIS 72 5138D)

Draft, August 18

River Road, N.J. County: Middlesex. The proposed action is the widening of River Road from a two-lane road to four lanes. Length of project is 3.26 miles. Approximately 11 acres of section 4(f) land from the proposed Johnson Park will be committed to the project. Temporary siltation and erosion may occur. (59 pages) (ELR Order No. 05110) (NTIS Order No. EIS 72 5110D)

Draft, August 23

Route 20 Freeway-Drainage Trunk Line, N.J. The statement refers to the proposed construction of a 66" drainage trunk line to serve Route 20 and I 80 in the city of Paterson. Right-of-way will be granted in the form of easements. Section 4(f) land from the Great Falls Society for useful manufactures historic district will be encroached upon. (26 pages) (ELR Order No. 05148) (NTIS Order No. EIS 72 5148D)

Susquehanna River Bridge, N.Y. County: Broome. The statement considers the proposed construction of a new bridge spanning the Susquehanna River to form a connection between the western areas and the south side of Binghamton. The amount of right-of-way required and the number of displacements will depend upon the alignment selected. (53 pages) (ELR Order No. 05149) (NTIS Order No. EIS 72 5149D)

Draft, August 28

State Route 18, Ohio. County: Defiance. The proposed action is the widening, from two to four lanes, of existing State Route 18, from its intersection with State Route 15 to its intersection with State Route 281. Project length is 2.96 miles. Two businesses and two families may be replaced. (22 pages) (ELR Order No. 05176) (NTIS Order No. EIS 72 5176D)

Draft, August 18

Legislative Route 16034, Pennsylvania County: Clarion. The statement refers to the proposed construction of 2.7 miles of new four-lane roadway. The 50 acres of land required for right-of-way has already been purchased. (49 pages) (ELR Order No. 05109) (NTIS Order No. EIS 72 5109D)

Draft, August 28

U.S. 7, Vermont. County: Bennington. The statement refers to the proposed construction of approximately 20 miles of highway on new location. An unspecified amount of land will be required for right-of-way. (186 pages) (ELR Order No. 05182) (NTIS Order No. EIS 72 5182D)

Draft, August 25

U.S. 35, West Virginia. Counties: Kanawha and Putnam. The statement refers to the construction of a railroad overpass and approaches, totalling 1.4 miles in length. One residence would be acquired; 30 acres will be required for right-of-way. (57 pages) (ELR Order No. 05173) (NTIS Order No. EIS 72 5173D)

Final, August 28

Route 322 Freeway, County: Gloucester. The statement is concerned with a location study for construction of the proposed Route 322 Freeway beginning at the Route 295 Interchange in Logan and terminating at Route 42 in Monroe. Project length is 23.2 miles. Six businesses and 38 families will be displaced; 6.5 acres of the Glassboro Wildlife Management Area will be committed to the project. (99 pages). Comments made by: USDA, EPA, HUD, DOI, and DOT. (ELR Order No. 05179) (NTIS Order No. EIS 72 5179F)

Final, August 29

F.A.S. 33 (I.R. 121), Illinois, County: Macon. The statement refers to the reconstruction from two to four lanes of 3.6 miles of roadway south of Mount Zion. A 4(f) statement will be filed as public land would be taken from the Decatur Park District. (73 pages). Comments made by: EPA, HUD, DOI, and DOT. (ELR Order No. 05184) (NTIS Order No. EIS 72 5184F)

Final, August 30

U.S. 264, North Carolina, Counties: Wake, Nash, and Wilson. The statement refers to the proposed reconstruction, on new location, of 15.7 miles of highway. Fourteen residences and one business would be displaced by the project. Siltation of streams may occur. (101 pages). Comments made by: COE, EPA, GSA, HUD, DOI, and OEO. (ELR Order No. 05198) (NTIS Order No. EIS 72 5198F)

S.R. 39, Ohio. County: Tuscarawas. The statement refers to the proposed construction of 4 miles of two-lane roadway. Approximately 65 acres of agricultural land would be taken for right-of-way. (36 pages) Comments made by: USDA, EPA, DOI, HUD, and DOT. (ELR Order No. 05195) (NTIS Order No. EIS 72 5195F)

Mason Road Bridge, Ohio. County: Erie. The statement refers to the proposed construction of a new bridge and approaches, totaling 4,500' over the Huron River. Two acres of agricultural land will be taken for right-of-way. (47 pages) Comments made by: USDA, EPA, DOI, and HUD. (ELR Order No. 05199) (NTIS Order No. EIS 72 5199F)

Mid County Expressway (LR 1010, Section A3), Pa. County: Delaware. The proposed project is the construction of a 2.1-mile portion of the Mid County Expressway. An interchange will be provided to connect the Baltimore Pike with this facility. Twenty-four families and two businesses will be displaced. Approximately 8.4 acres of section 4(f) land from Smedly Park will be encroached upon. (105 pages) Comments made by: COE, EPA, DOI, and DOT. (ELR Order No. 05196) (NTIS Order No. EIS 72 5196F)

State Highway 350, Texas, County: Howard. The statement refers to the proposed construction of a railroad overpass and approaches (totaling 0.9 mile) on S.H. 350 in the city of Big Spring. Four businesses would be displaced by the project. (39 pages). Comments made by: USDA, COE, EPA, DOI, DOT, and HEW. (ELR Order No. 05197) (NTIS Order No. EIS 72 5197F)

Final, August 18

Leigh Street Viaduct, Virginia. The statement contains a proposal to construct a new viaduct across Shockoe Valley to replace the present Marshall Street Viaduct which has been condemned and will be demolished. The bridge will connect the Church Hill residential neighborhood with downtown Richmond. Noise and air pollution will increase. (170 pages). Comments made by: DOI. (ELR Order No. 05123) (NTIS Order No. EIS 72 5123F)

Final, August 30

Wheeling Hospital Access Road, West Virginia, County: Ohio. The project is a proposal to upgrade and extend Mount De Chantel Road to provide a modern two-lane access road to the new Wheeling Hospital. Increased noise and air pollution will result from increased traffic to and from the hospital. One family will be displaced by the action. (92 pages). Comments made by: USDA, COE, EPA, and DOT. (ELR Order No. 05200) (NTIS Order No. EIS 72 5200F)

BRIAN P. JENNY,
Acting General Counsel.

[FR Doc.72-15777 Filed 9-14-72;8:52 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 613]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

SEPTEMBER 11, 1972.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

1411–C2–P–73—Robinson Enterprises (New), for a new two-way station to be located at 1.33 miles east of Huntsville, Tex., to operate on 454.025 MHz.

1412–C2–P–73—Indiana Bell Telephone Co. (KSD323), replace the base transmitter operating on 152.570 MHz, change the antenna system and relocate facilities to 1 mile northwest of Columbus, Ind.

1507–C2–P–73—Lake Dallas Telephone Co., Inc. (KLB495), correct coordinates, replace transmitter operating on 152.570 MHz and add subaudible tone-only paging, at station located on Main Street, Lake Dallas, Tex.

1547–C2–MP–73—The Mountain States Telephone & Telegraph Co. (KTR991), add auxiliary test facilities to operate on 459.775 MHz at 228 West Adams Street, Phoenix, Ariz.

1548–C2–P–73—Same as above except to operate on frequencies 157.77, 157.80, 157.83, 157.86, 157.89, 157.92, 157.98, and 158.07 MHz.

1549–C2–P–73—General Telephone Co. of Wisconsin (KSA622), replace transmitter operating on 152.660 MHz and add facilities to operate on 152.570 MHz near junction of U.S. No. 51 and State Trunk Highway No. 29, Rib Mountain, Wis.

1550–C2–AL–(4)–73—Auto Page Northwest. Consent to assignment of license from Joseph N. Thomason, doing business as Auto Page Northwest, assignor, to Robert S. Ditton, doing business as Mobilefone Northwest, assignee. Stations: KLF622 Kennewick, KFL918 Walla Walla, KUA285 Pasco, and KOP261 Othello (all in Washington).

1553–C2–P–73—Western Electronics & Communications (New), for a new two-way station to be located at Hayden Peak, 11 miles southeast of Kingman, Ariz., to operate on 152.090 MHz.

RURAL RADIO SERVICE

1413–C1–P–73—RCA Alaska Communications, Inc. (New), for a new central office fixed station to be located at (DEWS) Wainwright, Alaska, to operate on 152.510 MHz.

1414–C1–P–73—Same (New), for a new rural subscriber station to be located in Wainwright, Alaska, to operate on 157.770 MHz.

1508–C1–P–73—Same as above except, to operate on 157.770 and 157.830 MHz at FAA Power House, Moses Point, Alaska.

1544–C1–P–73—Nevada Telephone-Telegraph Co. (New), for a new rural subscriber station to be located at Henry Howison Ranch, proximity of Lida, Nev., to operate on 157.890 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1415–C1–MP–73—Midwestern Relay Co. (WLJ47), North Prairie, Wis. Application for modification of construction permit to add point of communication at New Berlin, Wis. Frequency 6093.5V MHz on azimuth 80°49'.

1466–C1–P–73—RCA Alaska Communications, Inc. (New), Dent Point, Alaska. Latitude 55°48'44'' N., longitude 159°52'52'' W. C.P. for a new station on frequency 2162H MHz toward Sand Point, Alaska.

1468–C1–P–73—Same (New), 0.4 mile north of downtown Sand Point, Alaska. Latitude 55°20'57'' N., longitude 160°29'10'' W. C.P. for a new station on frequency 2112H MHz toward Dent Point, Alaska.

1469–C1–P–73—Same (New), Dillingham, Alaska Latitude 59°02'34'' N., longitude 158°27'35'' W. C.P. for a new station on frequency 2162V MHz toward Tuklung Mountain, Alaska; 2178V MHz toward Muklung Hills, Alaska.

1470–C1–P–73—Same (New), Tuklung Mountain, Alaska. Latitude 58°51'28'' N., longitude 159°27'48'' W. C.P. for a new station on frequency 2112V MHz toward Dillingham, Alaska.

1471–C1–P–73—Same (New), remote mountain top, Munklung Hills, Alaska. Latitude 59°17'55'' N., longitude 158°07'17'' W. C.P. for a new station on frequency 2128V MHz toward Dillingham, Alaska.

1472–C1–P–73—General Telephone Co. of Kentucky (New), Mill Branch Street, second building on left off highway, U.S. 60, Olive Hill (Carter), Ky. Latitude 38°18'08'' N., longitude 83°10'14'' W. C.P. for a new station on frequency 11445H MHz toward Biggs Hill, Ky., via passive reflector.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1473–C1–P–73—Same (New), Lot 31, Second Street, Grayson (Carter), Ky. Latitude 38°19'59'' N., longitude 82°56'53'' W. C.P. for a new station on frequency 10,795H MHz toward High Knob Repeater, Ky.

1474–C1–P–73—Same (KYC57), 9.4 miles southwest of Ashland, High Knob (Boyd), Ky. Latitude 38°23'44'' N., longitude 82°48'22'' W. C.P. for a new station on frequency 11,325H MHz toward Grayson, Ky.; 6256.5H MHz toward Biggs Hill, Ky.

1475–C1–P–73—Same (KYC61), 6 miles northeast of Olive Hill, Biggs Hill, Ky. Latitude 38°20'33'' N., longitude 83°05'05'' W. C.P. for a new station on frequency 10,915H MHz toward Olive Hill, Ky., via passive reflector; 6034.2H MHz toward High Knob, Ky.

1476–C1–P–73—Same (KYC60), 4.3 miles northwest of the Owingsville, Ky. Latitude 38°11'28'' N., longitude 83°48'59'' W. C.P. to change antenna system on presently existing frequencies.

1477–C1–P–73—Southwestern Bell Telephone Co. (KYJ50), 720 Beech Street, Pine Bluff, Ark. Latitude 34°13'19'' N., longitude 92°00'35'' W. C.P. to add frequency 6034.2V MHz toward Kearney, Ark.

1478–C1–P–73—Same (New), Kearney, 2 miles south-southeast of Redfield, Ark. Latitude 34°24'55'' N., longitude 92°10'35'' W. C.P. for a new station on frequencies 6286.2H MHz toward Pine Bluff, Ark.; 6286.2V MHz toward Belfast, Ark.

1479–C1–P–73—Same (KYJ47), 715 Louisiana Street, Little Rock, Ark. Latitude 34°44'30'' N., longitude 92°16'20'' W. C.P. to add frequencies 6286.2H and 6404.8H MHz toward Belfast, Ark.

1480–C1–P–73—Same (New), Belfast, 2.5 miles northeast of Belfast, Ark. Latitude 34°26'36'' N., longitude 92°26'03'' W. C.P. for a new station on frequencies 6034.2H MHz toward Kearney, Ark.; 6034.2V and 6152.8V MHz toward Little Rock, Ark.

1481–C1–P–73—American Telephone & Telegraph Co. (KRT50), 2.4 miles southwest of Corbin, Va. Latitude 38°12'44'' N., longitude 77°21'28'' W. C.P. to add frequencies 6256.5H, 6286.2V, and 6404.8V MHz toward Faulkner, Md.; 6256.5V, 6286.2H, and 6404.8H MHz toward Coatsville, Va.

1482–C1–P–73—Same (KRT47), 4.2 miles southeast of Coatsville, Va. Latitude 37°51'40'' N., longitude 77°32'25'' W. C.P. to add frequencies 6004.5V, 6034.2H, and 6152.8H MHz toward Corbin, Va.; 6004.5V, 6034.2H, and 6152.8V MHz toward Powhatan, Va.

1483–C1–P–73—Same (KJH91), 4 miles east of Powhatan, Va. Latitude 37°32'11'' N., longitude 77°50'50'' W. C.P. to add frequencies 6256.5V, 6286.2H, and 6404.8H MHz toward Coatsville, Va.; 6256.5V, 6286.2H, and 6404.8H MHz toward Amelia, Va.

1484–C1–P–73—Same (KRT46), 4.2 miles south of Amelia, Va. Latitude 37°16'35'' N., longitude 77°57'50'' W. C.P. to add frequencies 6004.5V, 6034.2H, and 6152.8H MHz toward Powhatan, Va.; 6004.5V, 6034.2H, and 6152.8H MHz toward Victoria, Va.

1485–C1–P–73—Same (KRT51), 3.8 miles northwest of Victoria, Va. Latitude 37°02'23'' N., longitude 78°16'45'' W. C.P. to add frequencies 6256.5H, 6286.2V, and 6404.8V MHz toward Amelia, Va.; 6256.5H, 6286.2V, and 6404.8V MHz toward Boydton, Va.

1486–C1–P–73—Same (KRT47), 5 miles north of Boydton, Va. Latitude 36°44'37'' N., longitude 78°21'40'' W. C.P. to add frequencies 6004.5V, 6034.2H, and 6152.8H MHz toward Victoria, Va.; 6004.5H, 6034.2V, and 6152.8V MHz toward Warrenton, N.C.

1487–C1–P–73—Same (KRT37), 5 miles southwest of Warrenton, N.C. Latitude 36°20'44'' N., longitude 78°13'56'' W. C.P. to add frequencies 6256.5V, 6286.2H, and 6404.8H MHz toward Boydton, Va.; 6226.9V, 6286.2V, and 6404.8V MHz toward Bunn, N.C.

1488–C1–P–73—American Telephone & Telegraph Co. (KRT31), 3.8 miles northeast of Bunn, N.C. Latitude 36°01'33'' N., longitude 78°13'31'' W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Wendell, N.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Warrenton, N.C.

1489–C1–P–73—Same (KRT38), 2.8 miles south-southwest of Wendell, N.C. Latitude 35°44'17'' N., longitude 78°23'20'' W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Coats, N.C.; 6226.9H, 6286.2H, and 6404.8H MHz toward Bunn, N.C.

1490–C1–P–73—Same (KRT32), 3.8 miles north-northeast of Coats, N.C. Latitude 35°27'59'' N., longitude 78°38'46'' W. C.P. to add frequencies 5974.8H, 6034.2H, and 6152.8H MHz toward Pine View, N.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Wendell, N.C.

1491–C1–P–73—Same (KRT34), 3.5 miles east of Pine View, N.C. Latitude 35°18'50'' N., longitude 79°01'38'' W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Southern Pines, N.C.; 6226.9V, 6286.2V, and 6404.8V MHz toward Coats, N.C.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1492–C1–P–73—Same (KRT36), 3.5 miles south-southeast of Southern Pines, N.C. Latitude 35°07'23" N., longitude 79°23'02" W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Ellerbe, N.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Pine View, N.C.

1493–C1–P–73—Same (KRT33), 3 miles north-northwest of Ellerbe, N.C. Latitude 35°07'08" N., longitude 79°47'04" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward McFarlan, N.C.; 6226.9H, 6286.2H, and 6404.8H MHz toward Southern Pines, N.C.

1494–C1–P–73—Same (KRT35), 1 mile north of McFarlan, N.C. Latitude 34°49'36" N., longitude 79°58'59" W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Pageland, S.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Ellerbe, N.C.

1495–C1–P–73—Same (KRT43), 2.3 miles southwest of Pageland, S.C. Latitude 34°44'42" N., longitude 80°25'25" W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Heath Springs, S.C.; 6226.9H, 6286.2H, and 6404.8H MHz toward McFarlan, N.C.

1496–C1–P–73—Same (KRT40), 3.2 miles west-northwest of Heath Springs, S.C. Latitude 34°35'55" N., longitude 80°44'08" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward White Oak, S.C.; 6226.9H, 6286.2H, and 6404.8H MHz toward Pageland, S.C.

1497–C1–P–73—Same (KRT45), 2.5 miles east of White Oak, S.C. Latitude 34°28'15" N., longitude 81°04'27" W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Shelton, S.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Heath Springs, S.C.

1498–C1–P–73—Same (KRT44), 1.2 miles east of Shelton, S.C. Latitude 34°29'44" N., longitude 81°24'09" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Cross Keys, S.C.; 6226.9H, 6286.2V, and 6404.8H MHz toward White Oak, S.C.

1499–C1–P–73—American Telephone & Telegraph Co. (KRT39), 1.8 miles west of Cross Keys, S.C. Latitude 34°38'24" N., longitude 81°48'05" W. C.P. to add frequencies 5974.8V, 6034.2V, and 6152.8V MHz toward Hickory Tavern, S.C.; 5974.8H, 6034.2H, and 6152.8H MHz toward Shelton, S.C.

1500–C1–P–73—Same (KRT41), 1.2 miles south of Hickory Tavern, S.C. Latitude 34°30'21" N., longitude 82°10'52" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Level Land, S.C.; 6226.9H, 6286.2H, and 6404.8H MHz toward Cross Keys, S.C.

1501–C1–P–73—Same (KRT42), 0.2 mile east of Intersection of State Highways Nos. 24 and 201, Level Land, S.C. Latitude 34°19'45" N., longitude 82°28'23" W. C.P. to add frequencies 5974.8H, 6034.2H, and 6152.8H MHz toward Elberton, Ga.; 5974.8H, 6034.2H, and 6152.8H MHz toward Hickory Tavern, S.C.

1502–C1–P–73—Same (KRS94), 5 miles north of Elberton, Ga. Latitude 34°11'28" N., longitude 82°53'00" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Pocataligo, Ga.; 6226.9V, 6286.2V, and 6404.8V MHz toward Level Land, S.C.

1503–C1–P–73—Same (KRT20), 1 mile southwest of Pocataligo, Ga. Latitude 34°11'47" N., longitude 83°18'27" W. C.P. to add frequencies 5974.8H, 6034.2H, and 6152.8H MHz toward Lula, Ga.; 5974.8H, 6034.2H, and 6152.8H MHz toward Elberton, Ga.

1504–C1–P–73—Same (KRS99), 0.5 mile southeast of Lula, Ga. Latitude 34°22'54" N., longitude 83°39'35" W. C.P. to add frequencies 6226.9V, 6286.2V, and 6404.8V MHz toward Dahlonega, Ga.; 6226.9V, 6286.2V, and 6404.8V MHz toward Pocataligo, Ga.

1505–C1–P–73—Same (KRS93), 5 miles east-southeast of Dahlonega, Ga. Latitude 34°30'49" N., longitude 83°53'53" W. C.P. to add frequencies 5974.8H, 6034.2H, and 6152.8H MHz toward Lula, Ga.

1506–C1–P–73—Same (KGN87), 0.5 mile southwest of Faulkner, Md. Latitude 38°26'02" N., longitude 76°58'58" W. C.P. to add frequencies 6004.5V, 6034.2H, and 6152.8H MHz toward Corbin, Va.

1511–C1–MP–73—The Bell Telephone Co. of Pennsylvania (KIL37), 4.7 miles southeast of Dupont, Pa. Latitude 41°15'45" N., longitude 75°42'26" W. Modification of C.P. to replace frequency 6152.8V MHz with 10,915H and 11,155H MHz toward Wilkes-Barre, Pa.

1512–C1–MP–73—Same (WGI56), 222 South Main Street, Wilkes-Barre, PA. Latitude 41°14'29" N., longitude 75°53'20" W. Modification of C.P. to replace frequency 6286.2H MHz with 11,445V and 11,685V MHz toward Lookout, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

1551–C1–ML–73—American Telephone & Telegraph Co. (KEM73), 2 miles southeast of Quinton, N.J. Latitude 39°31'49" N., longitude 75°22'53" W. Modification of license to change polarization from V to H on frequencies 3770H, 3850H, 3930H, 4090H, and 4170H MHz toward Blackiston, Del.

1552–C1–ML–73—Same (KGP42), 1.85 miles southeast of Blackiston, Del. Latitude 39°15'20" N., longitude 75°40'20" W. Modification of license to change polarization from V to H on frequencies 3730H, 3810H, 3890H, 3970H, 4050H, and 4130H MHz toward Quinton, N.J.

4049–C1–R–73—The Pacific Telephone & Telegraph Co. (KMB68), application for renewal of radio station license: Terms: From October 28, 1972, to October 28, 1973.

6445–C1–R–73—Same (KNZ36), application for renewal of radio license: Term: From October 26, 1972, to October 26, 1973.

1555–C1–TC–(9)–73—Video Service Co., consent to transfer of control from Cox Enterprises, Inc., transferor, to James M. Cox, Jr., Anne Cox Chambers, and Barbara Cox Anthony, transferee (trustees under deed of gift by James M. Cox). Stations (KSO92), Scircleville, Ind., et al.

Correction

899–C1–P–73—Florida Telephone Corp. (KVH42), correct to read: C.P. to replace transmitter and change power on frequency 6197.2V MHz toward Orange Lake, Fla.

MULTIPOINT DISTRIBUTION SERVICE

1464–C1–P–73—Racom, Inc. (New), 157 High Street, Portland, Maine. Latitude 43°39'15" N., longitude 70°15'50" W. C.P. for a new station on frequencies 2154.75V(Visual) and 2150.25V(Aural) toward various receiving points in the system.

1465–C1–P–73—Dayton Communications Corp. (New), First Security National Bank, intersection of Main and Walnut Streets, Lexington, Ky. Latitude 38°02'41" N., longitude 84°29'40" W. C.P. for a new station on frequencies 2154.750(Visual) and 2150.250(Aural) toward various receiving points in the system.

1466–C1–P–73—Same (New), American Bank Building, 211 West Washington Boulevard, South Bend (St. Joseph), Ind. Latitude 41°40'36" N., longitude 86°15'09" W. C.P. for a new station on frequencies 2154.750V(Visual) and 2150.250V(Aural) toward various receiving points in the system.

[FR Doc.72-15649 Filed 9-14-72;8:45 am]

SELECTIVE SERVICE SYSTEM

CERTAIN LETTERS TO STATE DIRECTORS ET AL.

Rescission

The following issuances of the Selective Service System are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

LETTER TO ALL STATE DIRECTORS NO. 600.1

Issued: September 1, 1972.

All "Letters to All State Directors" which bear the symbols "OAD," "OO," or "OOPR," or which are numbered in the "6_____," "OO-_____," or "OP-_____" series, are hereby rescinded, except for the following:

Date	Letter No.	Subject
May 27, 1970	OAD	Discontinuance of Use of SSS Form 154, Certificate of Release from Civilian Work.
Oct. 23, 1970	OOPR	Veteran's Reemployment Rights Referral Project.
Oct. 27, 1970	OOPR	Procedures for Identification of Priority Selection Group on SSS Form 101, RSN on Correspondence to National Headquarters.
Dec. 18, 1970	OO-3	Periodic Review of Billeting and Messing Facilities and Delivery Procedures for Registrants.

LOCAL BOARD MEMORANDUM NO. 125

Issued: September 1, 1972.

Subject: Rescission of Local Board Memorandums.

This is the last local board memorandum. All local board memorandums are rescinded.

OPERATIONS BULLETIN No. 0

Issued: August 8, 1950.
As amended: August 31, 1972.
Subject: Rescission of Operations Bulletins.
This is the last operations bulletin. All operations bulletins are rescinded.

BYRON V. PEPITONE,
Acting Director.

SEPTEMBER 12, 1972.

[FR Doc.72-15758 Filed 9-14-72;8:50 am]

REGISTRANTS PROCESSING MANUAL

Certain Temporary Instructions

The Registrants Processing Manual is an internal manual of the Selective Service System. Temporary Instructions constitute Appendix 2 of that Manual. The material contained in Temporary Instructions 600-2, 622-2, and 628-3 are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, Temporary Instructions 600-2, 622-2, and 628-3 are set forth in full as follows:

TEMPORARY INSTRUCTION No. 600-2

Issued: September 1, 1972.
Subject: Rescission of Local Board Memorandums and Operations Bulletins.
All Local Board Memorandums not previously rescinded have been rescinded by LBM No. 125. Their subject matter is dealt with in the indicated chapters of this manual. Those which are no longer pertinent are shown as "None".

LBM	*Chapter*	*LBM*	*Chapter*
1	622.	80	None.
2	628, 632.	85	642.
14	628, 632, 642.	86	None.
		89	628.
16	611, 613, 622.	90	622, 680.
		91	680.
17	622.	94	628, 632.
23	611, 619, 622.	97	608.
		99	631.
27	None.	101	628, 632, 642.
30	632.		
31	603, 611.	102	660.
32	661.	103	642.
38	631.	104	622, 632.
43	622.	105	622, 628, 632.
44	632.		
45	611, 622.	106	628, 631, 632.
52	624.		
55	628, 631.	107	661.
56	622.	108	631.
57	611, 613, 642.	109	628.
		110	622.
61	None.	111	625.
63	631, 632.	112	632.
65	628.	113	628.
66	None.	114	604, 626, 627, 631.
67	631.		
68	626, 627.	115	603.
70	611.	116	632.
71	None.	117	622, 625, 631, 641.
72	622, 624, 626, 627, 641.		
		119	None.
		120	628.
73	655.	121	628.
76	622.	122	622, 631, 632.
77	603, 628, 680.		
		123	603.
78	628.	124	603.
79	690.	125	600.

All Operations Bulletins have been rescinded by Operations Bulletin No. 0, as amended August 31, 1972. The information contained in the previous two Operations Bulletins is dealt with as follows:
OB 81, as reissued July 1, 1970, Chapters 628, 632.
OB 338, as amended June 18, 1970, Chapters 622, 632.
This Temporary Instruction will terminate upon the issuance of a subject-matter cross-index to the RPM.

TEMPORARY INSTRUCTION No. 622-2

Issued: September 11, 1972.
Subject: Reclassification into Class 1-H of Registrants in the 1972 First Priority Selection Group with RSN's over 095.
RSN 095 having been established as the reached induction cut-off RSN for the year 1972, it is now designated as the Administrative Processing Number (APN) for the 1972 First Priority Selection Group.
Any registrant in the 1972 First Priority Selection Group with an RSN of 096 or above is now eligible for classification in Class 1-H. Reclassification of these registrants will be accomplished as time and workload permit, but in any case, no later than December 31, 1972. (SSR 1622.18; RPM Section 622.18.)
This Temporary Instruction will expire December 31, 1972.

TEMPORARY INSTRUCTION No. 628-3

Issued: August 30, 1972.
Subject: Armed Forces Examinations for Registrants in 1972 First Priority Selection Group with RSN's 096 through 100.
RSN 095 has been established as the reached induction cut-off RSN for the year 1972.
Registrants in the 1972 First Priority Selection Group, or those expected to enter this group between now and December 31, 1972, with RSN 096 and above, shall not be ordered for armed forces examination. Any such registrants presently under an order for examination or in a postponed status involving an examination, shall have their orders for examination canceled.
This Temporary Instruction will expire December 31, 1972.

BYRON V. PEPITONE,
Acting Director.

SEPTEMBER 11, 1972.

[FR Doc.72-15759 Filed 9-14-72;8:50 am]

DEPARTMENT OF LABOR

Office of the Secretary

MONTANA

Notice of Determination of "Temporary Off" Indicator and Ending of Temporary Compensation Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination that there is a "temporary off" indicator for the week of July 23-29, 1972, in the State of Montana.

As provided in section 202(c)(3)(A)(i)(II) of the Act and 20 CFR 617.5 (b) and (c), the temporary compensation period in this State shall end on August 19, 1972, the last day of the 3d week following the week for which there is a "temporary off" indicator in that State. Under the Act, temporary compensation is not payable in the State of Montana for any week of unemployment which begins after August 19, 1972.

Signed at Washington, D.C., this 6th day of September 1972.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.72-15743 Filed 9-14-72;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 76]

ASSIGNMENT OF HEARINGS

SEPTEMBER 12, 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.

AB-5 Sub 19, Philadelphia, Baltimore & Washington Railroad Co. and George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Wawa, Pa., and Colora, Md., now being assigned hearing October 30, 1972, at Kennett Square, Pa., in a hearing room to be later designated.

MC-F-11393, E. L. Murphy Trucking Co.—control and merge—Dyer Transport, Inc., now assigned October 3, 1972, at St. Paul, Minn., is canceled and reassigned for hearing on November 13, 1972, at St. Paul, Minn., in a hearing room to be later designated.

MC 135407 Sub 1 Tri-State Air-Freight, Inc., now being assigned hearing November 1, 1972 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC 110689 Sub 5, Airway Trucking Co., now assigned November 13, 1972, at San Francisco, Calif., is advanced to November 6, 1972, at San Francisco, Calif., in a hearing room to be later designated.

MC 107295 Sub 560, Pre-Fab Transit Co., now being assigned hearing October 30, 1972 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-F-11497, Pully Freight Lines—purchase—Midwest Transport, now being assigned hearing November 2, 1972 (2 days) at Chicago, Ill., in a hearing room to be later designated.

MC 126278 Sub 9, Frigid Way Cartage Co., now being assigned October 30, 1972 (1 day), MC 135960, Jacob Sackett, doing business as Fleetwood Ski & Sports Club, now being assigned October 31, 1972 (2 days), MC 123048 Sub 216 and Sub 218, Diamond Transportation System, Inc., now being assigned November 2, 1972 (2 days), MC 107818 Sub 56, Greenstein Trucking Co., now being assigned November 6, 1972 (1 week), at Chicago, Ill., in hearing rooms to be later designated.

MC 116273 Sub 149, D & L Transport, Inc., now being assigned hearing November 6, 1972 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC 107496 Sub 827, Ruan Transport Corp., MC 108449 Sub 334, Indianhead Truck Line, Inc., MC 124078 Sub 510, Schwerman Trucking Co., and MC 124813 Sub 96, Umthun Trucking Co., now being assigned hearing November 8, 1972 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 117940 Sub 68, Nationwide Carriers, Inc., Extension-Champaign, Ill., now being assigned hearing October 31, 1972 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-15753 Filed 9-14-72;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 12, 1972.

Protests to the granting of an application must be prepared in accordance with § 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. 42525—*Iron and Steel Articles to Houston, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-351), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from Alton, East St. Louis, and Federal, Ill., also St. Louis, Mo., to Houston, Tex.

Grounds for relief—Water competition.

Tariff—Supplement 325 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on October 10, 1972.

FSA No. 42526—*Iron or Steel, Angles and Bars to Hudson, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-352), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from specified points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to Hudson, Tex.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 326 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on October 11, 1972.

FSA No. 42528—*Di-Calcium and Defluorinated Phosphate from Rock Island, Ill.* Filed by Western Trunk Line Committee, agent (No. A-2674), for interested rail carriers. Rates on phosphate, di-calcium and defluorinated, in carloads, as described in the application, from Rock Island, Ill., to specified points in Iowa.

Grounds for relief—Motor competition.

Tariff—Supplement 27 to Western Trunk Line Committee, agent, tariff ICC A-4709. Rates are published to become effective on October 12, 1972.

FSA No. 42529—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 3), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Kong, Japan, and Korea, on the one hand, and rail stations and water carrier terminals on the U.S. Atlantic and gulf seaboard, on the other.

Grounds for relief—Water competition.

Tariffs—Additional points of destination in Rule 7 of tariffs ICC Nos. 1 and 2, and same points as additional origins in Rule 6 of tariff ICC No. 3, as set forth in the application.

FSA No. 42530—*Joint Rail-Water Container Rates—Zim Container Service.* Filed by Zim Container Service (No. 1), for itself and interested rail carriers. Rates on general commodities, from rail stations and water carrier terminals in New Jersey, Massachusetts, Pennsylvania, Maryland, Texas, and Louisiana, to selected ports in Taiwan, South Korea, Hong Kong, and Japan.

Grounds for relief—Water competition.

Tariff—Zim Container Service tariff No. 1, ICC No. 1, F.M.C. No. 16. Rates are published to become effective on September 30, 1972.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42527—*Iron or Steel, Angles and Bars to Hudson, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-353), for interested rail carriers. Rates on angles and bars, iron or steel, in carloads, as described in the application, from specified points in Alabama, Georgia, Illinois, Missouri, and Oklahoma, to Hudson, Tex.

Grounds for relief—Maintenance of depressed rates published to meet market competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 326 to Southwestern Freight Bureau, agent, tariff ICC 4753. Rates are published to become effective on October 11, 1972.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-15752 Filed 9-14-72;8:50 am]

[Notice 124]

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-73692. By order of August 28, 1972, the Motor Carrier Board approved the transfer to Overland Trailways, Inc., Bronx, N.Y., of the operating rights in Certificate No. MC-9575 issued September 19, 1955, to Pioneer Bus Corp., Brooklyn, N.Y., authorizing the transportation of passengers and their baggage, in round-trip charter operations, from New York, N.Y., to points in New Jersey and those in Orange and Rockland Counties, N.Y., and return. Sidney J. Leshin, 501 Madison Avenue, New York, NY 10022, and Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY, attorneys for applicants.

No. MC-FC-73734. By order of August 29, 1972, the Motor Carrier Board on reconsideration approved the transfer to Heding Truck Service, Inc., Union Center, Wis., of the operating rights in No. MC-109490 (Sub-No. 1) and subnumbers issued to H. W. Heding, doing business as Heding Truck Service, Union Center, Wis., authorizing the transportation of general commodities and certain specified commodities between points in Illinois, Wisconsin, Iowa, and Minnesota. Edward Solie, 4513 Vernon Boulevard, Madison, WI 53705, attorney for applicants.

No. MC-FC-73735. By supplemental order of August 30, 1972, the Motor Carrier Board approved the transfer to Mc-Mor-Han Trucking Co., Inc., Shullsburg, Wis., of Certificates Nos. MC-119759 (Sub-No. 3) and MC-119759 (Sub-No. 4), issued June 22, 1972, to O. L. Hare, doing business as Green County Fast Freight, Monroe, Wis., authorizing the transportation of: Food and foodstuffs (except commodities in bulk, in tank vehicles), from Champaign, Ill., to points in Indiana, Iowa, Michigan, Ohio, Wisconsin, and a specified portion of Missouri, and frozen foods, from Mattoon, Ill., to points in Indiana, Iowa, Michigan, Missouri, Ohio, and Wisconsin, restricted to transportation originating at the specific plantsites of the Kraftco Corp. Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603, attorney for transferee. Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602, attorney for transferor.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-15756 Filed 9-14-72;8:51 am]

[Notice 122]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 11, 1972.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 70083 (Sub-No. 24 TA), filed August 28, 1972. Applicant: DRAKE MOTOR LINES, INC., 20 Olney Avenue, Cherry Hill Industrial Park, Cherry Hill, NJ 08034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with the usual exceptions, moving on airbills of direct air carriers or air freight forwarders in substituted motor for air transportation between the airport city of New York, N.Y., and points within 25 miles of the city limits of said airport city, on the one hand, and, on the other, the airport city of Detroit, Mich., and points within 25 miles of the city limits of the airport city of Detroit, Mich. for 180 days. Supported by: Various shippers. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 119384 (Sub-No. 20 TA), filed August 25, 1972. Applicant: MORTON TRUCK LINES, INC., 101 West Willis Avenue, Post Office Box 96, Perry, IA 50220. Applicant's representative: C. H. Rogers (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shell core sand*, from Forest Park, Ill., to Perry, Iowa, for 180 days. Supporting shipper: Progressive Foundry, Inc., 1518 First Street, Perry, IA 50220. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

No. MC 120800 (Sub-No. 48 TA), filed August 24, 1972. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, CA 90222. Applicant's representative: Raymond I. Brock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in specially designed vacuum jacketed trailers, from Ontario, Calif., to Keasbey, N.J., for 180 days. Supporting shipper: Union Carbide Corp., Central Distribution, 1 California, San Francisco, CA 94111. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 123556 (Sub-No. 3 TA), filed August 25, 1972. Applicant: RAHIER TRUCKING, INC., 1822 South First Street, Yakima, WA 98901. Applicant's representative: Warren L. Dewar, Jr., 303 East "D" Street, Yakima, WA 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing material*, from points in Multnomah County, Oreg., to points in Okanogan, Chelan, Kittitas, Yakima, Douglas, Grant, Benton, Adams, Franklin, Walla Walla, Whitman, Columbia, Garfield, and Asotin Counties, Wash., for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC-123556 Sub. 1. Supporting shippers: Zellerbach Paper Co., 915 Rock Avenue, Yakima, WA 98901; M. G. Wagner Co., Inc., 1507 South 18th Avenue, Yakima, WA 98902. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 126159 (Sub-No. 4 TA), filed August 25, 1972. Applicant: ROC-SALT TRANSPORT, INC., 1551 South Carferry Drive, Milwaukee, WI 53307. Applicant's representative: Robert K. O'Connell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, from Cincinnati, Ohio to points in Illinois, for 180 days. Supporting shipper: Domtar Chemicals, Inc., Sifto Salt Division, 9950 West Lawrence, Schiller Park, IL 60176 (A. McDougall, Operations Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 128866 (Sub-No. 42 TA), filed August 25, 1972. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brade Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, from the plantsite of Kaiser Aluminum Co. at Ravenswood, W. Va., to the plantsite of Penny Plate, Inc., at Deerfield, Ill; and (2) *scrap aluminum, defective or damaged foil and sheet, skids, pallets, and aluminum cores*, from the plantsites of Penny Plate, Inc., at Deerfield, Ill., Cherry Hill, N.J., and Searcy, Ark., to the plantsite of Johnson Motor Co. at Waukegan, Ill., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08033. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129910 (Sub-No. 3 TA), filed August 16, 1972. Applicant: PORT OF NEW YORK EXPRESS CO., INC., 145 Morgan Street, Jersey City, NJ 07302. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bedsheets and pillowcases*, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Garwood, N.J., under contract with Petersen Linen Co., for 180 days. Supporting shipper: Petersen Linen Co., 13 West 31st Street, New York, NY 10001. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 134765 (Sub-No. 6 TA), filed August 29, 1972. Applicant: SPECIALTY TRANSPORT, INC., 135 State Street, Suite 200, Springfield, MA 01103. Applicant's representative: David M. Marshall (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper articles, and scrap paper*, between Piermont, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New Jersey, and Philadelphia, Pa., under a continuing contract with Federal Paper Board Co., Inc., for 150 days. Supporting shipper: Federal Paper Board Co., Inc., Transportation Division, 369 James Street (Post Office Box 1004), New Haven, CT 06504. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, MA 01103.

No. MC 135364 (Sub-No. 4 TA), filed August 18, 1972. Applicant: MORWALL TRUCKING, INC., Rural Delivery No. 3, Box 76-C, Moscow, PA 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees*, from points in Philadelphia and Lycoming County, Pa., to Lawrence, Mass.; Atlanta, Ga.; Indianapolis, Ind.;

[1] Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

Detroit, Mich.; Garland, Tex.; Nassau and Suffolk Counties, N.Y., for 180 days. Supporting shipper: Marathon Carey-McFall Co., 2156 East Dauphin Street, Philadelphia, PA 19125. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135895 (Sub-No. 1 TA), filed August 25, 1972. Applicant: DON RAY BOYD AND JACKIE ROGERS, doing business as B & R DRAYAGE COMPANY, 481 Julienne Street, Jackson, MS 39204. Applicant's representative: Douglas C. Wynn, Post Office Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural insecticides*, except liquids in bulk, from Prairie, Miss., to points in Alabama, Georgia, Louisiana, and Texas, and *empty trailers on return movements*, for 180 days. Supporting shipper: Allied Chemical Co., Insecticide Manufacturing Plant, Prairie, Miss. 39756. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 135877 (Sub-No. 7 TA), filed August 18, 1972. Applicant: RONALD R. BRADER, doing business as SPECIALIZED TRUCKING SERVICE, 1503 South Fourth Avenue, Yakima, WA 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Table tennis tables*, KD, in cartons, and *parts thereof and accessories* used in playing table tennis, from Tacoma, Wash., to points in California and points in Oregon on or west of Highway 97, for 180 days. Supporting shipper: James C. Wolf Co. Post Office Box 11172, Tacoma, WA 98411. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 136949 (Sub-No. 1 TA), filed August 24, 1972. Applicant: BUESING BROS. TRUCKING, INC., North 520 Tamarack Avenue, Long Lake, MN 55356. Applicant's representative: Gerald Buesing (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Washed stone and pea rock*, from Sioux Falls, S. Dak., commercial zone to shipper's storage points in Nobles and Jackson Counties, Minn., for 180 days. Supporting shipper: Woodrich Construction Co., County Road 3 and 18th Avenue South, Hopkins, Minn. 55343. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 136956 (Sub-No. 1 TA), filed August 22, 1972. Applicant: ROYAL TRANSPORTS, INC., Post Office Box 1451, Kansas City, KS 66117. Applicant's representative: Harold Barr (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Residual oil* in bulk, in tank vehicles from Phillip's Refinery, Kansas City, Kans., to Northwest Missouri Public Power Co., Missouri City, Mo., for 180 days. Supporting shipper: Consolidated Fuel Oil Co., Inc., Kansas City, Kans. Send protests to: Vernon V. Coble, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, KS 64106.

No. MC 136962 (Sub-No. 1 TA), filed August 24, 1972. Applicant: ELMER VAN HORN, 553 West Mark Street, Winona, MN 55987. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crated new furniture, components, and parts thereof*, from Winona, Minn., to points in Illinois, Indiana, Iowa, Nebraska, North Dakota, South Dakota, Texas, and Wisconsin, for 180 days. Supporting shipper: Levee Furniture Manufacturing Co., 177 Lafayette Street, Winona, MN 55987. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 5540.

No. MC 136994 (Sub-No. 1 TA), filed August 28, 1972. Applicant: STANLEY E. MARSH, R.F.D. 3, Mt. Vernon, MO 65712. Applicant's representative: Turner Shite, 805 Woodruff Building, Springfield, Mo. 65806. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, except in bulk, from Allen Park, Mich., and Chicago, Ill., to Oklahoma City, Okla., for 180 days. Supporting shipper: C & C Wholesale Liquor Co., 2 Northwest 11th Street, Oklahoma City, OK 73103. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 136982 TA, filed August 18, 1972. Applicant: PORT TERMINAL AND WAREHOUSING COMPANY, INC., Post Office Box 3306, Savannah, GA 31403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), between Savannah, Ga., on the one hand, and, on the other, points in Bryan, Chatham, Evans, Effingham, Liberty, Long, McIntosh, and Tattnall Counties, Ga., for 180 days. NOTE: Applicant intends to interline freight at Savannah, Ga., with existing common carriers. Supporting shippers: Claxton Poultry Co., Highway 301, North Claxton, Ga.; Rotary Mower Parts and Manufacturing Co., Post Office Box 405, Glennville, GA 30427; T. S. Chu and Co., 6 Sixth Street, Savannah Beach, GA 31328; Arden Chevrolet, Post Office Box 277, Springfield, GA 31329; Lanier Fabrics, Post Office Box 55, Claxton, GA; Cotton Producers Association, Plant Food Division, Post Office Box 115, Clyo, GA 31303; Oceanside Nursing Home, Tybee Island, Savannah Beach, Ga., 31311; Claxton-Evans County, Chamber of Commerce, Box 655, Claxton-Evans County, GA. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 136987 (Sub-No. 1 TA), filed August 23, 1972. Applicant: REMINGTON FREIGHT LINES, INC., 604 North Main Street, Remington, IN 47977. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, dry, granulated or powdered, in corrugated cases, from Chicago, Ill., plant to points in Maryland, Ohio, New Jersey, New York, Connecticut, Pennsylvania, and Massachusetts, for 180 days. Supporting shipper: Babbitt Products, Inc., 6233 West 65th Street, Chicago, IL. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 136994 TA, filed August 28, 1972. Applicant: EDWIN BOOTH, JR., Box 275, Eagles Mere, PA 17731. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Sullivan County, Pa., to points in New York, for 150 days. Supporting shipper: S. B. P. Coal Co., Keystone Building, Kittanning, Pa. 16201. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136995 TA, filed August 17, 1972. Applicant: BERT S. LOOK III, doing business as SIDS TRANSPORTATION SERVICE, 9 Western Avenue, Jonesport, ME 04649. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned seafoods*, from Stonington and Rockland, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Arkansas, Oklahoma, Louisiana, Texas, Ohio, Indiana, Michigan, Illinois, Iowa, Kentucky, Missouri, and Nebraska, for 180 days. Supporting shipper: Port of Clyde Packing Co., Inc., Box 667, Rockland, ME 04841. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl

Street, Post Office Box 167 PSS, Portland, ME 04112.

No. MC 136997 TA filed August 24, 1972. Applicant: CARDINAL MOVING & STORAGE, INC., 1215 North 23d Street, Wilmington, NC 28401. Applicant's representative: John W. Cockman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Brunswick, New Hanover, Columbus, Pender, Bladen, and Robeson Counties, N.C. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic for 180 days. Supporting shipper: Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109. Send protests to: Archie W. Andrews, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.72-15754 Filed 9-14-72;8:50 am]

[Rev. S.O. 994; Rev. ICC Order 71, Admt. 4]

RAILROADS OPERATING IN MARYLAND, DELAWARE, PENNSYLVANIA, AND NEW YORK

Rerouting Traffic

SEPTEMBER 12, 1972.

To all railroads:

Upon further consideration of Revised ICC Order No. 71 (railroads operating in the States of Maryland, Delaware, Pennsylvania, and New York) and good cause appearing therefor:

It is ordered, That:

Revised ICC Order No. 71 be, and it is hereby, amended by adding the following paragraph (h) thereto:

(h) *Exception:* The provisions of Revised ICC Order No. 71 under Revised Service Order No. 994 shall not apply to traffic originally routed via Penn Central-Wilkes-Barre-Delaware and Hudson or Delaware and Hudson-Wilkes-Barre-Penn Central, which traffic shall be rerouted under authority of Service Order No. 1110.

It is further ordered, That this amendment shall become effective at 12:01 a.m., September 18, 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 care 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., September 8, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-15749 Filed 9-14-72;8:49 am]

[Rev. S.O. 994; Rev. ICC Order 71, Amdt. 3-A]

RAILROADS OPERATING IN MARYLAND, DELAWARE, PENNSYLVANIA, AND NEW YORK

Rerouting Traffic

SEPTEMBER 12, 1972.

To all railroads:

Upon further consideration of Revised ICC Order No. 71 (railroads operating in the States of Maryland, Delaware, Pennsylvania, and New York) and good cause appearing therefor:

It is ordered, That:

Amendment No. 3 to Revised ICC Order No. 71 be, and it is hereby, vacated.

It is further ordered, That this amendment shall become effective at 12:01 a.m., September 11, 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., September 8, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-15751 Filed 9-14-72;8:50 am]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

[Rec. S.O. 994; ICC Order 70, Amdt. 2]

Rerouting Traffic

SEPTEMBER 12, 1972.

To all railroads:

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., November 15, 1972, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 15, 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., September 8, 1972.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.72-15750 Filed 9-14-72;8:49 am]

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PART II

DEPARTMENT OF LABOR

OFFICE OF THE ASSISTANT SECRETARY LABOR-MANAGEMENT RELATIONS

■

Labor Relations in Federal Service

Title 29—LABOR

Chapter II—Office of the Assistant Secretary for Labor-Management Relations, Department of Labor

LABOR RELATIONS IN FEDERAL SERVICE

On November 17, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 21930) with regard to amending Chapter II of Title 29 of the Code of Federal Regulations prescribing substance and procedures relating to representational matters, unfair labor practices, and standards of conduct for labor organizations, and adopting procedures to be followed where a determination by the Assistant Secretary is sought with respect to questions as to the grievability and/or arbitrability of grievances under existing negotiated agreements. Interested persons were given 30 days in which to submit written comments, suggestions, or objections, regarding the proposed regulations.

After consideration of all relevant matter presented, and pursuant to sections 6(d) and 18(d) of Executive Order 11616 (36 F.R. 17319), I have decided to adopt the proposed regulations with extensive changes, and do hereby amend Parts 201, 202, 203, 204, and 205 (redesignated as Part 206 herein), and add a new Part 205, of Chapter II of Title 29 of the Code of Federal Regulations to read as follows:

Part

201 General.
202 Representation proceedings.
203 Unfair labor practice proceedings.
204 Standards of conduct for labor organizations.
205 Grievability and arbitrability proceedings.
206 Miscellaneous.

PART 201—GENERAL

Subpart A—Purpose and Scope

Sec.

201.1 Purpose and scope.

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AUTHORITY: The provisions of this Part 201 issued under secs. 6, 18, E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616, 36 F.R. 17319.

Subpart A—Purpose and Scope

§ 201.1 Purpose and scope.

The regulations contained in this chapter are designed to implement the provisions of sections 3, 6, 9, 10, 13, 18, and 19 of Executive Order 11491 of October 29, 1969, "Labor-Management Relations in the Federal Service," as amended by Executive Order 11616 of August 26, 1971, "Labor-Management Relations in the Federal Service" (36 F.R. 17319). They prescribe procedures and basic principles which the Assistant Secretary of Labor for Labor-Management Relations will utilize in:

(a) Deciding questions as to the appropriate unit for the purpose of exclusive recognition and related issues submitted for his consideration;

(b) Supervising elections to determine whether a labor organization is the choice of a majority of the employees in an appropriate unit as their exclusive representative, and certifying the results;

(c) Deciding questions as to eligibility of labor organizations for national consultation rights under criteria prescribed by the Federal Labor Relations Council;

(d) Effectuating the standards of conduct required of labor organizations by section 18 of the order;

(e) Deciding complaints of alleged unfair labor practices, and alleged violations of the standards of conduct for labor organizations;

(f) Deciding questions as to whether a grievance is subject to a negotiated grievance procedure or subject to arbitration under an agreement.

Subpart B—Meaning of Terms in This Chapter

As used in this chapter:

§ 201.10 Order.

"Order" means Executive Order 11491, entitled "Labor-Management Relations in the Federal Service," as amended by Executive Order 11616.

§ 201.11 Agency, employee, labor organization, Council, Panel, Assistant Secretary.

"Agency," "employee," "labor organization," "Council," "Panel," and "Assistant Secretary" have the meanings set forth in section 2 of the order.

§ 201.12 National consultation rights, exclusive recognition, unfair labor practices.

"National consultation rights," "exclusive recognition," and "unfair labor practices" have the meanings as set forth in sections 9, 10, and 19, respectively, of the order.

§ 201.13 Standards of conduct for labor organizations.

"Standards of conduct for labor organizations" shall have the meaning as set forth in section 18 of the order, as amplified in Part 204 of this chapter.

§ 201.14 Activity and primary national subdivision of an agency.

"Activity" means any facility, geographical subdivision, or combination thereof, of any agency as that term is defined in section 2 of the order. "Primary national subdivision" of an agency has the meaning set forth in the Council's regulations.

§ 201.15 Regional Administrator.

"Regional Administrator" means the Administrator of a region of the Labor-Management Services Administration, with geographical boundaries as fixed by the Assistant Secretary.

§ 201.16 Area Administrator.

"Area Administrator" means the Administrator of an area office within a region of the Labor-Management Services Administration, with geographical boundaries as fixed by the Assistant Secretary.

§ 201.17 Director.

"Director" means the Director of the Office of Labor-Management and Welfare-Pension Reports.

§ 201.18 Hearing Officer.

"Hearing Officer" means the individual designated to conduct a hearing involving a question concerning the appropriateness of a unit or such other representation matters as may be assigned.

§ 201.19 Hearing Examiner.

"Hearing Examiner" means the Chief Hearing Examiner or an individual designated by the Chief Hearing Examiner to conduct a hearing in cases under sections 3, 13, 18, and 19 of the order and such other matters as may be assigned.

§ 201.20 Chief Hearing Examiner.

"Chief Hearing Examiner" means the Chief Hearing Examiner, U.S. Department of Labor, Washington, D.C. 20210.

§ 201.21 Party.

"Party" means any person, employee, group of employees, labor organization, agency, or activity: (a) Filing a complaint, petition, request, or application; (b) named in a complaint, petition, request, or application; or (c) whose intervention in a proceeding has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 201.22 Intervenor.

"Intervenor" means a party in a proceeding whose intervention has been permitted or directed by the Assistant Secretary, Regional Administrator, Area Administrator, Director, Hearing Officer, Chief Hearing Examiner, or Hearing Examiner, as the case may be.

§ 201.23 Certification.

"Certification" means the determination by the Assistant Secretary, Regional Administrator, or Area Administrator of the results of an election held under the order and the regulations in this chapter.

§ 201.24 Appropriate unit.

"Appropriate unit" means that grouping of employees found to be appropriate for purposes of exclusive recognition consistent with the provisions of sections 10 (b) and (c) of the order.

§ 201.25 Secret ballot.

"Secret ballot" means the expression by ballot, voting machine or otherwise, but in no event by proxy, of a choice with respect to any election or vote taken upon any matter, which is cast in such a manner that the person expressing such choice cannot be identified with the choice expressed, except in that instance in which any determinative challenged ballot is opened.

§ 201.26 Showing of interest.

"Showing of interest" means evidence of membership in a labor organization; employees' signed and dated authorization cards or petitions authorizing a labor organization to represent them for purposes of exclusive recognition; unaltered allotment of dues forms executed by the employee and the labor organization's authorized official; current dues records; an existing or recently expired agreement; current exclusive recognition or certification; employee's signed and dated petitions or cards indicating that they no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization; or other evidence approved by the Assistant Secretary.

PART 202—REPRESENTATION PROCEEDINGS

Sec.

202.1 Who may file petitions.
202.2 Contents of petition; procedures for national consultation rights; filing and service of petition; challenges to petition and intervention.
202.3 Timeliness of petition.
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202.20 Certification; objections to election; determination on objections and challenged ballots.
202.21 Runoff elections.
202.21 Inconclusive elections.

AUTHORITY: The provisions of this Part 202 issued under sec. 6, E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616, 36 F.R. 17319.

§ 202.1 Who may file petitions.

(a) A petition for exclusive recognition may be filed by a labor organization requesting an election to determine whether it should be recognized as the exclusive representative of employees of an agency in an appropriate unit or should replace another labor organization as the exclusive representative of employees in an appropriate unit.

(b) A petition for an election to determine if a labor organization should cease to be the exclusive representative because it does not represent a majority of employees in an appropriate unit may be filed by an agency or by any employee or employees or an individual acting on his or their behalf.

(c) A petition for clarification of an existing unit or for amendment of recognition or certification may be filed by an agency or labor organization which is currently recognized by the agency as an exclusive representative.

(d) A petition for determination of the eligibility of a labor organization for national consultation rights under criteria prescribed by the Council may be filed by a labor organization.

§ 202.2 Contents of petition; procedures for national consultation rights; filing and service of petition; challenges to petition and intervention.

(a) *Petition for exclusive recognition.* A petition by a labor organization for exclusive recognition shall be submitted on a form prescribed by the Assistant Secretary and shall contain the following:

(1) The name of the agency and the activity involved, their addresses, telephone numbers, and the persons to contact and their titles, if known;

(2) A description of the unit claimed to be appropriate for purposes of exclusive representation by the petitioner. Such description shall indicate generally the geographic locations and the classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;

(3) Name, address, and telephone number of the recognized or certified representative, if any, and the date of such recognition or certification and the expiration date of any applicable agreement, if known to the petitioner;

(4) Names, addresses, and telephone numbers of any other interested labor organizations, if known to the petitioner;

(5) Name and affiliation, if any, of the petitioner and its address and telephone number;

(6) A statement that the petitioner has submitted to the activity a current roster of its officers and representatives, a copy of its constitution and bylaws, and a statement of its objectives;

(7) A declaration by the person signing the petition, under the penalties of the Criminal Code (18 U.S.C. 1001) that its contents are true and correct to the best of his knowledge and belief;

(8) The signature of the petitioner's representative, including his title and telephone number; and

(9) The petition shall be accompanied by a showing on interest of not less than thirty (30%) percent of the employees in the unit claimed to be appropriate and an alphabetical list of names constituting such showing.

(b) *Petition for an election to determine if a labor organization should cease to be the exclusive representative.* (1) A petition by an agency shall contain the information set forth in paragraph (a) of this section except subparagraphs (6) and (9) of paragraph (a) of this section, and a statement that the agency or activity has a good faith doubt that the currently recognized or certified labor organization represents a majority of the employees in an appropriate unit. Attached to the petition shall be a detailed explanation of the reasons supporting the good faith doubt;

(2) A petition by any employee or employees or an individual acting on his or their behalf shall contain the information set forth in paragraph (a) of this section, except subparagraphs (6) and (9) of paragraph (a) of this section, and it shall be accompanied by a showing of interest of not less than thirty (30%) percent of the employees in the unit indicating that the employees no longer desire to be represented for the purposes of exclusive recognition by the currently recognized or certified labor organization and an alphabetical list of names constituting such showing.

(c) *Petition for clarification of unit or for amendment of recognition or certification.* A petition for clarification of unit or for amendment oof recognition or certification shall contain the information required by paragraph (a) of this section, except subparagraphs (2), (6), and (9) of paragraph (a) of this section, and shall set forth:

(1) A description of the present unit and the date of recognition or certification;

(2) The proposed clarification or amendment of the recognition or certification; and

(3) A statement of reasons why the proposed clarification or amendment is requested.

(d) *Petition and procedures for determination of eligibility for national consultation rights.* (1) A petition for determination of eligibility for national consultation rights shall contain the information required in subparagraphs (5), (6), (7), and (8) of paragraph (a) of this section, and shall set forth:

(i) The name, address, and telephone number of the agency or primary national subdivision in which the petitioner seeks to obtain or retain national consultation rights, and the persons to contact and their titles, if known;

(ii) A showing that petitioner holds adequate exclusive recognition as required in the Council's regulations;

(iii) A statement, as appropriate:

(*a*) That such showing has been made to and rejected by the agency or primary national subdivision, together with a statement of the reasons for rejection, if any, offered by that agency or primary national subdivision; or

(b) That the agency or primary national subdivision has served notice of its intent to terminate existing national consultation rights, together with a statement of the reasons for termination.

(2) Notwithstanding any other regulations in this part, except those relating to the filing of a petition under subparagraphs (2), (3), and (4) of paragraph (e) of this section, the following regulations govern petitions filed under this paragraph:

(i) A petition shall be filed within thirty (30) days following the service of written notice by the agency or primary national subdivision of either its refusal to accord national consultation rights pursuant to a request under the Council's regulations, or its intention to terminate existing national consultation rights.

(ii) If an agency or primary national subdivision wishes to terminate national consultation rights, notice of its intention to do so shall include a statement of its reasons and shall be served not less than thirty (30) days prior to the intended termination date. A labor organization, after receiving such notice, may file a petition under this section within the time period prescribed herein, and thereby cause to be stayed further action by the agency or primary national subdivision pending disposition of the petition. If no petition has been filed within the provided time period, an agency or primary national subdivision may terminate national consultation rights.

(iii) Within 15 days following the receipt of a copy of the petition, the agency or primary national subdivision shall file a response thereto with the Area Administrator raising any matter which is relevant to the petition.

(iv) The Area Administrator shall make such investigation as he deems necessary. Thereafter, the Regional Administrator shall issue and serve on the parties a report and findings with respect to the eligibility for national consultation rights. A party may obtain a review of such report and findings pursuant to § 202.6(d): *Provided, however,* That a determination by the Regional Administrator to issue a notice of hearing shall not be subject to review by the Assistant Secretary. The Regional Administrator, if appropriate, my cause a notice of hearing to be issued to all interested parties where substantial factual issues exist warranting a hearing. Hearings shall be conducted by Hearing Examiners in accordance with §§ 203.10 through 203.24 of this chapter, excluding § 203.14, with the following exceptions:

(*a*) The Hearing Examiner may not recommend remedial action to be taken or notices to be posted, as provided under § 203.22(a); and

(*b*) Reference to "complaint" in § 203.22(b) shall be read as "petition."

After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed thereto, the Assistant Secretary shall issue his decison.

(e) *Filing and service of petition and copies.* (1) A petition for exclusive recognition, for an election to determine if a labor organization should cease to be the exclusive representative, for clarification of unit, or for amendment of recognition or certification, filed pursuant to § 202.2 (a), (b), or (c), respectively, shall be filed with the Area Administrator for the area in which the unit exists, or, if the claimed unit exists in two or more areas the petition shall be filed with the Area Administrator for the area in which the headquarters of the activity is located.

(2) A petition for determination of eligibility for national consultation rights filed pursuant to § 202.2(d) shall be filed with the Area Administrator for the area wherein the headquarters of the agency or the agency's primary national subdivision is located.

(3) An original and four (4) copies of a petition shall be filed, together with two (2) copies of a statement of any other relevant facts and of all correspondence relating to the question concerning representation.

(4) Simultaneously with the filing of a petition, copies of the petition together with the attachments referred to in subparagraph (3) of this paragraph shall be served by the petitioner on all known interested parties, and a written statement of such service shall be filed with the Area Administrator: *Provided, however,* That the showing of interest submitted with a petition filed pursuant to § 202.2 (a) or (b)(2) shall not be furnished to any of the parties or organizations listed in the petition.

(f) *Adequacy and validity of showing of interest.* (1) The Area Administrator shall determine the adequacy of the showing of interest administratively, and such determination shall not be subject to collateral attack at a unit or representation hearing. If the petition is dismissed or the intervention is denied a request for review of such dismissal or denial may be filed with the Assistant Secretary.

(2) Any party challenging the validity of showing of interest of the petitioner, or of a cross-petitioner filing pursuant to § 202.5(b), or of an intervenor, must file its challenge with the Area Administrator, with respect to the petitioner or a cross-petitioner, within ten (10) days after the initial date of posting of the notice of petition as provided in § 202.4(a), and with respect to any intervenor, within ten (10) days of service of a copy of the request for intervention. The challenge shall be supported with evidence including signed statements of employees and any other written evidence. The Area Administrator shall investigate the challenge. Thereafter, the Regional Administrator shall take such action as he deems appropriate which shall be final and not subject to review by the Assistant Secretary unless the petition is dismissed or the intervention is denied.

(g) *Challenge to status of a labor organization.* Any party challenging the status of a labor organization under the order must file its challenge with the Area Administrator and support the challenge with evidence. With respect to the petitioner or a cross-petitioner filing pursuant to § 202.5(b), such a challenge must be filed within ten (10) days after the initial date of posting of the notice of petition as provided in § 202.4(a), and with respect to an intervenor, within ten (10) days of service of a copy of the request for intervention. The Area Administrator shall investigate the challenge. Thereafter, the Regional Administrator shall take such action as he deems appropriate, which shall be subject to review by the Assistant Secretary.

§ 202.3 Timeliness of petition.

(a) When there is no certified exclusive representative of the employees, a petition will be considered timely filed provided the petition is not for the same unit or subdivision thereof, in which a valid election has been held within the preceding twelve (12) month period.

(b) When there is a certified exclusive representative of the employees, a petition will not be considered timely if filed within twelve (12) months after the certification as the exclusive representative of employees in an appropriate unit, unless a signed agreement covering the claimed unit has been entered into in which case paragraph (c) of this section shall be applicable.

(c) When an agreement covering a claimed unit has been signed by the activity and the incumbent exclusive representative, a petition for exclusive recognition or other election petition will be considered timely when filed as follows:

(1) Not more than ninety (90) days and not less than sixty (60) days prior to the terminal date of an agreement having a term of three (3) years or less from the date it was signed; or

(2) Not more than ninety (90) days nor less than sixty (60) days prior to the expiration of the initial three (3) year period of an agreement having a term of more than three (3) years from the date it was signed; or

(3) Any time when unusual circumstances exist which substantially affect the unit or the majority representation.

(d) When there is an agreement signed by the activity and the incumbent exclusive representative having a term not exceeding three (3) years from the date it was signed, and a petition has been filed challenging the representation status of the incumbent exclusive representative and the petition is subsequently withdrawn or dismissed less than sixty (60) days prior to the terminal date of that agreement, or any time thereafter, the activity and incumbent exclusive representative shall be afforded a ninety (90) day period from the date the withdrawal is approved or the petition is dismissed free from rival claim within which to consummate an agreement: *Provided, however,* That the provisions of this paragraph shall not be applicable when any other petition is pending which has been filed pursuant to paragraph (c) of this section.

(e) When an extension of agreement has been signed more than sixty (60) days before its terminal date, such extension shall not serve as a basis for the

denial of a petition submitted in accordance with the time limitations provided herein.

(f) A petitioner who withdraws a petition after the issuance of a notice of hearing or after the approval of an agreement for an election, shall be barred from filing another petition for the same unit or any subdivision thereof for six (6) months, unless a withdrawal request has been received by the Regional Administrator not later than three (3) days before the date of the hearing.

(g) The time limits set forth in this section shall not apply to a petition for clarification of unit or for amendment of recognition or certification.

§ 202.4 Investigation of petition and posting of notice of petition; action by Regional Administrator.

(a) Upon the request of the Area Administrator, after the filing of a petition, the activity shall post copies of a notice to all employees in places where notices are normally posted affecting the employees in the unit involved in the proceeding.

(b) Such notice shall set forth:

(1) The name of the petitioner;

(2) The description of the unit involved;

(3) If appropriate, the proposed clarification of unit or the proposed amendment of certification or recognition; and

(4) A statement that all interested parties are to advise the Area Administrator in writing of their interest or position within ten (10) days from the date of posting of such notice.

(c) The notice shall remain posted for a period of ten (10) days. The notice shall be posted conspicuously and shall not be covered by other material, altered, or defaced.

(d) The activity shall furnish the Area Administrator and all known interested parties with the following:

(1) Names, addresses, and telephone numbers of all labor organizations known to represent any of the employees in the claimed unit;

(2) A copy of all relevant correspondence;

(3) A copy of existing or recently expired agreements covering any of the employees described in the petition;

(4) A current alphabetized list of employees included in the unit described in the petition, together with their job classifications; and

(5) A current alphabetized list of employees described in the petition as excluded from the unit, together with their job classifications.

(e) The parties are expected to meet as soon as possible after the expiration of the ten (10) days posting period of the notice of petition as provided in paragraph (a) of this section and use their best efforts to secure agreement on an appropriate unit, including, where appropriate, consulting with higher authority within the agency and the labor organizations involved.

(f) Within thirty (30) days following the receipt of a copy of the petition, unless an extension of time has been granted by the Area Administrator, the activity shall file a response thereto with the Area Administrator raising any matter which is relevant to the petition. A copy of such response shall be served simultaneously on the parties and a statement of such service shall be filed with the Area Administrator.

(g) The Area Administrator shall make such investigation as he deems necessary, and he may approve an agreement for an election in an agreed upon appropriate unit as provided under § 202.7.

(h) The Regional Administrator shall take action which may consist of the following, as appropriate:

(1) Approve a withdrawal request;

(2) Dismiss the petition; or

(3) Issue a notice of hearing.

(i) In processing a petition for clarification of unit or for amendment of recognition or certification, where appropriate, the Regional Administrator shal lprepare and serve a report and findings upon all parties to the proceeding and shall state therein, among other pertinent matters, his conclusions and the action contemplated. A party may file a request for review of such action of the Regional Administrator in accordance with the procedures set forth in § 202.6(d): *Provided, however,* That a determination by the Regional Administrator to issue a notice of hearing shall not be subject to review by the Assistant Secretary. If no request for review is filed, or if one is filed and denied, the Regional Administrator shall take such action as may be appropriate, which may include issuing a clarification of unit or causing the Area Administrator to issue an amendment of recognition or certification.

§ 202.5 Intervention.

(a) No labor organization will be permitted to intervene in any proceeding pursuant to this part unless it has submitted a showing of interest of ten (10%) percent or more of the employees in the unit involved in the petition together with an alphabetical list of names constituting such showing, or has submitted a current or recently expired agreement with the activity covering any of the employees involved, or has submitted evidence that it is the currently recognized or certified exclusive representative of any of the employees involved.

(b) A labor organization seeking exclusive recognition in a unit different from the unit initially petitioned for, and which includes any or all of the employees in that unit, must file a petition with the Area Administrator in accordance with § 202.2 (a) and (e) within ten (10) days after the date of posting of the notice of the initial petition as provided under § 202.4(a), unless good cause is shown for extending the period.

(c) No labor organization may participate to any extent in any representation proceeding unless it has notified the Area Administrator in writing, accompanied by its showing of interest as specified in paragraph (a) of this section, of its desire to intervene within ten (10) days after the initial date of posting of the notice of petition as provided in § 202.4(a), unless good cause is shown for extending the period. Simultaneously with the filing of a request for intervention, copies of such request, excluding the showing of interest, shall be served on all known interested parties, and a written statement of such service shall be filed with the Area Administrator.

(d) Any labor organization intervening must supply a statement to the Area Administrator that it has submitted to the activity a current roster of its officers and representatives, a copy of its constitution and bylaws and a statement of its objectives.

§ 202.6 Withdrawal, dismissal or deferral of petitions; consolidation of cases; denial of intervention; review of action by Regional Administrator.

(a) If the Regional Administrator determines after such investigation as he deems necessary that the petition has not been timely filed, the claimed unit is not appropriate, the petitioner has not made a sufficient showing of interest, the petition is not otherwise actionable, or an intervention is not appropriate, he may instruct the Area Administrator to request the petitioner or intervenor to withdraw the petition or the request for intervention. In the absence of such withdrawal within a reasonable period of time, he may dismiss the petition or deny the request for intervention.

(b) If the Regional Administrator determines, after investigation, that a valid issue has been raised by a challenge under § 202.2 (f) or (g), he may take action which may consist of the following, as appropriate:

(1) Instruct the Area Administrator to request the petitioner or intervenor to withdraw the petition or the request for intervention;

(2) Dismiss the petition and/or deny the request for intervention if a withdrawal request is not submitted within a reasonable period of time;

(3) Defer action on the petition or request for intervention until such time as issues raised by the challenges have been resolved pursuant to this part; or

(4) Consolidate such issues with the representation matter for resolution of all issues.

(c) If the Regional Administrator dismisses the petition or denies the request for intervention, he shall serve on the petitioner or the party requesting intervention a written statement of the grounds for the dismissal or the denial, and serve a copy of such statement on the activity, and on the petitioner and any intervenors, as appropriate.

(d) The petitioner or party requesting intervention may obtain a review of such dismissal or denial by filing a request for review with the Assistant Secretary within ten (10) days of service of the notice of such action. Copies of the request for review shall be served on the Regional Administrator and the other parties, and a statement of service shall be filed with the request for review. Requests for an extension of time shall be

in writing and received by the Assistant Secretary not later than three (3) days before the date the request for review is due. The request for review shall contain a complete statement setting forth facts and reasons upon which the request is based.

§ 202.7 Agreement for an election.

(a) All parties desiring to participate in an election being conducted pursuant to this section or § 202.16, including intervenors who have met the requirements of § 202.5, must sign an agreement providing for such an election on a form prescribed by the Assistant Secretary. An original and four (4) copies of the agreement shall be filed with the Area Administrator.

(b) An activity, petitioner and any intervenors who have complied with the requirements set forth in § 202.5 may agree that a secret ballot election shall be conducted among the employees in the agreed-upon appropriate unit to determine whether the employees desire to be represented for purposes of exclusive recognition by any or none of the labor organizations involved.

(c) The parties shall agree on the eligibility period for participation in the election, the date(s), hour(s), and place(s) of the election, the designations on the ballot and other related election procedures.

(d) In the event that the parties cannot agree on the matters contained in paragraph (c) of this section, the Area Administrator, acting on behalf of the Assistant Secretary, shall decide these matters.

(e) If the Area Administrator approves the agreement, the election shall be conducted by the agency or activity, as appropriate, under the supervision of the Area Administrator, in accordance with § 202.17.

(f) Any qualified intervenor who refuses to sign an agreement for an election may express his objections to the agreement in writing to the Area Administrator. The Area Administrator, after careful consideration of such objections, may approve the agreement or take such other action as he deems appropriate.

§ 202.8 Notice of hearing; contents; attachments; and procedures.

(a) The Regional Administrator may cause a notice of hearing to be issued involving (1) appropriateness of unit or other matters related to the petition, or (2) matters within the jurisdiction of the Assistant Secretary related to a determination by the head of an agency that the order cannot be applied to certain employees in a manner consistent with the internal security of the agency pursuant to section 3(b)(4) of the order.

(b) The notice of hearing shall be served on all interested parties and shall include:

(1) The name of the agency or activity, petitioner, and intervenors, if any;

(2) A statement of the time and place of the hearing, which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(3) A statement of the nature of the hearing; and

(4) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A copy of the petition shall be attached to the notice of hearing.

(d) Hearings on appropriateness of unit or other matters related to the petition pursuant to paragraph (a)(1) of this section shall be conducted by a Hearing Officer in accordance with §§202.9 through 202.15.

(e) Hearings on matters related to coverage of employees pursuant to paragraph (a)(2) of this section, shall be conducted by a Hearing Examiner, designated by the Chief Hearing Examiner. Such hearings shall be in accordance with §§ 203.10 through 203.24 of this chapter, excluding §§ 203.11, 203.14, and 203.15(f), with the following exceptions:

(1) References to "complaint" in the applicable sections shall be read as "petition"; and

(2) The Hearing Examiner may not recommend remedial action to be taken or notices to be posted, as provided under § 203.22(a).

§ 202.9 Conduct of hearing.

(a) Hearings shall be conducted by a Hearing Officer and shall be open to the public unless otherwise ordered by the Hearing Officer. At any time another Hearing Officer may be substituted for the Hearing Officer previously presiding. It shall be the duty of the Hearing Officer to inquire fully into all matters in issue and the Hearing Officer shall obtain a full and complete record upon which the Assistant Secretary can make an appropriate decision. An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

(b) Hearings under this section are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record. The rules of relevancy and materiality are paramount; there are no burdens of proof and the technical rules of evidence do not apply.

§ 202.10 Motions.

(a) *General.* (1) A motion shall state briefly the order or relief sought and the grounds for the motion: *Provided, however,* That a motion to intervene will not be entertained by the Hearing Officer. Intervention will be permitted only to those who have met the requirements of § 202.5;

(2) A motion prior to, and after a hearing, and any response thereto, shall be made in writing. A response shall be filed within five (5) days after service of the motion. An original and two (2) copies of such motion and any response thereto shall be filed and copies shall be served simultaneously on the parties and the Area Administrator. A statement of such service shall be filed with the original;

(3) During a hearing a motion may be made and responded to orally on the record;

(4) The right to make motions, or to make objections to rulings on motions, shall not be deemed waived by participation in the proceeding; and

(5) All motions, rulings, and orders shall become part of the record.

(b) *Filing of motions.* (1) Motions and responses thereto prior to a hearing shall be filed with the Regional Administrator. During the hearing motions shall be made to the Hearing Officer; and

(2) After the transfer of the case to the Assistant Secretary, except as otherwise provided, motions and responses thereto shall be filed with the Assistant Secretary: *Provided,* That following the close of a hearing motions to correct the transcript shall be filed with the Hearing Officer within five (5) days after the transcript is received in the Area Office.

(c) *Rulings on motions.* (1) The Regional Administrator may rule on all motions filed with him or he may refer them to the Hearing Officer. A ruling by the Regional Administrator shall be served simultaneously on the parties. A ruling by the Regional Administrator granting a motion to dismiss a petition may be reviewed by the Assistant Secretary upon the filing by the petitioner of a request for review pursuant to § 202.6(d);

(2) The Hearing Officer shall rule, either orally on the record or in writing, on all motions made at the hearing or referred to him, except that a motion to dismiss a petition shall be referred for appropriate action at such time as the record is considered by the Regional Administrator or the Assistant Secretary. Rulings by the Hearing Officer reduced to writing shall be served simultaneously on the parties; and

(3) The Assistant Secretary shall consider the rulings by the Regional Administrator and the Hearing Officer when the case is transferred to him for decision.

§ 202.11 Rights of the parties.

(a) A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

(b) A party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing.

§ 202.12 Duties and powers of the Hearing Officer.

It shall be the duty of the Hearing Officer to inquire fully into the facts as they relate to the matter before him. With respect to cases assigned to him between the time he is designated and the transfer of the case to the Assistant Secretary, the Hearing Officer shall have the authority to:

(a) Grant requests for appearance of witnesses or production of records;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take, or cause depositions to be taken, whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing, persons who engage in misconduct;

(f) Strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(g) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(h) Dispose of procedural requests, motions, or similar matters, which shall be made part of the record of the proceeding, including motions referred to the Hearing Officer by the Regional Administrator and motions to amend petitions;

(i) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(j) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(k) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(l) Rule on motions to correct transcript which are received within five (5) days after the transcript is received in the Area Office; and

(m) Take any other action necessary under this section and not prohibited by the regulations in this chapter.

§ 202.13 Objections to conduct of hearing.

Any objection to the introduction of evidence may be stated orally or in writing and shall be accompanied by a short statement of the grounds of such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Automatic exceptions will be allowed to all adverse rulings.

§ 202.14 Filing of briefs.

A party desiring to file a brief with the Assistant Secretary shall file the original and two (2) copies within seven (7) days after the close of the hearing: *Provided, however,* That prior to the close of the hearing and for good cause, the Hearing Officer may allow time not to exceed fourteen (14) additional days for the filing of briefs with the Assistant Secretary. Copies thereof shall be served simultaneously on all other parties to the proceeding. Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Officer during the hearing shall be made to the Regional Administrator, in writing, and copies thereof shall be served, simultaneously on the other parties, and a statement of such service shall be filed with the Regional Administrator. Requests for extension of time shall be in writing and received not later than three (3) days before the date such briefs are due. No reply brief may be filed except by special permission of the Assistant Secretary.

§ 202.15 Transfer of case to Assistant Secretary; contents of record.

Upon the close of the hearing the case is transferred automatically to the Assistant Secretary. The record of the proceeding shall include the petition, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing with any corrections thereto, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

§ 202.16 Decision.

The Assistant Secretary will issue a decision determining the appropriate unit, directing an election or dismissing the petition, or making other disposition of the matters before him.

§ 202.17 Election procedure.

This section governs all elections conducted under the supervision of an Area Administrator, pursuant to § 202.7 or § 202.16.

(a) Appropriate notices of election shall be posted by the activity. Such notices shall set forth the details and procedures for the election, the appropriate unit, the eligibility period, the date(s), hour(s), and place(s) of the election and shall contain a sample ballot.

(b) The reproduction of any document purporting to be a copy of the official ballot, other than one completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Assistant Secretary endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

(c) All elections shall be by secret ballot. An exclusive representative shall be chosen by a majority of the valid ballots cast.

(d) Whenever two or more labor organizations are included as choices in an election, any intervening labor organization may request the Area Administrator to remove its name from the ballot. The request must be in writing and received not later than seven (7) days before the date of the election. Such request shall be subject to the approval of the Area Administrator whose decision shall be final.

(e) In a proceeding involving a petition for an election to determine if a labor organization should cease to be the exclusive representative filed by an agency or any employee or employees or an individual acting on his or their behalf under § 202.2(b), an organization currently recognized or certified may not have its name removed from the ballot without having served the written request submitted pursuant to paragraph (d) of this section on all parties. Such request shall contain an express disclaimer of any representation interest among the employees in the unit.

(f) Any party may be represented at the polling place(s) by observers of his own selection, subject to such limitations as the Area Administrator may prescribe.

§ 202.18 Challenged ballots.

Any party or the representative of the Assistant Secretary may challenge, for good cause, the eligibility of any person to participate in the election. The ballots of such challenged persons shall be impounded.

§ 202.19 Tally of ballots.

Upon the conclusion of the election, the Area Administrator shall cause to be furnished to the parties a tally of ballots.

§ 202.20 Certification; objections to election; determination on objections and challenged ballots.

(a) The Area Administrator shall issue to the parties a certification of the results of the election, or a certification of representative, where appropriate: *Provided, however,* That no objections are filed within the time limit set forth below; the challenged ballots are insufficient in number to affect the results of the election; and no runoff or rerun election is to be held.

(b) Within five (5) days after the tally of ballots has been furnished, a party may file objections to the procedural conduct of the election, or to conduct which may have improperly affected the results of the election, setting forth a clear and concise statement of the reasons therefor. The objecting party shall bear the burden of proof at all stages of the proceeding regarding all matters raised in its objections. An original and two (2) copies of the objections shall be filed with the Area Administrator and copies shall be served simultaneously on the parties. A statement of such service shall be filed with the Area Administrator. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Within ten (10) days of the filing of the objections, unless an extension of time has been granted by the Area Administrator, the objecting party shall file with the Area Administrator evidence, including signed statements, documents and other material supporting the objections. Copies of the evidence shall be served simultaneously on the parties and a statement of such service shall be filed with the Area Administrator.

(c) If objections are filed, or if the challenged ballots are sufficient in number to affect the results of the election, the Area Administrator shall investigate

the objections or challenged ballots, or both.

(d) When the Regional Administrator determines that no relevant issue of facts exists, he (1) shall find whether improper conduct occurred of such a nature as to warrant the setting aside of the election and, if so, indicate his intention to set aside the election, or (2) shall rule on determinative challenges to ballots, if any, or both. The Regional Administrator shall issue a report and findings on objections and/or challenged ballots which shall be served simultaneously upon all parties to the proceeding. Such report and findings shall state therein any additional pertinent matters such as his intent to rerun the election or count ballots at a specified date, time, and place, and if appropriate, that he will cause to be issued a revised tally of ballots.

(e) When the Regional Administrator determines that no relevant question of fact exists, but that a substantial question of interpretation or policy exists, he shall notify the parties in his report and findings and transfer the case to the Assistant Secretary in accordance with § 206.5 (a) or (b) of this chapter.

(f) Any party aggrieved by the findings of a Regional Administrator with respect to objections to an election or challenged ballots, may obtain a review of such action by the Assistant Secretary by following the procedure set forth in § 202.6(d) of this chapter: *Provided, however*, That a determination by the Regional Administrator to issue a notice of hearing shall not be subject to review by the Assistant Secretary.

(g) Where it appears to the Regional Administrator that the objections or challenged ballots raise any relevant question of fact which may have affected the results of the election, the Regional Administrator shall cause to be issued a notice of hearing. Such proceeding shall be conducted in accordance with §§ 203.10 through 203.24 of this chapter, excluding §§ 203.14 and 203.15(f), with the following exceptions:

(1) The Hearing Examiner may not recommend remedial action to be taken or notices to be posted, as provided under § 203.22(a); and

(2) Reference to "complaint" in § 203.22(b) shall be read as "report and findings of the Regional Administrator."

(h) At a hearing conducted pursuant to paragraph (g) of this section the party filing the objections shall have the burden of proving all matters alleged in its objections by a preponderance of the evidence. With respect to challenged ballots, no burden of proof is imposed on any party.

(i) The Assistant Secretary shall take action which may consist of the following, as appropriate:

(1) Issue a decision adopting, modifying or rejecting the Hearing Examiner's recommendations;

(2) Issue a decision in any case involving a substantial question of interpretation or policy transferred pursuant to paragraph (e) of this section; or

(3) Issue a ruling with respect to a request for review filed pursuant to paragraph (f) of this section affirming or reversing, in whole or in part, the Regional Administrator's findings, or make such other disposition as may be appropriate.

§ 202.21 Runoff elections.

(a) The activity shall conduct a runoff election under supervision of the Area Administrator when an election in which the ballot provided for not less than three (3) choices (i.e., at least two representatives and "neither" or "none") results in no choice receiving a majority of the valid ballots cast, and any objections which had been filed have been disposed of, and any challenged ballots have been disposed of or are not sufficient in number to affect the results of the election, as provided herein. Only one runoff election shall be held pursuant to this section.

(b) Employees who were eligible to vote in the original election and who also are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

(c) The ballot in the runoff election shall provide for a selection between the two choices receiving the largest and second largest number of votes.

§ 202.22 Inconclusive elections.

(a) An inconclusive election is one in which none of the choices on the ballot has received a majority of the valid ballots cast. If there are no challenged ballots that would affect the results of the election, the Area Administrator may declare the election a nullity and may order another election, providing for a selection from among the choices afforded in the previous ballot in the following situations:

(1) The ballot provided for a choice among two or more representatives and "neither" or "none," and the votes are equally divided among the several choices;

(2) The number of ballots cast for one choice in an election is equal to the number cast for another choice but less than the number cast for the third choice; or

(3) The runoff ballot provides for a choice between two representatives and the votes are equally divided.

(b) Only one further election pursuant to this section may be held.

PART 203—UNFAIR LABOR PRACTICE PROCEEDINGS

Sec.

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AUTHORITY: The provisions of this Part 203 issued under sec. 6, E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616 36 F.R. 17319.

§ 203.1 Who may file complaints.

A complaint that an agency, activity, or labor organization has engaged in any act prohibited under section 19 of the order or has failed to take any action required by the order, may be filed by an employee, an agency, activity, or a labor organization.

§ 203.2 Action to be taken before filing a complaint with the Assistant Secretary; timeliness of complaint.

(a) *Action to be taken before filing a complaint.* A party desiring to file a complaint alleging an unfair labor practice under section 19 of the order, other than section 19(b)(4), must take the following action first:

(1) A charge in writing alleging the unfair labor practice must be filed directly with the party or parties against whom the charge is directed (hereinafter referred to as the respondent(s));

(2) The charge must be filed within six (6) months of the occurrence of the alleged unfair labor practice;

(3) The charge shall contain a clear and concise statement of the facts constituting the unfair labor practice, including the time and place of occurrence of the particular acts; and

(4) The parties involved shall investigate the alleged unfair labor practice so that all the facts are known, and attempt informally to resolve the matter.

(b) *Timeliness of a complaint.* (1) If the parties are unable to dispose informally of the charge within thirty (30) days, the charging party may file a complaint.

(2) If a written decision expressly designated as a final decision on the charge is served by the respondent on the charging party, that party may file a complaint immediately but in no event later than sixty (60) days from the date of such service.

(3) A complaint must be filed within nine (9) months of the occurence of the alleged unfair labor practice or within sixty (60) days of the service of a respondent's written final decision on the charging party, whichever is the shorter period of time.

(4) A complaint alleging a violation of section 19(b)(4) of the order may be filed immediately and without the necessity of filing a charge as required under paragraph (a) of this section.

§ 203.3 Contents of the complaint and supporting documents.

(a) A complaint alleging a violation of section 19 of the order shall be submitted on forms prescribed by the Assistant Secretary and shall contain the following:

(1) The name, address, and telephone number of the employee, agency, or activity or labor organization making the complaint (hereinafter referred to as the complainant);

(2) The name, address, and telephone number of the agency, or activity or labor organization against whom the complaint is made;

(3) A clear and concise statement of the facts constituting the alleged unfair labor practice, a statement of the section and subsection of the order alleged to have been violated, the names and addresses of the individuals involved, and the time and place of occurrence of the particular acts;

(4) A statement of any other procedure invoked involving the subject matter of the complaint and the results, if any, including whether the subject matter raised in the complaint has been referred to the Council, Panel, or Federal Mediation and Conciliation Service for consideration or action; and

(5) A declaration by the person signing the complaint, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of his knowledge and belief.

(b) The entire report of investigation by the parties, pursuant to § 203.2, including, among other things, the precomplaint charge, a copy of all relevant correspondence, other written materials, statements of witnesses, summaries of meetings, and discussions, offers of settlement by the respondent and settlement proposals advanced by the complainant, shall be filed with the complaint.

§ 203.4 Filing and service of copies.

(a) An original and four copies of a complaint and two copies of the entire report of investigation shall be filed with the Area Administrator for the area in which the alleged unfair labor practice occurred, or if it occurred in two or more areas, the complaint shall be filed with the Area Administrator for the area in which the headquarters of the respondent is located.

(b) Simultaneously with the filing of a complaint and the parties' report of investigation, a copy of the complaint shall be served by the complainant on the respondent(s) and a written statement of such service shall be filed with the Area Administrator.

§ 203.5 Investigation of the complaint; stipulation of facts.

(a) Upon the service of a copy of a complaint on a respondent, the respondent shall file a response thereto with the Area Administrator raising any matter which is relevant to the complaint. A copy of such response shall be served simultaneously on the parties and a statement of such service shall be filed with the Area Administrator. The Area Administrator shall cause such additional investigation to be made as he deems necessary. Unless an extension of time is granted by the Area Administrator, the timeliness of a response shall be as follows:

(1) A response to a complaint alleging a violation of section 19(b)(4) of the order shall be filed within twenty-four (24) hours after the service of a copy of the complaint.

(2) A response to a complaint alleging a violation of any other subsection of section 19 of the order shall be filed within fifteen (15) days of the service of a copy of the complaint.

(b) Upon the filing of a complaint, the parties may submit to the Area Administrator a stipulation of facts and their request for a decision by the Assistant Secretary without a hearing. The stipulation shall be forwarded to the Regional Administrator by the Area Administrator.

(c) The complainant shall bear the burden of proof at all stages of the proceedings, regarding matters alleged in its complaint, except as otherwise provided in § 203.6(b).

(d) A complaint alleging a violation of section 19(b)(4) of the order shall receive the highest priority investigation.

(e) A complaint alleging a violation of section 19(a)(2) of the order shall be given priority over all other complaints under section 19 except those involving section 19(b)(4).

§ 203.6 Action by the Regional Administrator.

(a) The Regional Administrator shall take action which may consist of the following, as appropriate:

(1) Approve a withdrawal request;

(2) Dismiss the complaint;

(3) Approve a written settlement agreement between the parties or a written offer of settlement by the respondent, made any time prior to the close of a hearing, if any;

(4) Transfer to the Assistant Secretary, after due consideration of its sufficiency, a stipulation of facts submitted pursuant to § 203.5(b); or

(5) Issue a notice of hearing.

(b) In a case involving a complaint alleging a violation of section 19(b)(4) of the order, action concerning such complaint shall be in accordance with the following procedures:

(1) Upon receipt of a complaint which satisfies the filing and service requirements of § 203.4, if the Regional Administrator has reasonable cause to believe that a violation is occurring and that a notice of hearing should be issued, he may issue a notice of preliminary hearing, with a copy of the complaint attached, requiring both the complainant and the respondent to appear before a Hearing Examiner within twenty-four (24) hours.

(2) The Regional Administrator, by issuing a notice of preliminary hearing, thereupon will become a party to this proceeding and will have the burden of establishing at the preliminary hearing that there is reasonable cause to believe that a violation is occurring.

(3) Each party at the preliminary hearing shall have an opportunity to examine and cross-examine such witnesses as are deemed appropriate. The Hearing Examiner, in his discretion, may allow any other parties deemed necessary to the preliminary hearing to appear and present evidence.

(4) If the Hearing Examiner, based on the evidence presented, finds that there exists a reasonable cause to believe that a section 19(b)(4) violation is occurring, and there has been no satisfactory written offer of settlement by the respondent which provides for a cessation of the alleged violative conduct and such other remedial action as may be deemed appropriate, he shall issue an order which provides for cessation of the alleged violative conduct pending disposition of the complaint.

(5) The respondent may obtain review from the Hearing Examiner's order providing for cessation of the alleged violative conduct by filing a request for review with the Assistant Secretary within forty-eight (48) hours from the date of the issuance of such order. A copy of such request for review shall be served simultaneously on the Hearing Examiner, the Regional Administrator and all parties who appeared at the preliminary hearing. Statement of such service shall be filed with the Assistant Secretary. The request for review shall contain a complete statement setting forth the facts and reasons upon which the request is based. The filing of a request for review shall not operate as a stay of an order issued by a Hearing Examiner pursuant to subparagraph (4) of this paragraph or of the expedited hearing pursuant to subparagraph (6) of this paragraph unless the Assistant Secretary shall direct otherwise.

(6) The Regional Administrator shall issue immediately, after issuance of the Hearing Examiner's order providing for cessation of the alleged violative conduct, a notice of hearing. This hearing shall be conducted by the Chief Hearing Examiner as soon as possible but in no event later than forty-eight (48) hours from the issuance of the notice, at which time evidence will be presented as to whether there was or continues to be conduct occurring in violation of section 19(b)(4) of the order.

(7) In a hearing conducted by the Chief Hearing Examiner involving alleged violations of section 19(b)(4) of the order, the Regional Administrator shall be a party to the proceedings and shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

(8) The proceedings following issuance of the expedited notice of hearing shall be provided under §§ 203.10 through 203.26, excluding § 204.14, with the following exceptions:

(i) Motions made prior to the hearing and any response thereto shall be filed with the Chief Hearing Examiner rather than with the Regional Administrator as provided for under § 203.18(a); and

(ii) Copies of all motions and responses thereto filed after issuance of the expedited notice of hearing shall be served on the Regional Administrator.

§ 203.7 Withdrawal or dismissal of complaint; review of action by Regional Administrator.

(a) If the Regional Administrator determines that the complaint has not been timely filed, that a reasonable basis for the complaint has not been established, that a satisfactory written settlement agreement or written offer of settlement by the respondent has been made, or for other appropriate reasons, he may request the complainant to withdraw the complaint and in the absence of such withdrawal within a reasonable time he may dismiss the complaint.

(b) If the Regional Administrator dismisses the complaint, he shall serve the complainant with a written statement of the grounds for dismissal, and serve a copy of the statement on the respondent. If the dismissal is based on approval of a written offer of settlement by the respondent, such statement shall set forth the terms of settlement and the implementation thereof.

(c) The complainant may obtain a review of a dismissal of a complaint by filing a request for review with the Assistant Secretary within ten (10) days of service of such dismissal. The request for review shall be filed in accordance with the procedures set forth in § 202.6 (d) of this chapter.

§ 203.8 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued if he finds, based on the allegations and the report of investigation by the parties, and any additional investigation by the Area Administrator, that there is a reasonable basis for the complaint and that no satisfactory settlement agreement between the parties or satisfactory written offer of settlement by the respondent has been made.

§ 203.9 Contents of the notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of the time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held; and

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the notice of hearing shall be a copy of the complaint and the respondent's answer.

(c) The report of investigation by the parties referred to in § 203.8 shall be furnished to the Hearing Examiner; however, the report of investigation will not be deemed as evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 203.10 Conduct of hearing.

(a) Hearings shall be conducted by a Hearing Examiner designated by the Chief Hearing Examiner and shall be open to the public unless otherwise ordered by the Hearing Examiner.

(b) An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office during normal working hours.

§ 203.11 Intervention.

Any person desiring to intervene in any proceeding pursuant to this part shall file a motion in accordance with the procedures set forth in § 203.18. The motion shall state the grounds upon which such person claims an interest.

§ 203.12 Rights of parties.

A party shall have the right to appear at any hearing in person, by counsel, or by other representative, and to examine and cross-examine witnesses, and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent prescribed by the Hearing Examiner. Two copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 203.13 Rules of evidence.

The technical rules of evidence do not apply. Any evidence may be received, except that a Hearing Examiner may exclude any evidence or offer of proof which is immaterial, irrelevant, unduly repetitious or customarily privileged. A party shall have the right to present its case by oral and documentary evidence and to submit rebuttal evidence.

§ 203.14 Burden of proof.

A complainant in asserting a violation of the order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 203.15 Duties and powers of the Hearing Examiner.

It shall be the duty of the Hearing Examiner to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before transfer of the case to the Assistant Secretary, the Hearing Examiner shall have the authority to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause a deposition to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(e) Regulate the course of the hearing and, if appropriate, exclude from the hearing persons who engage in misconduct and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion and, where appropriate, transmit to the Regional Administrator offers of settlement by the party or parties or withdrawal requests;

(g) Dispose of procedural requests, motions, or similar matters, which shall be made part of the record of the proceeding, including motions referred to the Chief Hearing Examiner or to the designated Regional Hearing Examiner by the Regional Administrator, and motions to amend pleadings, also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the Hearing Examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Prepare, serve, and submit his report and recommendations pursuant to § 203.22;

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department of Labor by reason of its functions is presumed to be expert; *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Hearing Examiner's decision of the matters so noticed, and shall be given adequate opportunity to show the contrary;

(m) Correct or approve proposed corrections of the official transcript when deemed necessary; and

(n) Take any other action necessary under the foregoing and not prohibited by the regulations in this chapter.

§ 203.16 Unavailability of Hearing Examiners.

In the event the Hearing Examiner designated to conduct the hearing becomes unavailable, the Chief Hearing Examiner shall designate another Hearing Examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 203.17 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objections to the introduction of evidence, may be stated orally or in writing

accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the Hearing Examiner shall not be appealed prior to the transfer of the case to the Assistant Secretary, but shall be considered by the Assistant Secretary only upon the filing of exceptions to the Hearing Examiner's report and recommendations in accordance with § 203.22.

§ 203.18 Motions.

(a) *Filing of motions.* (1) Motions made prior to a hearing and any response thereto shall be made in writing and filed with the Regional Administrator. Those made after the hearing opens and prior to the transfer of the case to the Assistant Secretary shall be filed with the Hearing Examiner. After the transfer of the case to the Assistant Secretary, motions and any responses thereto shall be made in writing to and filed with the Assistant Secretary: *Provided,* That a motion to correct the transcript shall be filed with the Hearing Examiner;

(2) A response to a motion shall be filed within five (5) days after service of the motion, unless otherwise directed; and

(3) An original and two (2) copies of motions and responses shall be filed, and copies shall be served simultaneous on the parties. A statement of such service shall accompany the original.

(b) *Rulings on motions.* (1) The Regional Administrator may rule on all motions filed with him before the hearing, or he may refer them to the Hearing Examiner;

(2) Rulings by the Regional Administrator shall not be appealed prior to the transfer of the case to the Assistant Secretary, but shall be considered by the Assistant Secretary when the case is transferred to him for decision; and

(3) The Hearing Examiner may rule on motions referred to him prior to the hearing and on motions filed after the beginning of the hearing and before the transfer of the case to the Assistant Secretary. Such motions may be ruled upon by the Chief Hearing Examiner in the absence of a Hearing Examiner.

§ 203.19 Waiver of objections.

Any objection not made before a Hearing Examiner shall be deemed waived.

§ 203.20 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 203.21 Filing of brief.

Any party desiring to submit a brief to the Hearing Examiner shall file the original and two (2) copies within seven (7) days after the close of the hearing. Copies of any brief shall be served simultaneously on all other parties to the proceeding and a statement of such service shall be filed with the Hearing Examiner: *Provided, however,* That prior to the close of the hearing and for good cause, the Hearing Examiner may grant a reasonable extension of time for filing briefs. Requests for additional time in which to file a brief under authority of this section not addressed to the Hearing Examiner during the hearing shall be made to the Chief Hearing Examiner, in writing, and copies thereof shall be served simultaneously on the other parties. A statement of such service shall be furnished. Requests for extension of time shall be received not later that three (3) days before the date such briefs are due. No reply brief may be filed except by special permission of the Hearing Examiner.

§ 203.22 Submission of the Hearing Examiner's report and recommendations to the Assistant Secretary; exceptions.

(a) After the close of the hearing, and the receipt of briefs, if any, the Hearing Examiner shall prepare his report and recommendations expeditiously. The report and recommendations shall contain findings of fact, conclusions, and the reasons or basis therefor including credibility determinations, and recommendations as to the disposition of the case including, where appropriate, the remedial action to be taken and notices to be posted.

(b) The Hearing Examiner shall cause his report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the Hearing Examiner shall transfer the case to the Assistant Secretary including his report and recommendations and the record. The record shall include the complaint, notice of hearing, service sheet, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs or other documents submitted by the parties.

(c) An original and two (2) copies of any exception to the Hearing Examiner's report and recommendations may be filed by any party with the Assistant Secretary within ten (10) days after service of the report and recommendations: *Provided, however,* That the Assistant Secretary may for good cause shown extend the time for filing such exceptions. Request for additional time in which to file exceptions shall be in writing, and copies thereof shall be served simultaneously on the other parties. Requests for extension of time must be received no later than three (3) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Assistant Secretary.

§ 203.23 Contents of exceptions to Hearing Examiner's report and recommendations.

(a) Exceptions to a Hearing Examiner's report and recommendations shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Hearing Examiner's report and recommendations to which objection is made; and

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 203.24 Briefs in support of exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued; and

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Answering briefs to the exceptions and cross-exceptions and supporting briefs may be filed at the discretion of the Assistant Secretary.

§ 203.25 Action by the Assistant Secretary.

(a) After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed, the Assistant Secretary shall issue his decision affirming or reversing the Hearing Examiner, in whole or in part, or making such other disposition of the matter as he deems appropriate: *Provided, however,* That unless exceptions are filed which are timely and in accordance with § 203.23, the Assistant Secretary may, at his discretion, adopt without discussion the report and recommendations of the Hearing Examiner, in which event the findings, conclusions, and recommendations of the Hearing Examiner, as contained in his report and recommendations shall, upon appropriate notice to the parties automatically become the decision of the Assistant Secretary.

(b) Upon finding a violation of the order the Assistant Secretary may order the respondent to cease and desist from such violative conduct and may require the respondent to take such affirmative action as he deems appropriate to effectuate the policies of the order.

(c) Upon finding no violation of the order, the Assistant Secretary shall dismiss the complaint.

(d) The Assistant Secretary may refer cases or any issue(s) therein involving major policy questions to the Council for decision or general ruling in accordance with its regulations.

§ 203.26 Compliance with decisions and orders of the Assistant Secretary.

When remedial action is ordered, the respondent shall report to the Assistant Secretary within a specified period that the required remedial action has been effected. When the Assistant Secretary finds that the required remedial action has not been effected, he may order cancellation of dues deduction, withdrawal of recognition, referral to the Council or take such other action as may be appropriate.

PART 204—STANDARDS OF CONDUCT

Subpart A—Substantive Requirements Concerning Standards of Conduct

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AUTHORITY: The provisions of this Part 204 issued under secs. 6 and 18, E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616, 36 F.R. 17319.

Subpart A—Substantive Requirements Concerning Standards of Conduct

§ 204.1 General.

The term "LMRDA" means the Labor-Management Reporting and Disclosure Act of 1959, as amended (29 U.S.C. 401 et seq.). Unless otherwise provided in this part or in the order, any term in any section of the LMRDA which is incorporated into this part by reference and any term in this part which is also used in the LMRDA, shall have the meaning which that term has under the LMRDA, unless the context in which it is used indicates that such meaning is not applicable. In applying the standards contained in this subpart the Assistant Secretary will be guided by the interpretations and policies followed by the Department of Labor in applying the provisions of the LMRDA and, where no such interpretations exist, he will be guided, as appropriate, by decisions of the courts.

§ 204.2 Bill of Rights of members of labor organizations.

(a) (1) *Equal rights.* Every member of a labor organization shall have equal rights and privileges within such organization to nominate candidates, to vote in elections or referendums of the labor organization, to attend membership meetings and to participate in the deliberations and voting upon the business of such meetings, subject to reasonable rules and regulations in such organization's constitution and bylaws.

(2) *Freedom of speech and assembly.* Every member of any labor organization shall have the right to meet and assemble freely with other members; and to express any views, arguments, or opinions; and to express at meetings of the labor organization his views, upon candidates in an election of the labor organization, or upon any business properly before the meeting, subject to the organization's established and reasonable rules pertaining to the conduct of meetings: *Provided,* That nothing herein shall be construed to impair the right of a labor organization to adopt and enforce reasonable rules as to the responsibility of every member toward the organization as an institution and to his refraining from conduct that would interfere with its performance of its legal or contractual obligations.

(3) *Dues, initiation fees, and assessments.* Except in the case of a federation of national or international labor organizations, the rates of dues and initiation fees payable by members of any labor organization in effect on the date this section is published shall not be increased, and no general, or special assessment, shall be levied upon such members, except—

(i) In the case of a local organization, (*a*) by majority vote by secret ballot of the members in good standing voting at a general or special membership meeting, after reasonable notice of the intention to vote upon such question, or (*b*) by majority vote of the members in good

Hearing procedures under this part

standing voting in a membership referendum conducted by secret ballot; or

(ii) In the case of a labor organization, other than a local labor organization or a federation of national or international labor organizations, (*a*) by majority vote of the delegates voting at a regular convention, or at a special convention of such labor organization held upon not less than 30 days' written notice to the principal office of each local or constituent labor organization entitled to such notice, or (*b*) by majority vote of the members in good standing of such labor organization voting in a membership referendum conducted by secret ballot, or (*c*) by majority vote of the members of the executive board or similar governing body of such labor organization, pursuant to express authority contained in the constitution and bylaws of such labor organization: *Provided,* That such action on the part of the executive board or similar governing body shall be effective only until the next regular convention of such labor organization.

(4) *Protection of the right to sue.* No labor organization shall limit the right of any member thereof to institute an action in any court, or in a proceeding before any administrative agency, irrespective of whether or not the labor organization or its officers are named as defendants or respondents in such action or proceedings, or the right of any member of a labor organization to appear as a witness in any judicial, administrative, or legislative proceeding, or to petition any legislature or to communicate with any legislator: *Provided,* That any such member may be required to exhaust reasonable hearing procedures (but not to exceed a 4-month lapse of time) within such organization, before instituting legal or administrative proceedings against such organizations or any officer thereof.

(5) *Safeguards against improper disciplinary action.* No member of any labor organization may be fined, suspended, expelled, or otherwise disciplined, except for nonpayment of dues by such organization or by any officer thereof unless such member has been (i) served with written specific charges; (ii) given a reasonable time to prepare his defense; (iii) afforded a full and fair hearing.

(b) Any provision of the constitution and bylaws of any labor organization which is inconsistent with the provisions of this section shall not be a defense to any proceeding instituted against the labor organization under this part or Executive Order 11491.

(c) Nothing contained in this section shall limit the rights and remedies of any member of a labor organization under any State or Federal law or before any court or other tribunal, or under the constitution and bylaws of any labor organization.

(d) It shall be the duty of the secretary or corresponding principal officer of each labor organization, in the case of a local labor organization, to forward a copy of each agreement made by such labor organization with any agency or activity to any employee who requests such a copy and whose rights as such employee are directly affected by such agreement, and in the case of a labor organization other than a local labor organization, to forward a copy of any such agreement to each constituent unit which has members directly affected by such agreement; and such officer shall maintain at the principal office of the labor organization of which he is an officer, copies of any such agreement made or received by such labor organization, which copies shall be available for inspection by any member or by any employee whose rights are affected by such agreement. An employee's rights under this paragraph shall be enforceable in the same manner as the rights of a member.

§ 204.3 Adoption of constitution and bylaws.

Every labor organization shall adopt a constitution and bylaws which are consistent with the provisions of the order and of these regulations, and file copies thereof pursuant to § 204.5.

§ 204.4 Filing of labor organization registration report.

Every labor organization shall file a registration report, signed by its president and secretary or corresponding principal officers. This registration report shall be filed in duplicate with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, on Form G–1 entitled "Federal Labor Organization Registration Report" [1] within 90 days after the date on which the labor organization becomes subject to the order.

§ 204.5 Filing of constitution and bylaws.

Every labor organization shall file two copies of its constitution and bylaws with the Form G–1.

§ 204.6 Labor organizations filing under the LMRDA.

The provisions of §§ 204.4 and 204.5 are not applicable to any labor organization which is required to report and is reporting pursuant to section 201(a) of the LMRDA.

§ 204.7 Alternative method of filing constitution and bylaws.

(a) A labor organization may adopt as its constitution and bylaws (whether by formal action or by virtue of affiliation with a parent organization) the constitution and bylaws of a national or international organization which the national or international organization has filed under section 201(a) of the LMRDA or under § 204.5.

(b) Copies of the constitution and bylaws filed by a national or international organization will be accepted in lieu of the filing of such documents by each subordinate labor organization which adopts, and is subject to such constitution and bylaws if (1) the national or international organization so informs the Office of Labor-Management and Welfare-Pension Reports on its registration report (Form G–1), (or otherwise, if that report is not required to be filed) and files as many additional copies as the Office of Labor-Management and Welfare-Pension Reports may request; and (2) the subordinate labor organization indicates in its registration report (Form G–1) that copies of the constitution and bylaws of the national or international organization are being filed on its behalf.

(c) A subordinate labor organization which is governed by the constitution and bylaws of a national or international organization and which also adopts its own bylaws or other supplements to the national constitution must submit two copies of the supplemental documents with its registration report (Form G–1).

§ 204.8 Amendments to constitution and bylaws.

All changes in and amendments to the constitution and bylaws filed pursuant to this subpart shall be reported through submission of the required number of copies of the labor organization's revised constitution and bylaws. These revised copies shall be filed with the labor organization's annual report filed pursuant to § 204.9 or § 204.12 for the year in which the revisions are made: *Provided, however,* That if the constitution and bylaws were filed on its behalf pursuant to paragraph (b) of § 204.7, the revised constitution and bylaws may also be filed on its behalf with the annual report of its national or international labor organization and with the same number of copies as were submitted pursuant to paragraph (b) of § 204.7 and both labor organizations shall indicate on their respective annual reports that such filings were made by the national or international labor organization.

Annual Reports

§ 204.9 Annual reports.

Every labor organization shall, except as otherwise provided in this subpart, file an annual report in duplicate signed by its president and treasurer or corresponding principal officers within 90 days after the end of its fiscal year with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, on Form G–2 entitled "Federal Labor Organization Annual Report" [2] in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 204.10 Labor organizations filing under the LMRDA.

If a labor organization is also subject to the LMRDA, and is filing annual reports pursuant to section 201 of the Act, it is not required to file the report required by § 204.9.

[1] Filed as part of the original document.

[2] Filed as part of the original document.

§ 204.11 Labor organizations under trusteeship.

If a labor organization is in trusteeship on the date for filing the annual report, the organization which has assumed the trusteeship shall file the report required in § 204.9.

§ 204.12 Small labor organizations.

(a) If a labor organization, not in trusteeship, has gross annual receipts totaling less than $30,000, but $2,000 or more for its fiscal year, it may file the annual report required by § 204.9 in duplicate on Form G–3 entitled "Federal Labor Organization Simplified Annual Report"[3] in accordance with the instructions accompanying such form and constituting a part thereof.

(b) If a labor organization, not in trusteeship, has gross annual receipts of less than $2,000 for its fiscal year, it may file the annual report required by § 204.9 in duplicate on Form G–4 entitled "Federal Labor Organization Abbreviated Annual Report"[4] in accordance with the instructions accompanying such form and constituting a part thereof.

(c) A local labor organization, not in trusteeship, which has no assets, no liabilities, no receipts, and no disbursements during the period covered by the annual report of the national organization with which it is affiliated need not file the annual report required by § 204.9 if the following conditions are met:

(1) It is governed by a uniform constitution and bylaws filed on its behalf pursuant to § 204.7(b) and the proviso in § 204.8, does not have governing rules of its own, and is not authorized to adopt such rules;

(2) Its members are subject to uniform fees and dues applicable to all members of the local labor organizations for which exemption is claimed; and

(3) The national organization with which it is affiliated assumes responsibility for the accuracy of, and submits with its annual report, Form G–2, a statement with as many copies as the Office of Labor-Management and Welfare-Pension Reports shall request, that the conditions of the exemption have been met for the specified local organizations for which exemption is claimed. This statement must be signed by the president and treasurer of the national labor organization and must contain the following additional information:

(i) If the national labor organization reports its dues in section B of Item 12 of its annual report, Form G–2, a statement of the required dues and fees of such exempt organizations, set forth in the same manner as prescribed in Item 12 of the Form G–2; and

(ii) With respect to each local labor organization for which exemption is claimed;

(a) The name and designation number or other identifying information.

(b) The file number (G-number) which the Office of Labor-Management and Welfare Pension Reports has assigned to it.

(c) The mailing address.

(d) The city, county, and State where it is chartered to operate, if these have changed since last reported to the Office of Labor-Management and Welfare-Pension Reports.

(e) The names and titles of the officers as of the end of the reporting period.

REPORTING OF TRUSTEESHIPS

§ 204.13 Labor organizations filing under the LMRDA.

A labor organization subject to the LMRDA which has or assumes trusteeship over any subordinate labor organization subject to that Act as well as the order is not required to file reports under §§ 204.14–204.17, but must file the reports required under section 301 of the LMRDA and Part 408 of this title.

§ 204.14 Initial trusteeship report.

Except as provided in § 204.13, every labor organization which has or assumes trusteeship over any subordinate labor organization subject to the order shall file with the Office of Labor-Management and Welfare-Pension Reports, U.S. Department of Labor, Washington, D.C. 20210, within 30 days after the imposition of any such trusteeship, a trusteeship report, signed by its president and treasurer or corresponding principal officers, as well as by the trustees of the subordinate labor organization. Such report shall be filed in duplicate on Form G–15 entitled "Federal Labor Organization Trusteeship Report"[5] in the detail required by the instructions accompanying such form and constituting a part thereof.

§ 204.15 Semiannual trusteeship report.

Every labor organization required to file a report under § 204.14 shall thereafter during the continuance of a trusteeship over the subordinate labor organization, file with the Office of Labor-Management and Welfare-Pension Reports a semiannual trusteeship report on Form G–15 in duplicate containing the information required by that form in accordance with the instructions therein relating to the semiannual trusteeship report. If during the period covered by the semiannual trusteeship report there was (a) a convention or other policy determining body to which the subordinate organization under trusteeship sent delegates or would have sent delegates if not in trusteeship, or (b) an election of officers of the labor organization assuming trusteeship, a report on Form G–15A entitled "Federal Labor Organization Schedule on Selection of Delegates and Officers"[6] shall be filed in duplicate with the Form G–15.

§ 204.16 Annual report.

During the continuance of a trusteeship, the organization which has assumed trusteeship over a subordinate labor organization subject to the order shall file with the Office of Labor-Management and Welfare-Pension Reports on behalf of the subordinate labor organization the annual report required by § 204.9 on Form G–2 in duplicate signed by the president and treasurer or corresponding principal officers of the labor organization which has assumed such trusteeship. In addition, such labor organization shall file Form G–6, "Information and Signature Sheet for Financial Report of Federal Labor Organization Under Trusteeship,"[7] in duplicate signed by the trustees of the subordinate labor organization.

§ 204.17 Terminal trusteeship information and financial reports.

Each labor organization which has assumed trusteeship over a subordinate labor organization subject to the order shall file within 90 days after the termination of such trusteeship a report in duplicate on Form G–16 entitled "Federal Labor Organization Terminal Trusteeship Information Report"[8] in the detail required by the instructions accompanying such form and constituting a part thereof. The organization submitting the terminal trusteeship information report must also file at the same time on behalf of the subordinate labor organization a final financial report in duplicate for the organization under trusteeship on Forms G–2 and G–6, in conformance with the requirements of §§ 204.9 and 204.16 covering the period from the beginning of the fiscal year through the termination date of the trusteeship.

MISCELLANEOUS PROVISIONS RELATING TO REPORTING REQUIREMENTS

§ 204.18 Fiscal year.

As used in this subpart the term "fiscal year" means the calendar year, or other periods of 12 consecutive calendar months, on the basis of which financial accounts are kept by a labor organization reporting under this subpart. Where a labor organization designates a new fiscal year prior to the expiration of a previously established fiscal year, the resultant period of less than 12 consecutive calendar months, and thereafter the newly established fiscal year, shall in that order each constitute a fiscal year for purposes of the reports required by this subpart.

§ 204.19 Initial annual report.

A labor organization which is subject to the order for only a portion of its fiscal year because the labor organization first becomes subject to the order during such fiscal year, may at its option consider such portion as the entire fiscal year in filing the annual report required under § 204.9 or § 204.12.

§ 204.20 Terminal report.

Any labor organization required to file a report under the provisions of this subpart, which during its fiscal year loses its identity as a reporting labor organization

[3] Filed as part of the original document.
[4] Filed as part of the original document.
[5] Filed as part of the original document.
[6] Filed as part of the original document.
[7] Filed as part of the original document.
[8] Filed as part of the original document.

through merger, consolidation, or otherwise, shall within 30 days after such loss, file a terminal report in duplicate with the Office of Labor-Management and Welfare-Pension Reports on Form G–2, Form G–3, or Form G–4, as may be appropriate under § 204.9 or § 204.12, signed by the persons who were the president and treasurer or corresponding principal officers of the labor organization immediately prior to its loss of reporting identity. For the purpose of such terminal report the fiscal year shall be considered to be the period from the beginning of the labor organization's fiscal year to the date of its loss of reporting identity.

§ 204.21 Effect of acknowledgment and filing by the Office of Labor-Management and Welfare-Pension Reports.

Acknowledgment by the Office of Labor-Management and Welfare-Pension Reports of the receipt of the reports and documents submitted for filing under this subpart is intended solely to inform the sender of the receipt thereof. Neither such acknowledgment nor the filing of such reports and documents by the Office of Labor-Management and Welfare-Pension Reports constitutes express or implied approval thereof or in any manner indicates that the content of any such report or document fulfills the reporting or other requirements of the order, or of the regulations in this subpart applicable thereto.

§ 204.22 Personal responsibility of signatories of reports.

Each individual required to sign any report under this subpart shall be personally responsible for the filing of such report and for any statement contained therein which he knows to be false. Penalties for filing false reports are provided in 18 U.S.C. 1001.

§ 204.23 Dissemination and verification of reports.

Every labor organization required to submit a report under this subpart shall furnish or otherwise make available to all its members the information required to be contained in such report and shall furnish or otherwise make available to every member a copy of its constitution and bylaws. Every labor organization and its officers shall be under a duty to permit any member for just cause to examine any books, records, and accounts, necessary to verify such report and constitution and bylaws.

§ 204.24 Maintenance and retention of records.

Every labor organization required to file any report under this subpart shall maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office of Labor-Management and Welfare-Pension Reports may be verified, explained, or clarified, and checked for accuracy and completeness. This includes vouchers, worksheets, receipts, and applicable resolutions (including any such reports in existence on the date the order became effective). Every labor organization shall keep such records available for examination for a period of not less than 5 years after the filing of the report.

§ 204.25 Examination and copying of reports required by this subpart.

Examination of any report or other document filed as required by this subpart, and the furnishing by the Office of Labor-Management and Welfare-Pension Reports of copies thereof to any person requesting them, shall be governed by Part 70 of this title.

TRUSTEESHIPS

§ 204.26 Purposes for which a trusteeship may be established.

Trusteeships shall be established and administered by a labor organization over a subordinate body only in accordance with the constitution and bylaws of the organization which has assumed trusteeship over the subordinate body and for the purpose of (a) correcting corruption or financial malpractice, (b) assuring the performance of negotiated agreements or other duties of a representative of employees, (c) restoring democratic procedures, or (d) otherwise carrying out the legitimate objects of such labor organization.

§ 204.27 Prohibited acts relating to subordinate body under trusteeship.

During any period when a subordinate body of a labor organization is in trusteeship, (a) the votes of delegates or other representatives from such body in any convention or election of officers of the labor organization shall not be counted unless the representatives have been chosen by secret ballot in an election in which all the members in good standing of such subordinate body were eligible to participate; and (b) no current receipts or other funds of the subordinate body except the normal per capita tax and assessments payable by subordinate bodies not in trusteeship shall be transferred directly or indirectly to the labor organization which has imposed the trusteeship: *Provided, however,* That nothing contained in this section shall prevent the distribution of the assets of a labor organization in accordance with its constitution and bylaws upon the bona fide dissolution thereof.

§ 204.28 Presumption of validity.

In any proceeding involving § 204.26, a trusteeship established by a labor organization in conformity with the procedural requirements of its constitution and bylaws and authorized or ratified after a fair hearing either before the executive board or before such other body as may be provided in accordance with its constitution and bylaws shall be presumed valid for a period of 18 months from the date of its establishment and shall not be subject to attack during such period except upon clear and convincing proof that the trusteeship was not established or maintained in good faith for purposes allowable under § 204.26. After the expiration of 18 months the trusteeship shall be presumed invalid in any such proceeding, unless the labor organization shall show by clear and convincing proof that the continuation of the trusteeship is necessary for a purpose allowable under § 204.26.

ELECTIONS

§ 204.29 Election of officers.

Every labor organization subject to the order shall conduct periodic elections of officers in a fair and democratic manner. All elections of officers shall be governed by the standards prescribed in sections 401 (a), (b), (c), (d), (e), (f), and (g) of the LMRDA to the extent that such standards are relevant to elections held pursuant to the order.

ADDITIONAL PROVISIONS APPLICABLE

§ 204.30 Removal of elected officers.

When an elected officer of a local labor organization is charged with serious misconduct and the constitution and bylaws of such organization do not provide an adequate procedure meeting the standards of § 417.2(e) of this title for removal of such officer, the labor organization shall follow a procedure which meets those standards. A labor organization which has adequate procedures in its constitution and bylaws shall follow those procedures.

§ 204.31 Maintenance of fiscal integrity in the conduct of the affairs of labor organizations.

The standards of fiduciary responsibility prescribed in section 501(a) of the LMRDA are incorporated into this subpart by reference and made a part hereof.

§ 204.32 Provision for accounting and financial controls.

Every labor organization shall provide accounting and financial controls necessary to assure the maintenance of fiscal integrity.

§ 204.33 Prohibition of conflicts of interest.

(a) No officer or agent of a labor organization shall, directly or indirectly through his spouse, minor child, or otherwise (1) have or acquire any pecuniary or personal interest which would conflict with his fiduciary obligation to such labor organization, or (2) engage in any business or financial transaction which conflicts with his fiduciary obligation.

(b) Actions prohibited by paragraph (a) of this section include, but are not limited to, buying from, selling, or leasing directly or indirectly to, or otherwise dealing with the labor organization, its affiliates, subsidiaries, or trusts in which the labor organization is interested, or having an interest in a business any part of which consists of such dealings, except bona fide investments of the kind exempted from reporting under section 202(b) of the LMRDA. The receipt of salaries and reimbursed expenses for services actually performed or expenses actually incurred in carrying out the duties of the officer or agent is not prohibited.

§ 204.34 Loans to officers or employees.

No labor organization shall directly or indirectly make any loan to any officer or employee of such organization which results in a total indebtedness on the part of such officer or employee to the labor organization in excess of $2,000.

§ 204.35 Bonding requirements.

Every officer, agent, shop steward, or other representative or employee of any labor organization subject to the order (other than a labor organization whose property and annual financial receipts do not exceed $5,000 in value), or of a trust in which a labor organization is interested, who handles funds or other property thereof shall be bonded in accordance with the principles of section 502(a) of the LMRDA. In enforcing this requirement the Assistant Secretary will be guided by the interpretations and policies followed by the Department of Labor in applying the provisions of section 502(a) of the LMRDA.

§ 204.36 Prohibitions against certain persons holding office or employment.

The prohibitions against holding office or employment in a labor organization contained in section 504(a) of the LMRDA are incorporated into this subpart by reference and made a part hereof. The prohibitions shall also be applicable to any person who has been convicted of, or who has served any part of a prison term resulting from his conviction of, violating 18 U.S.C. 1001 by making a false statement in any report required to be filed pursuant to this subpart, or who has been determined by the Assistant Secretary after an appropriate proceeding pursuant to §§ 204.66 through 204.92 to have willfully violated § 204.27: *Provided, however,* That the duties and responsibilities of the Board of Parole of the U.S. Department of Justice under section 504(a) of the LMRDA shall be assumed under this section by the Assistant Secretary or such other person as he may designate for the purpose of determining whether it would not be contrary to the order and this section to permit a person barred from holding office or employment to hold such office or employment.

§ 204.37 Prohibition of certain discipline.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall fine, suspend, expel, or otherwise discipline any of its members for exercising any right to which he is entitled under the provisions of the order or of this chapter.

§ 204.38 Deprivation of rights under the order by violence or threat of violence.

No labor organization or any officer, agent, shop steward, or other representative or any employee thereof shall use, conspire to use, or threaten to use force or violence to restrain, coerce, or intimidate, or attempt to restrain, coerce, or intimidate any member of a labor organization for the purpose of interfering with or preventing the exercise of any right to which he is entitled under the provisions of the order or of this chapter.

Subpart B—Proceedings for Enforcing Standards of Conduct

§ 204.50 Investigations.

When he believes it necessary in order to determine whether any person has violated or is about to violate any provisions of this part (other than § 204.2, *Bill of Rights of members of labor organizations* or § 204.37, *Prohibition of certain discipline*) the Director shall cause an investigation to be conducted. The authority to investigate possible violations of this part (other than § 204.2 or § 204.37) shall not be contingent upon receipt of a complaint.

§ 204.51 Inspection of records and questioning.

In connection with such investigation an Area Administrator or his representative may inspect such records and question such persons as he may deem necessary to enable him to determine the relevant facts. Every labor organization, its officers, employees, agents, or representatives shall cooperate fully in any investigation and shall testify and produce the records or other documents requested in connection with the investigation. This section shall be enforced in accordance with the procedures in §§ 204.66 through 204.92.

§ 204.52 Report of investigation.

The Area Administrator's report of investigation (except those relating to complaints under § 204.2, *Bill of Rights of members of labor organizations* or § 204.37, *Prohibition of certain discipline*) shall be submitted through the Regional Administrator to the Director, who may report to interested persons concerning any matter which he deems to be appropriate as a result of such an investigation.

§ 204.53 Filing of complaints.

A complaint alleging violations of this part may be filed with any area office, or any other office of the Labor-Management Services Administration.

PROCEDURES INVOLVING BILL OF RIGHTS OR PROHIBITED DISCIPLINE

§ 204.54 Complaints alleging violations of § 204.2, Bill of Rights of members of labor organizations or § 204.37, prohibition of certain discipline.

Any member of a labor organization whose rights under the provisions of § 204.2 or § 204.37 are alleged to have been infringed or violated, may file a complaint in accordance with § 204.53: *Provided, however,* That such member may be required to exhaust reasonable hearing procedures (but not to exceed a 4-month lapse of time) within such organization.

§ 204.55 Content of complaint.

(a) The complaint shall contain appropriate identifying information and a clear and concise statement of the facts constituting the alleged violation.

(b) The complainant shall submit with his complaint a statement setting forth the procedures, if any, invoked to remedy the alleged violation including the dates when such procedures were invoked and copies of any written ruling or decision which he has received.

§ 204.56 Service on respondent.

Simultaneously with the filing of a complaint, a copy of the complaint shall be served upon the respondent, and a written statement of such service shall be furnished to the Area Administrator.

§ 204.57 Additional information and report.

Upon the filing of a complaint pursuant to §§ 204.54–204.56, the Area Administrator shall obtain such additional information as he deems necessary and shall report the essential facts, the positions of the parties, and any offers of settlement to the Regional Administrator.

§ 204.58 Dismissal of complaint.

If the Regional Administrator, after receipt of a report of the Area Administrator pursuant to § 204.57, determines that a reasonable basis for the complaint has not been established, or that an offer of settlement satisfactory to the complainant has been made, he may dismiss the complaint. If he dismisses the complaint, he shall furnish the complainant with a written statement of the grounds for dismissal, sending a copy of the statement to the respondent.

§ 204.59 Review of dismissal.

The complainant may obtain a review of such action by filing a request for review with the Assistant Secretary within ten (10) days for service of the notice of dismissal and simultaneously serving a copy of such request on the Regional Administrator and the respondent. A statement of service shall be filed with the Assistant Secretary. The request for review shall contain a complete statement of the facts and reasons upon which a request is based.

§ 204.60 Actionable complaint.

If it appears to the Regional Administrator that there is a reasonable basis for the complaint, and that no offer of settlement satisfactory to the complainant has been made, he shall cause a notice of hearing to be issued and served on both the complainant and the labor organization.

§ 204.61 Notice of hearing.

The notice of hearing shall include:

(a) A copy of the complaint;

(b) A statement of the time and place of the hearing which shall be not less than 10 days after service of notice of the hearing, except in extraordinary circumstances;

(c) A statement of the nature of the hearing; and

(d) A statement of the authority and jurisdiction under which the hearing is to be held.

§ 204.62 Hearing procedures

The proceedings following issuance of the notice of hearing shall be as provided in §§ 203.10 through 203.26 of this chapter, except that under § 203.15(f) the Hearing Examiner rather than the Regional Administrator shall take appropriate action on offers of settlement.

ELECTION OF OFFICERS

§ 204.63 Complaints alleging violations of § 204.29, election of officers.

(a) A member of a labor organization may file a complaint alleging violations of § 204.29 within 1 calendar month after he has (1) exhausted the remedies available under the constitution and bylaws of the labor organization and of any parent body, or (2) invoked such available remedies without obtaining a final decision within 3 calendar months of such invocation.

(b) The complaint shall contain a clear and concise statement of the facts constituting the alleged violation(s) and a statement of what remedies have been invoked under the constitution and bylaws of the labor organization and when such remedies were invoked.

(c) The complainant shall submit with his complaint a copy of any ruling or decision he has received in connection with the subject matter of his complaint.

§ 204.64 Investigations; dismissal of complaint.

(a) If it is determined after preliminary inquiry that a complaint is deficient in any of the following respects, the Area Administrator shall conduct no investigation: (1) The complainant is not a member of the labor organization which conducted the election being challenged; (2) the labor organization is not subject to Executive Order 11491; (3) the election was not a regular periodic election of officers; (4) the allegations, if true, do not constitute a violation or violations of § 204.29; (5) the complainant has not complied with the requirements of § 204.63(a).

(b) If investigation discloses (1) that there has been no violation or (2) that a violation has occurred but was not of the kind that may have affected the outcome or (3) that a violation has occurred but has been remedied, the Director shall issue a determination dismissing the complaint and stating the reasons for his action.

§ 204.65 Procedures following actionable complaint.

(a) If the Director concludes that there is probable cause to believe that a violation has occurred and has not been remedied and may have affected the outcome of the election, he shall proceed in accordance with §§ 204.66 through 204.92.

(b) The challenged election shall be presumed valid pending a final decision thereon by the Assistant Secretary, and in the interim the affairs of the organization shall be conducted by the officers elected or in such other manner as its constitution and bylaws may provide.

OTHER ENFORCEMENT PROCEEDINGS

§ 204.66 Procedures for institution of enforcement proceedings.

Whenever it appears to the Director that a violation of this part (other than § 204.2, Bill of Rights of members of labor organizations or § 204.37, Prohibition of certain discipline) has occurred and has not been remedied, he shall immediately notify any appropriate person and labor organization. Within ten (10) days following receipt of such notification, any such person or labor organization may request a conference with the Director or his representatives concerning such alleged violation. At any such conference, the Director may enter into an agreement providing for appropriate remedial action. If no person or labor organization requests such a conference, or upon failure to reach agreement following any such conference, the Director shall institute enforcement proceedings by filing a complaint with the Chief Hearing Examiner, U.S. Department of Labor, and shall cause a copy of the complaint to be served on each respondent named therein.

§ 204.67 Standards complaint; initiation of proceedings.

A complaint filed under § 204.66 shall constitute the institution of a formal enforcement proceeding in the name of the Director, who shall be the only complaining party in the proceeding and shall, where he believes it appropriate, refrain from disclosing the identity of any person who called the violation to his attention (except in proceedings involving violations of § 204.29, Election of Officers). The complaint shall include the following:

(a) The name and identity of each respondent.

(b) A clear and concise statement of the facts alleged to constitute violations of the order or of this part.

(c) A statement of the relief requested.

(d) In any complaint filed by the Director on the basis of a complaint received from a member of a labor organization pursuant to § 204.63, a statement setting forth the procedures, if any, followed to invoke available remedies, including the dates when such procedures were invoked, and the substance of any ruling or decision received by the complaining member from the labor organization or any parent body.

§ 204.68 Hearing Examiner.

Each enforcement proceeding instituted pursuant to this part shall be conducted before a Hearing Examiner designated by the Chief Hearing Examiner.

§ 204.69 Answer.

(a) Within twenty (20) days from the service of the complaint the respondent shall file an answer thereto with the Chief Hearing Examiner and shall serve a copy on all parties. The answer shall be signed by the respondent or his attorney.

(b) The answer (1) shall contain a statement of the facts which constitute the grounds of defense, and shall specifically admit, explain, or deny each of the allegations of the complaint unless the respondent is without knowledge, in which case the answer shall so state; or (2) shall state that the respondent admits all of the allegations in the complaint. Failure to file an answer to or plead specifically to any allegation in the complaint shall constitute an admission of such allegation.

§ 204.70 Procedure upon admission of facts.

The admission, of all the material allegations of fact in the complaint shall constitute a waiver of hearing. Upon such admission, the Hearing Examiner without further hearing shall prepare his report and recommendation in which he shall adopt as his proposed findings of fact the material facts alleged in the complaint.

§ 204.71 Motions and requests.

(a) Motions and requests made prior to the hearing shall be filed with the Chief Hearing Examiner. An original and two copies of such motions and requests shall be filed and the moving party shall serve simultaneously a copy on all other parties. Motions during the course of the hearing may be stated orally or filed in writing and shall be made part of the record. Each motion shall state the particular order, ruling, or action desired, and the grounds therefor. The Hearing Examiner is authorized to rule upon all motions made prior to the filing of his report.

(b) A party may request the attendance of witnesses and/or the production of documents at a hearing held pursuant to this part, by written application before the hearing or orally during the hearing. Copies of an application filed before the opening of the hearing shall be served simultaneously on the other parties, who may file written objections to the request within five (5) days after such service. The Hearing Examiner, after consideration of any objections, shall grant the request provided the specified testimony, and/or documents appear to be necessary to the matters under investigation. If the Hearing Examiner denies the request he shall set forth the basis for his ruling. Upon the failure of any party or officer or employee of any party to comply with such a request which has been granted by the Hearing Examiner, the Hearing Examiner and the Assistant Secretary may disregard all related evidence offered by the party failing to comply with the request or take such other action as may be appropriate.

§ 204.72 Notice of hearing.

The Chief Hearing Examiner shall issue and cause to be served upon each of the parties a notice of hearing. The notice of hearing shall include the following:

(a) The name and identity of each party and the case number.

(b) A statement of the authority and jurisdiction under which the hearing is to be held.

(c) A statement of the time and place of the hearing which shall be not less than ten (10) days after service of the notice of hearing.

§ 204.73 Prehearing conferences.

(a) Upon his own motion or the motion of the parties, the Hearing Examiner may direct the parties or their counsel to meet with him for a conference to consider:

(1) Simplification of the issues;

(2) Necessity or desirability of amendments to pleadings for purposes of clarification, simplification, or limitations;

(3) Stipulations, admissions of fact, and of contents, and authenticity of documents;

(4) Limitation of the number of expert witnesses; and

(5) Such other matters as may tend to expedite the disposition of the proceeding.

(b) The record shall show the matters disposed of by order and by agreement in such prehearing conferences. The subsequent course of the proceeding shall be controlled by such action.

HEARING AND RELATED MATTERS

§ 204.74 Conduct of hearing.

Hearings shall be conducted by a Hearing Examiner and shall be open to the public unless otherwise ordered by the Hearing Examiner.

§ 204.75 Intervention.

Any person desiring to intervene in any appropriate proceeding as a party respondent shall file a motion in writing or, if made at the hearing, may move orally on the record, stating the grounds upon which such person claims an interest. Such a motion shall be filed with the Hearing Examiner who shall rule upon such motion.

§ 204.76 Duties and powers of the Hearing Examiner.

It shall be the duty of the Hearing Examiner to inquire fully into the facts as they relate to the matter before him. Upon assignment to him and before transfer of the case to the Assistant Secretary, the Hearing Examiner shall have the authority to:

(a) Grant requests for appearance of witnesses or production of documents;

(b) Rule upon offers of proof and receive relevant evidence;

(c) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(d) Limit lines of questioning or testimony which are immaterial, irrelevant, or unduly repetitious;

(e) Regulate the course of the hearing, and if appropriate, exclude from the hearing, persons who engage in misconduct, and strike all related testimony of witnesses refusing to answer any questions ruled to be proper;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties or upon his own motion;

(g) Dispose of procedural requests, motions, or similar matters which shall be made part of the record of the proceeding; also to recommend dismissal of cases or portions thereof, and to order hearings reopened prior to issuance of the Hearing Examiner's report and recommendations;

(h) Examine and cross-examine witnesses and to introduce into the record documentary or other evidence;

(i) Request the parties at any time during the hearing to state their respective positions concerning any issue in the case or theory in support thereof;

(j) Continue, at his discretion, the hearing from day-to-day, or adjourn it to a later date or to a different place, by announcement thereof at the hearing or by other appropriate notice;

(k) Prepare, serve, and submit, his report and recommendations pursuant to § 204.88.

(l) Take official notice of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice and also concerning which the Department by reason of its functions is presumed to be expert: *Provided*, That the parties shall be given adequate notice, at the hearing or by reference in the Hearing Examiner's report and recommendations of the matters so noticed, and shall be given adequate opportunity to show the contrary.

(m) Correct or approve proposed corrections of the official transcript when deemed necessary.

(n) Take any other action necessary under the foregoing and not prohibited by these regulations.

§ 204.77 Rights of parties.

Any party shall have the right to appear at such hearing in person, by counsel, or by other representative, to examine and cross-examine witnesses, and to introduce into the record, documentary or other relevant evidence, except that the participation of any party shall be limited to the extent prescribed by the Hearing Examiner. Two (2) copies of documentary evidence shall be submitted and a copy furnished to each of the other parties. Stipulations of fact may be introduced in evidence with respect to any issue.

§ 204.78 Rules of evidence.

The technical rules of evidence do not apply. Any evidence may be received, except that a Hearing Examiner may exclude any evidence or offer of proof which is immaterial, irrelevant, unduly repetitious, or customarily privileged. Every party shall have a right to present his case by oral and documentary evidence and to submit rebuttal evidence.

§ 204.79 Burden of proof.

The Director in asserting a violation of the order shall have the burden of proving the allegations of the complaint by a preponderance of the evidence.

§ 204.80 Unavailability of Hearing Examiners.

In the event the Hearing Examiner designated to conduct the hearing becomes unavailable, the Chief Hearing Examiner shall designate another Hearing Examiner for the purpose of further hearing or issuance of a report and recommendations on the record as made, or both.

§ 204.81 Objection to conduct of hearing.

(a) Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing, accompanied by a short statement of the grounds for such objection, and included in the record. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

(b) Automatic exceptions will be allowed to all adverse rulings. Rulings by the Hearing Examiner shall not be appealed prior to the transfer of the case to the Assistant Secretary, but shall be considered by the Assistant Secretary only upon the filing of exceptions to the Hearing Examiner's report and recommendations in accordance with § 204.88.

§ 204.82 Motions after a hearing.

All motions made after the transfer of the case to the Assistant Secretary, except motions to correct the record, under § 204.76(m), shall be made in writing to the Assistant Secretary. The moving party shall serve simultaneously a copy of all motion papers on all other parties. A statement of service shall accompany the motion. Answers, if any, must be served on all parties and the original thereof, together with two (2) copies and statement of service, shall be filed with the Assistant Secretary after the hearing, within five (5) days after service of the moving papers unless it is otherwise directed.

§ 204.83 Waiver of objections.

Any objection not duly urged before a Hearing Examiner shall be deemed waived.

§ 204.84 Oral argument at the hearing.

Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.

§ 204.85 Transcript.

An official reporter shall make the only official transcript of such proceedings. Copies of the official transcript will not be provided to the parties but may be purchased by arrangement with the official reporter or may be examined in the Area Office in whose geographic jurisdiction the hearing has been held.

§ 204.86 Filing of brief.

Any party desiring to submit a brief to the Hearing Examiner shall file the original and two (2) copies within seven (7) days after the close of the hearing.

Provided however, That prior to the close of the hearing and for good cause, the Hearing Examiner may grant a reasonable extension of time. Copies of such brief shall be served simultaneously on all of the parties to the proceeding. Requests for additional time in which to file a brief under authority of this section made after the hearing shall be made in writing to the Hearing Examiner and copies thereof served simultaneously on the other parties. A statement of such service shall be furnished. A request for extension of time shall be received not later than three (3) days before the date such briefs are due. In the absence of the Hearing Examiner such requests shall be ruled upon by the Chief Hearing Examiner. No reply brief may be filed except by permission of the Hearing Examiner.

§ 204.87 Proposed findings and conclusions.

Within ten (10) days following the close of the hearing, the parties may submit proposed findings and conclusions to the Hearing Examiner, together with supporting reasons therefor, which shall became part of the record.

§ 204.88 Submission of the Hearing Examiner's report and recommendations to the Assistant Secretary; exceptions.

(a) After the close of the hearing, and the receipt of briefs, or findings, and conclusions, if any, the Hearing Examiner shall prepare his report and recommendations expeditiously. The report and recommendations shall contain findings of fact, conclusions, and the reasons, or basis therefor, including credibility determinations, and recommendations as to the disposition of the case including the remedial action to be taken.

(b) The Hearing Examiner shall cause his report and recommendations to be served promptly on all parties to the proceeding. Thereafter, the Hearing Examiner shall transfer the case to the Assistant Secretary including his report and recommendations and the record. The record shall include the members complaint, the standards complaint, notice of hearing, motions, rulings, orders, official transcript of the hearing, stipulations, objections, depositions, exhibits, documentary evidence, and any briefs, or other documents submitted by the parties.

(c) An original and two (2) copies of any exceptions to the Hearing Examiner's report and recommendations may be filed by any party with the Assistant Secretary within ten (10) days after service of the report and recommendations: *Provided, however,* That the Assistant Secretary may for good cause shown, extend the time for filing such exceptions. Requests for additional time in which to file exceptions shall be in writing, and copies thereof shall be served simultaneously on the other parties. Requests for extension of time must be received no later than three (3) days before the date the exceptions are due. Copies of such exceptions and any supporting briefs shall be served simultaneously on all other parties, and a statement of such service shall be furnished to the Assistant Secretary.

§ 204.89 Contents of exceptions to Hearing Examiner's report and recommendations.

(a) Exceptions to a Hearing Examiner's report and recommendations shall:

(1) Set forth specifically the questions upon which exceptions are taken;

(2) Identify that part of the Hearing Examiner's report and recommendations to which objection is made;

(3) Designate by precise citation of page the portions of the record relied on, state the grounds for the exceptions, and include the citation of authorities unless set forth in a supporting brief.

(b) Any exception to a ruling, finding, conclusion, or recommendation which is not specifically urged shall be deemed to have been waived. Any exception which fails to comply with the foregoing requirements may be disregarded.

§ 204.90 Briefs in support of exceptions.

(a) Any brief in support of exceptions shall contain only matters included within the scope of the exceptions and shall contain, in the order indicated, the following:

(1) A concise statement of the case containing all that is material to the consideration of the questions presented;

(2) A specification of the questions involved and to be argued;

(3) The argument, presenting clearly the points of fact and law relied on in support of the position taken on each question, with specific page reference to the transcript and the legal or other material relied on.

(b) Answering briefs to the exceptions and cross-exceptions and supporting briefs may be filed at the discretion of the Assistant Secretary.

§ 204.91 Action by the Assistant Secretary.

After considering the Hearing Examiner's report and recommendations, the record, and any exceptions filed, the Assistant Secretary shall issue his decision affirming or reversing the Hearing Examiner, in whole or in part, or making such other disposition of the matter as he deems appropriate.

(a) Upon finding a violation of the order the Assistant Secretary may order the respondent to cease and desist from conduct violative of the order and may require the respondent to take such affirmative corrective action as he deems appropriate to effectuate the policies of the order.

(b) Upon finding no violation of the order, the Assistant Secretary shall dismiss the complaint.

(c) The Assistant Secretary may refer cases or any issue(s) therein involving major policy questions to the Council for decision or general ruling in accordance with its regulations.

§ 204.92 Compliance with decisions and orders of the Assistant Secretary.

When remedial action is ordered, the respondent shall report to the Assistant Secretary, within a specified period that the required remedial action has been effected. When the Assistant Secretary finds that the required remedial action has not been effected, he may order cancellation of dues deduction, withdrawal of recognition, or referral to the Council as appropriate.

§ 204.93 Stay of remedial action.

In cases involving violations of this part, the Assistant Secretary may direct, subject to such conditions as he deems appropriate, that the remedial action ordered be stayed pending any further appeal that may be available under § 204.91(c) or the regulations of the Council, except that an order directing an election of officers shall not be stayed pending appeal.

PART 205—GRIEVABILITY AND ARBITRABILITY PROCEEDINGS

Sec.

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205.13 Subsequent unfair labor practice complaint.

AUTHORITY: The provisions of this Part 205 issued under sec. 6 E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616, 36 F.R. 17319.

§ 205.1 Who may file an application.

(a) An application for a decision by the Assistant Secretary concerning a question as to whether or not a grievance is on a matter subject to the grievance procedures in an existing agreement may be filed by any party to that agreement or any employee or group of employees within the unit covered by that agreement.

(b) An application for a decision as to whether a matter is subject to arbitration under an existing agreement may be filed only by the activity or agency or the exclusive representative which is party to that agreement.

§ 205.2 Action to be taken before filing an application.

(a) An application for a decision by the Assistant Secretary as to whether or not a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, must be filed within sixty (60) days after service on

the applicant of a written rejection of the grievance on the grounds that the matter is not subject to the grievance procedure in the existing agreement, or is not subject to arbitration under that agreement: *Provided, however,* That such prescribed sixty (60) day period for filing an application shall not begin to run unless such rejection is expressly designated as a final rejection.

(b) Applications under this section may not be filed with respect to any agreement entered into before November 24, 1971.

§ 205.3 Contents of application and attachments.

(a) An application shall be submitted on a form prescribed by the Assistant Secretary and shall contain the following:

(1) The names of the agency or the activity involved, their addresses, telephone numbers, and the persons to contact and their titles, if known;

(2) The name, address and telephone number of the labor organization which is a party to the agreement;

(3) The effective date and the terminal date of the existing agreement;

(4) A clear and concise statement of the unresolved question(s) as to whether or not a matter is subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, including the applicable section(s) of the agreement, the date the grievance was filed and the date of service of the final written rejection of the grievance;

(5) A statement of any other procedures invoked involving the subject matter of the grievance and the results, if any, including whether the subject matter raised in the grievance has been referred to the Council, Panel, or Federal Mediation and Conciliation Service for consideration or action; and

(6) A declaration by the person signing the application, under the penalties of the Criminal Code (18 U.S.C. 1001), that its contents are true and correct to the best of his knowledge and belief, and the signature of the applicant or the applicant's representative, including his title, address and telephone number.

(b) The application shall be accompanied by a copy of each of the following:

(1) A statement of any other relevant facts;

(2) The written grievance;

(3) The agreement;

(4) All correspondence relating to the unresolved question(s); and

(5) The written final rejection of the grievance.

§ 205.4 Filing and service of copies.

(a) An original and four (4) copies of an application, together with two (2) copies of the attachments referred to in § 205.3(b), shall be filed with the Area Administrator for the area in which the activity is located, or if the activity is located in two or more areas the application shall be filed with the Area Administrator for the area in which the headquarters of the activity is located.

(b) Simultaneously with the filing of an application, a copy of the application and the attachments referred to in § 205.3(b) shall be served on the other party or parties to the agreement, and a written statement of such service shall be filed with the Area Administrator.

§ 205.5 Investigation of the application; stipulation of facts.

(a) If the application has been filed by a party to the agreement, the other party or parties thereto shall file a response with the Area Administrator within fifteen (15) days following the service of a copy of the application, unless an extension of time has been granted by the Area Administrator.

(b) If the application is filed by an employee or a group of employees in the exclusive unit, each of the parties to the agreement shall file a response with the Area Administrator within fifteen (15) days following the service of a copy of the application, unless an extension of time has been granted by the Area Administrator.

(c) The response shall cover any matter which is relevant to the application and shall include a statement of position and any supporting evidence on the issue(s) raised by the application and the attachments thereto. A copy of such response shall be served simultaneously on all other parties, and a written statement of such service shall be filed with the Area Administrator.

(d) Upon the filing of an application, the Area Administrator shall cause such additional investigation to be made as he deems necessary.

(e) The parties may submit to the Area Administrator a stipulation of facts together with their request for a decision by the Assistant Secretary without a hearing. Such stipulation and request shall be forwarded to the Regional Administrator by the Area Administrator.

§ 205.6 Action by Regional Administrator; review of action.

(a) The Regional Administrator shall take action which may consist of the following, as appropriate:

(1) Approve a withdrawal request;

(2) Dismiss the application;

(3) Transfer to the Assistant Secretary, after due consideration regarding its sufficiency, a stipulation of facts submitted pursuant to § 205.5(e);

(4) Issue a report and findings; or

(5) Issue a notice of hearing.

(b) Any party aggrieved by the action of the Regional Administrator under paragraph (a)(2) or (4) of this section may obtain a review of such action by the Assistant Secretary pursuant to the procedures set forth in § 202.6(d) of this chapter.

§ 205.7 Notice of hearing.

The Regional Administrator may cause a notice of hearing to be issued providing for a hearing before a Hearing Examiner if he finds that relevant questions of fact exist concerning whether or not the grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement.

§ 205.8 Contents of notice of hearing; attachments.

(a) The notice of hearing shall include:

(1) A statement of the time and place of the hearing, which shall be not less than ten (10) days after service of the notice of hearing, except in extraordinary circumstances;

(2) A statement of the nature of the hearing;

(3) A statement of the authority and jurisdiction under which the hearing is to be held; and

(4) A reference to the particular sections of the order and regulations involved.

(b) Attached to the Notice of hearing shall be a copy of the application and response(s) thereto.

(c) The attachments to the application referred to in § 205.3(b) shall be furnished to the Hearing Examiner, but will not be deemed as evidence, and any party wishing to rely upon anything contained therein must make an appropriate submission at the hearing.

§ 205.9 Hearing procedures under this part.

Hearing procedures under this part shall be in accordance with §§ 203.10 through 203.20 of this chapter, with the exception that the party filing the application shall not have the burden of proving the allegations as required under § 203.14 of this chapter.

§ 205.10 Post-hearing procedures.

The procedures after the close of the hearing shall be in accordance with §§ 203.18 and 203.21 through 203.24 of this chapter.

§ 205.11 Action by the Assistant Secretary.

(a) After considering the Hearing Examiner's report and recommendations and the record and any exceptions filed thereto, the Assistant Secretary shall issue his decision affirming or reversing the Hearing Examiner, in whole or in part, or make any other disposition of the matter he deems appropriate.

(b) The Assistant Secretary may refer cases or issues therein, involving major policy questions to the Council for decision or general ruling in accordance with its regulations.

§ 205.12 Compliance with a finding of a Regional Administrator or with a decision of the Assistant Secretary.

(a) When a finding is made that a grievance is on a matter subject to the grievance procedure in an existing agreement, or is subject to arbitration under that agreement, by a Regional Administrator on which review by the Assistant Secretary has not been requested, or a decision to that effect is made by the Assistant Secretary, the parties shall report to the Regional Administrator, or the Assistant Secretary, as appropriate, within a specified period the action taken to implement the findings of the Regional Administrator or the Assistant Secretary.

(b) When the Assistant Secretary finds that the action required pursuant to a finding of a Regional Administrator, or to a decision of the Assistant Secretary has not been effected, the Assistant Secretary may take such action as he deems appropriate.

§ 205.13 Subsequent unfair labor practice complaint.

(a) An applicant who has received a final decision on his application in the form of either of the following: (1) A Regional Administrator's report and finding that the matter covered by the application is not subject to the grievance procedure in an existing agreement, and no request for review has been filed; or (2) a decision by the Assistant Secretary to that effect, may file a complaint alleging an unfair labor practice under section 19 of the order which is based on the same factual situation which gave rise to the grievance covered by the application.

(b) The procedures of Part 203 of this chapter shall apply to a complaint filed following the issuance of either of the final decisions referred to in paragraph (a) of this section with the following exceptions:

(1) The charge required to be filed pursuant to § 203.2(a) must be filed within thirty (30) days of either of the final decisions referred to in paragraph (a) of this section;

(2) The charge must be based on the same factual situation which gave rise to the grievance covered by the application; and

(3) To be considered timely under § 203.2(b) a complaint must be filed within ninety (90) days of the date the charge was filed, or within sixty (60) days of the service of the respondent's written final decision on the charging party, whichever is the shorter period of time.

PART 206—MISCELLANEOUS

Sec.

206.1 Computation of time for filing papers.
206.2 Additional time after service by mail.
206.3 Documents in a proceeding.
206.4 Service of pleading and other papers under this chapter.
206.5 Transfer of case to the Assistant Secretary.
206.6 Transfer and consolidation of cases.
206.7 Request for appearance of witnesses and production of documents at hearing.
206.8 Rules to be construed liberally.
206.9 Petitions for amendment of regulations.

AUTHORITY: The provisions of this Part 206 issued under secs. 6 and 18, E.O. 11491, 34 F.R. 17605, as amended by E.O. 11616, 36 F.R. 17319.

§ 206.1 Computation of time for filing papers.

In computing any period of time prescribed by or allowed by these regulations, except in agreement bar situations described in § 202.3(c) of this chapter and in processing a complaint alleging a violation of section 19(b)(4) of the order under §§ 203.5 and 203.6(b) of this chapter, the day of the act, event, or default after which the designated period of time begins to run, shall not be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or Federal legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or a Federal legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and Federal legal holidays shall be excluded from the computations. When these regulations require the filing of any paper, such document must be received by the Assistant Secretary or the officer or agent designated to receive such matter before the close of business of the last day of the time limit, if any, for such filing or extension of time that may have been granted. In agreement bar situations, if the sixtieth (60th) day prior to the terminal date of an agreement falls on a Saturday, Sunday, or Federal legal holiday, a petition, to be timely, must be received by the close of business of the last official workday preceding the sixtieth (60th) day.

§ 206.2 Additional time after service by mail.

Whenever a party has the right or is required to do some act pursuant to these regulations within a prescribed period after service of a notice or other paper upon him and the notice or paper is served on him by mail, three (3) days shall be added to the prescribed period, provided, however, that three (3) days shall not be added if any extension of time may have been granted.

§ 206.3 Documents in a proceeding.

(a) *Title.* Documents in any proceeding under Parts 202, 203, 204, and 205 of this chapter, including correspondence, shall show the title of the proceeding and the case number, if any,

(b) *Number of copies; form.* Except as otherwise provided in the regulations in this chapter, any document or paper shall be filed with two (2) copies in addition to the original. All matters filed shall be printed, typed, or otherwise legibly duplicated; carbon copies of typewritten matter will be accepted if they are clearly legible.

(c) *Signature.* The original of each document required to be filed under these regulations shall be signed by the party or by an attorney or representative of record for the party, or by an officer of the party, and shall contain the address and telephone number of the person signing it.

§ 206.4 Service of pleading and other papers under this chapter.

(a) *Method of service.* Notices of hearing, decisions, orders and other papers may be served personally or by registered or certified mail or by telegraph.

(b) *Upon whom served.* All papers, except as herein otherwise provided, shall be served upon all counsel of record and upon parties not represented by counsel or by their agents designated by them or by law and upon the Assistant Secretary, or his designated officer, or agent or examiner, where appropriate. Service upon such counsel or representative shall constitute service upon the party, but a copy also shall be transmitted to the party.

(c) *Statement of service.* The party or person serving the papers or process shall submit simultaneously to the Assistant Secretary or other designated representative, or to the individual conducting the proceeding, a written statement of such service; failure to file a statement of service shall not affect the validity of the service. Proof of service shall be required only if subsequent to the receipt of a statement of service a question is raised with respect to proper service.

§ 206.5 Transfer of case to the Assistant Secretary.

(a) In any case under Parts 202, 203, and 205 of this chapter, after the filing of a petition, complaint, or application in which the Regional Administrator determines that no material issue of facts exists, he may transfer the case to the Assistant Secretary. The Assistant Secretary shall decide the case on the basis of the papers alone after having allowed ten (10) days for the filing of briefs and/or requests for review of the Regional Administrator's action. The Assistant Secretary may remand the case to the Regional Administrator if he determines that material fact questions exist. Orders of transfer and remand shall be served on all parties.

(b) In any case under Parts 202, 203, and 205 of this chapter in which it appears to the Regional Administrator that the proceedings raise questions which should be decided by the Assistant Secretary, he may, at any time, issue an order transferring the case to the Assistant Secretary for decision or other appropriate action. Such an order shall be served on the parties.

(c) In any case in which a request for review is permitted under this chapter of a Regional Administrator's action, the Assistant Secretary may issue a decision or ruling affirming or reversing the Regional Administrator in whole or in part or making any other disposition of the matter as he deems appropriate.

§ 206.6 Transfer and consolidation of cases.

In any matter arising pursuant to the regulations in this chapter, whenever it appears necessary in order to effectuate the purposes of the order or to avoid unnecessary costs or delay, the Regional Administrator may consolidate cases within his own region or may transfer such cases to any other region, for the purpose of investigation or consolidation with any proceedings which may have been instituted in, or transferred to, such region.

§ 206.7 Request for appearance of witnesses and production of documents at hearing.

(a) Regional Administrators, Hearing Officers, or Hearing Examiners, as appropriate, upon their own motion, or upon motion of any parties to a proceeding, may issue a Request for Appearance of Witnesses or Request for

Production of Documents at a hearing held pursuant to Parts 202, 203, and 205 of this chapter.

(b) A party's motion to a Regional Administrator shall be in writing and filed with the Regional Administrator not less than ten (10) days prior to the opening of a hearing or with a Hearing Officer or Hearing Examiner during the hearing, and shall name and identify the witness(es) or document(s) sought, or both, and state the reasons therefor. Simultaneously with the filing of the motion with the Regional Administrator, copies shall be served on the other parties and a written statement of such service shall be filed with the Regional Administrator.

(c) Within five (5) days after service of the motion, a party may file its objection to the motion with the Regional Administrator and state its reasons therefor. Simultaneously with the filing of the objection with the Regional Administrator, copies shall be served on the other parties and a written statement of such service shall be filed with the Regional Administrator. The Regional Administrator may rule upon the motion or refer it to the Hearing Officer or Hearing Examiner for an appropriate ruling.

(d) Objections to a motion referred to or filed with a Hearing Officer or Hearing Examiner may be stated orally on the record.

(e) A motion shall be granted by the Regional Administrator, Hearing Officer or Hearing Examiner, after careful consideration of any objections and upon determination that the testimony or documents appear(s) to be necessary to the matters under investigation and if the motion describes with sufficient particularity the documents sought. Service of an approved Request for Appearance of Witnesses or Request for Production of Documents is the responsibility of the requesting party. If any party, or officer, or official of any party fails to comply with such Request(s), or obstructs service of the Request, the Regional Administrator, Hearing Officer, Hearing Examiner, or the Assistant Secretary may disregard all related evidence offered by the party failing to comply or take such other action as may be appropriate.

(f) A denial of a motion shall be explained fully and it shall become a part of the hearing record.

§ 206.8 Rules to be construed liberally.

(a) The regulations in this chapter may be construed liberally to effectuate the purposes and provisions of the order.

(b) When an act is required or allowed to be done at or within a specified time, the Assistant Secretary may at any time order the period altered where it shall be manifest that strict adherence will work surprise or injustice or interfere with the proper effectuation of the order.

§ 206.9 Petitions for amendment of regulations.

Any interested person may petition the Assistant Secretary in writing for amendments to any portion of these regulations. Such petition shall identify the portion of the regulations involved and provide the specific language of the proposed amendment together with a statement of grounds in support of such petition.

Effective date. This chapter shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 6th day of September 1972.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72-15390 Filed 9-14-72;8:45 am]

DEPARTMENT OF LABOR

Office of the Assistant Secretary for Labor-Management Relations

REGIONAL AND AREA ADMINISTRATORS

Addresses and Jurisdiction

In Chapter II of Title 29 of the Code of Federal Regulations, which is published in the FEDERAL REGISTER on this date, there are various references to the duties of Regional and Area Administrators. Set forth below is a listing of the addresses and jurisdiction of the Regional and Area Administrators.

(a) The addresses of the Regional Administrators and Area Administrators of the Labor-Management Services Administration are listed below:

(1) Regional Administrator—Atlanta, Room 300, 1371 Peachtree Street NE., Atlanta, GA 30309.

(i) Area Administrator—Atlanta, Room 303, 1371 Peachtree Street NE., Atlanta, GA 30309.

(ii) Area Administrator—Miami, Post Office Box 3750, Norland Branch, 18350 Northwest Second Avenue, Miami, FL 33169.

(iii) Area Administrator—Nashville, Room 825, 1808 West End Building, Nashville, TN 37203.

(2) Regional Administrator—Chicago, Room 848, Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

(i) Area Administrator—Chicago, Room 786, Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

(ii) Area Administrator—Cleveland, Room 821, Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

(iii) Area Administrator—Detroit, Room 1906, Washington Boulevard Building, 234 State Street, Detroit, MI 48226.

(iv) Area Administrator—Minneapolis, Room 110, Federal Courts Building, 110 South Fourth Street, Minneapolis, MN 55401.

(3) Regional Administrator—Kansas City, Room 2511, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

(i) Area Administrator—Dallas, Room 301, Post Office Building, Bryan and Ervay Streets, Post Office Box 239, Dallas, TX 75221.

(ii) Area Administrator—Denver, Suite 217, Brooks Towers, 1020 15th Street, Denver, CO 80202.

(iii) Area Administrator—Kansas City, Room 2503, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

(iv) Area Administrator—New Orleans, Room 940, Federal Office Building, 600 South Street, New Orleans, LA 70130.

(v) Area Administrator—St. Louis, Room 570, 210 North 12th Boulevard, St. Louis, MO 63103.

(4) Regional Administrator—New York, Room 3515, 1515 Broadway, New York, NY 10036.

(i) Area Administrator—Boston, Room 211, New Studio Building, 110 Tremont Street, Boston, MA 02108.

(ii) Area Administrator—Buffalo, Room 616, Federal Building, 111 West Huron Street, Buffalo, NY 14202.

(iii) Area Administrator—Newark, Room 305, 9 Clinton Street, Newark, NJ 07102.

(iv) Area Administrator—New York, Room 1751, 26 Federal Plaza, New York, NY 10007.

(v) Area Administrator—Santurce, Room 704, Condominio San Alberto, 605 Condado Avenue, Santurce, PR 00907.

(5) Regional Administrator—Philadelphia, Room 1012, Penn Square Building, 1317 Filbert Street, Philadelphia, PA 19107.

(i) Area Administrator—Philadelphia, Room 1515, 1015 Chestnut Street, Philadelphia, PA 19107.

(ii) Area Administrator—Pittsburgh, Room 2002, Federal Office Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

(iii) Area Administrator—Washington, Room 509, Vanguard Building, 1111 20th Street NW., Washington, DC 20210.

(6) Regional Administrator—San Francisco, Room 9061, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

(i) Area Administrator—Honolulu, Room 601, 1833 Kalakaua Avenue, Honolulu, HI 96815.

(ii) Area Administrator—Los Angeles, Room 7731, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

(iii) Area Administrator—San Francisco, Room 1604, 100 McAllister Street, San Francisco, CA 94102.

(iv) Area Administrator—Seattle, Room 3301, Smith Tower Building, 506 Second Avenue, Seattle, WA 98104.

(b) The geographic jurisdictions of the Regional Administrators and Area Administrators of the Labor-Management Services Administration are listed below:

REGIONAL AND AREA ADMINISTRATORS JURISDICTION

State	Area	Regional
Alabama	Atlanta	Atlanta.
Alaska	Seattle	San Francisco.
Arizona	Los Angeles	Do.
Arkansas	New Orleans	Kansas City.
California	Los Angeles/San Francisco.[1]	San Francisco.
Colorado	Denver	Kansas City.
Connecticut	Boston	New York City.
Delaware	Philadelphia	Philadelphia.
District of Columbia.	Washington, D.C.	Do.
Florida	Miami	Atlanta.
Georgia	Atlanta	Do.
Guam, Wake Island, American Samoa.	Honolulu	San Francisco.
Hawaii	do	Do.
Idaho	Seattle	Do.
Illinois	Chicago	Chicago.
Indiana	do	Do.
Iowa	St. Louis	Kansas City.
Kansas	Kansas City	Do.
Kentucky	Nashville	Atlanta.
Louisiana	New Orleans	Kansas City.
Maine	Boston	New York City.
Maryland	Washington, D.C.	Philadelphia.
Massachusetts	Boston	New York City.
Michigan	Detroit	Chicago.
Minnesota	Minneapolis	Do.
Mississippi	Nashville	Atlanta.
Missouri	Kansas City/St. Louis.[2]	Kansas City.
Montana	Denver	Do.
Nebraska	Kansas City	Do.

REGIONAL AND AREA ADMINISTRATORS JURISDICTION

State	Area	Regional
Nevada	San Francisco (Except Clark County which is in Los Angeles jurisdiction).	San Francisco.
New Hampshire	Boston	New York City.
New Jersey	Newark	Do.
New Mexico	Dallas	Kansas City.
New York	New York City [3] / Buffalo.	New York City.
North Carolina	Atlanta	Atlanta.
North Dakota	Kansas City	Kansas City.
Ohio	Cleveland	Chicago.
Oklahoma	Dallas	Kansas City.
Oregon	Seattle	San Francisco.
Pennsylvania	Philadelphia/ Pittsburgh.[4]	Philadelphia.
Puerto Rico	Santurce	New York City.
Rhode Island	Boston	Do.
South Carolina	Atlanta	Atlanta.
South Dakota	Kansas City	Kansas City.
Tennessee	Nashville	Atlanta.
Texas	Dallas	Kansas City.
Utah	Denver	Do.
Vermont	Boston	New York City.
Virginia	Washington, D.C.	Philadelphia.
Washington	Seattle	San Francisco.
West Virginia	Pittsburgh	Philadelphia.
Wisconsin	Minneapolis/ Chicago.[5]	Chicago.
Wyoming	Denver	Kansas City.
Virgin Islands	Santurce	New York City.
Canal Zone	do	Do.
All overseas installations except Virgin Islands, Canal Zone, Guam, Wake Island, and American Samoa.	Washington, D.C.	Philadelphia.

[1] San Francisco includes following California counties: Monterey, Kings, Tulare, Inyo, and all counties north thereof—also includes all of Nevada except Clark County which is in the Los Angeles jurisdiction.

[2] St. Louis includes following Missouri counties: Putnam, Sullivan, Linn, Chariton, Saline, Pettis, Benton, Hickory, Polk, Greene, Christian, Stone, and all counties east thereof.

[3] New York City includes following New York counties: Ulster, Sullivan, Greene, Columbia, and all counties south thereof.

[4] Pittsburgh includes following Pennsylvania counties: Potter, Clinton, Centre, Mifflin, Huntingdon, Franklin, and all counties west thereof.

[5] Chicago includes following Wisconsin counties: Vernon, Columbia, Sauk, Dodge, Fond Du Lac, Sheboygan, and all counties south thereof.

Signed at Washington, D.C., this 6th day of September 1972.

W. J. USERY, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.72-15391 Filed 9-14-72;8:45 am]

federal register

FRIDAY, SEPTEMBER 15, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 180

PART III

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 Decision Modifications and Supersedeas Decisions

Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in the States of Alabama, California, Colorado, Illinois, Kansas, New Mexico, New York, and Pennsylvania.

Area wage determination decisions published in the FEDERAL REGISTER on the following dates:

Decision No.	*Date*
AM–1,722	Aug. 11, 1971.
AM–444(AP–116); AM–446 (AP–118); AM–1,848; AM–1,858; AM–1,864.	Aug. 20, 1971.
AM–3,632(AP–232)	Aug. 27, 1971.
AM–6,708	Apr. 7, 1972.
AM–6,717	Apr. 14, 1972.
AM–11,420(AP–322); AM–11,421(AP–323)	May 19, 1972.
AM–6,734(AP–235)	June 23, 1972.
AP–7	Aug. 4, 1972.
AP–219(AP–234); AP–220 (AP–233); AP–500; AP–501.	Aug. 11, 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 supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER until the end of the period for which the determinations being modified and/or superseded were issued and are to be used in accordance with the provisions of 29 CFR, Part 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 is set forth in the document being modified.

Signed at Washington, D.C., this 8th day of September 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-7 - Mod. #1						
(37 FR 15816 - August 4, 1972)						
Highway District #8 - Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, St. Clair & Washington Counties, Illinois						
Change:						
Cement Masons:						
All of Calhoun, Jersey, St. Clair, Washington & Monroe Counties; Western ½ of Clinton Co., East to but not including Carlyle; the southern part of Bond Co., north to & incl. Smithboro; Madison Co., except for the southwestern tip of Greene Co.	$8.525	.25	.25			
Greene, Macoupin & Montgomery Cos. The Eastern ½ of Clinton Co., incl. Carlyle; the Northern part of Bond County, but not including Smithboro and the Northeastern section of Madison County	9.025					
Add:						
Linemen:						
Greene, Calhoun & Jersey, Madison Co. (Alton & Wood River)	7.96	.20	1%		.2%	
Remainder of District #8	7.98	3½%	1%		.25%	
DECISION #AM-6,708 - Mod. #1						
(37 FR 7031 - April 7, 1972)						
Leavenworth County, Kansas						
Change:						
Building Construction:						
Boilermakers	$8.25	.30	1.00		.02	
Ironworkers:						
Structural; Ornamental	8.50	.25	.25	.50	.05	
Reinforcing	8.50	.25	.25	.50	.05	
Sprinkler fitters	8.75	.30	.50		.05	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-6,717 - Mod. #1						
(37 FR 7458 - April 14, 1972)						
Shawnee County, Kansas						
Change:						
Building Construction:						
Boilermakers	$8.25	.30	1.00		.02	
Carpenters:						
Carpenters	6.80	.35	.25		.05	
Millwrights; Piledrivermen	7.175	.35	.25		.05	
Cement Masons:						
Cement masons	6.85	.35	.25			
Machine operators	6.975	.35	.25			
Composition color or chloride additives	7.10	.35	.25			
Ironworkers:						
Ornamental; Structural	8.50	.25	.25	.50	.05	
Reinforcing	8.50	.25	.25	.50	.05	
Sprinkler fitters	8.75	.30	.50		.05	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	
DECISION #AP-500 - Mod. #1						
(37 FR 16308 - August 11, 1972)						
Sedgwick County, Kansas						
Change:						
Building Construction:						
Boilermakers	8.25	.30	1.00		.02	
Sprinkler fitters	8.75	.30	.50		.05	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-501 - Mod. #1						
(37 FR 16312 - August 11, 1972)						
Shawnee County, Kansas						
Change:						
Building Construction:						
Boilermakers	8.25	.30	1.00		.02	
Carpenters:						
Carpenters	6.80	.35	.25		.05	
Millwrights; Piledrivermen	7.175	.35	.25		.05	
Cement Masons:						
Cement masons	6.85	.35	.25			
Machine operators	6.975	.35	.25			
Composition color or chloride additives	7.10	.35	.25			
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	
DECISION #AM-1,722 - Mod. #6						
(36 FR 14912 - August 11, 1971)						
Albany County, New York						
Change:						
Building Construction:						
Asbestos workers	$9.16	.40	.10			
Bricklayers, cement masons, plasterers and stone masons	8.20	.40	.30		.01	
Carpenters & soft floor layers, building	7.55	.50	.45		.025	
Electricians:						
Cohoes and Wateruliet	9.20	.15	1%+.20	i	j	
Remainder of County	9.00	.30	1%+.35	a		
Ironworkers:						
Structural, ornamental and reinforcing	7.74	.50	.85		.02	
Painters:						
Brush	7.40	.48	.12			
Structural steel & bridge	8.15	.48	.12			
Spray	8.50	.48	.12			
Roofers	8.05	.40	.30		.02	
Sprinkler fitters	8.75	.30	.50		.05	

footnote:
j. Employer contributes $15.00 per year to an apprentice training program.

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,848 - Mod. #7						
(36 FR 16250 - August 20, 1971)						
Allegheny County, Pennsylvania						
Change:						
Heavy and Highway						
Laborers:						
Tunnel and Shaft work (inside)						
Change house attendant	$5.36	.30	.30			
DECISION #AM-1,858 - Mod. #6						
(36 FR 16294 - August 20, 1971)						
Luzerne County, Pennsylvania						
Change:						
Building Construction						
Cement Masons:						
Hazleton, Berwick and Freeland	7.40					
Remainder of County	8.10					
Carpenters:						
Hazleton, Berwick and Freeland:						
Commercial and Industrial	6.45	.20	.25		.02	
Roofers, Composition & Kettlemen	8.15	.40	.25			
Plumbers & Steamfitters:						
Hazleton, Berwick and Freeland	7.70	.30	.25			
Wilkes-Barre	7.40	.15	.85		.05	
DECISION #AM-1,864 - Mod #4						
(36 FR 16326 - August 20, 1971)						
Westmoreland County, Pennsylvania						
Change:						
Building Construction						
Cement Masons	8.24	6%	16%			
Ironworkers	9.155	.435	.695		.015	
Marble Setters	8.25	.35	.50			
Painters:						
Commercial	6.84	.40	.35		.07	
Industrial	7.69	.40	.35		.07	

SUPERSEDEAS DECISION

AR-116 P-3

SUPERSEDEAS DECISION

STATE: Alabama

COUNTIES: Colbert, Lauderdale, Madision & Morgan

DECISION NO.: AP-116

DATE: See Date of Publication

Supersedes Decision No. AM-444, dated August 20, 1971, in 36 FR 16355.

DESCRIPTION OF WORK: Highway Construction

Alabama - 3 - Zone #1 N

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others 1/
Bricklayers	$3.65					
Carpenters	3.77					
Carpenters' helpers	2.70					
Concrete finisher	3.45					
Concrete finisher helper	3.00					
Concrete saw operator	2.45					
Ironworkers, structural	5.79					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.20					
Ironworker helper, reinforcing	3.00					
Laborers:						
Air tool operator	2.45					
Asphalt raker	2.60					
Concrete laborer	2.45					
Unskilled	2.25					
Pipelayers	2.85					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.88					
Wagon drill operator	2.55					
Painters	4.73					
Painters' helpers	3.00					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Under 1½ ton capacity	2.30					
Single-rear axle	2.55					
Multi-rear axle or heavy duty, off road, single axle	2.85					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

AP-116 P.2

Alabama - 8 - PEO - 3 - A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Compressors	$2.85					
Asphalt Distributors	3.60					
Asphalt mixers & pug mills & batch plants	3.30					
Aggregate spreader	3.00					
Asphalt paving machines	3.30					
Asphalt plant driers	3.30					
Asphalt spreaders	3.60					
Bulldozers	3.30					
Bull floats	3.15					
Concrete mixers (3 bags & under)	2.70					
Concrete mixers (over 3 bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machine	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoes, derricks, draglines or shovels	3.60					
Conveyors	2.70					
Crush & screening plants	3.30					
Drilling machines	3.30					
Drilling machine helpers	2.70					
Elevating graders, gradalls, or trenching machines	3.60					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.60					
Mechanics helpers	2.77					
Motor patrols	3.60					
Oilers & greasemen	3.00					
Paving subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	2.82					
Rollers, self-propelled (on asphalt bases & pavements	3.30					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & mulching machines	2.70					
Tractors & loaders:						
Farm rubber tired	2.74					
80 H.P. or less-drawbar cacacity	2.74					
Over 80 H.P.	3.30					
Winch truck & "A" - frame	3.15					
Stripping machines (paint)	2.70					
Welders:						
Structural steel	5.75					
Utility	4.00					

SUPERSEDEAS DECISION

AP-118 P. 2

STATE: Alabama
DECISION NO.: AP-118
COUNTIES: Baldwin and Montgomery
DATE: See Date of Publication
Supersedes Decision No. AM-446 dated August 20, 1971, in 36 FR 16357.
DESCRIPTION OF WORK: Highway Construction

Alabama - 3 - Zone #3 M

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.05					
Carpenter	3.75					
Carpenter helper	2.80					
Concrete finisher	3.45					
Concrete finisher helper	2.70					
Concrete saw operator	2.30					
Ironworkers, structural	5.65					
Ironworkers' helper, structural	3.10					
Ironworkers, reinforcing	4.20					
Ironworkers' helper, reinforcing	2.55					
Laborers:						
Air tool operator	2.35					
Asphalt raker	2.38					
Concrete laborer	2.32					
Pipelayers	2.50					
Powderman and blaster	3.05					
Powderman and blaster helper	2.45					
Saw operator	2.05					
Side rail or form setter	2.35					
Unskilled	2.05					
Wagon drill operator	2.50					
Painters	4.68					
Painters' helpers	2.45					
Piledrivermen	4.10					
Piledrivermen helper	3.20					
Truck drivers:						
Multi-rear axle or heavy duty, off road, single axle	2.55					
Single-rear axle	2.30					
Under 1½ ton actual capacity	2.05					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Alabama-11-PEO-3-A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Air compressors	$2.85					
Aggregate spreader	3.00					
Asphalt distributors	3.47					
Asphalt mixers & pug mills & batch plants	3.30					
Asphalt paving machines	3.30					
Asphalt plant driers	3.30					
Asphalt spreaders	3.47					
Bulldozers	3.30					
Bull Floats	3.15					
Concrete mixers (3 bags & under)	2.70					
Concrete mixers (over 3 bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machine	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoes, derricks, draglines or shovels	3.60					
Conveyors	2.70					
Crush & screening plants	3.30					
Drilling machines	3.30					
Drilling machine helpers	2.70					
Elevating graders, gradalls or trenching machines	3.45					
Firemen	2.70					
Form graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.42					
Mechanic helpers	2.77					
Motor patrols	3.45					
Oilers & greasemen	2.92					
Paving subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, self-propelled	2.82					
Rollers, self-propelled (on asphalt bases & pavements)	3.30					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & mulching machines	2.70					
Tractors & loaders:						
Farm rubber tired	2.74					
80 H.P. or less-drawbar capacity	2.74					
Over 80 H.P.	3.30					
Winch truck & "A"-frame	3.15					
Stripping machines (paint)	2.70					
Welders:						
Structural steel	5.75					
Utility	4.00					

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

DECISION NO.: AP-235

DATE: Date of Publication

Supersedes Decision No. AM-6,734 Dated June 23, 1972, in 37 FR 12442

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

46-CAL-NCAL Counties 1-2-3-a (1-12)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others 1/
ASBESTOS WORKERS	9.17	.60	.40	.90	.04	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons:						
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	8.70	.78	.58	.55		
Alameda and Contra Costa Counties	8.50	.65	.60	.70		
Fresno, Kings, Madera, Mariposa and Merced Counties	7.35	.42	.38			
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	8.20	.40	.40		1.00 p/mo.	
Monterey and Santa Cruz Counties	7.01	.63	.40			
San Benito and Santa Clara Counties	8.25	.54	.50	.55	.01	
Amador, Alpine, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	7.80	.25	.15	.75		
Tulare County	7.20	.40	.40	.30	.05	
BRICK TENDERS:						
Alameda and Contra Costa Counties	6.50	.50	.50		.10	
Butte, Colusa, Glenn, Plumas, Sutter, and Yuba Counties	5.185	.50	.60	.60		
Fresno, Kings and Madera Counties	6.05	.50	.60			
Marin County	7.05	.50	.40			
Merced and Mariposa Counties	5.15	.50	.60	.60		
Monterey and Santa Cruz Counties	5.55	.50	.80	.30		
Napa County	5.64	.50	.60	.60		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	5.355	.245	.60	.50		
Calaveras and San Joaquin Counties	5.20	.50	.60	.60		
San Benito and Santa Clara Counties	6.58	.45	.40			
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.25	.50	.60	.60		
Solano County	5.55	.50	.60	.60		
Lake, Mendocino and Sonoma Counties	5.44	.40	.50	.50		
Stanislaus and Tuolumne Counties	5.60	.50	.90	.70		
Tulare County	5.00	.50	.60	.60		
San Francisco and San Mateo Counties	7.45	.25	.40	.60		

46-CAL-NCAL Counties 1-2-3-a (2-12)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	8.10	.60	.55	.75	.02	
Hardwood floor layers; Power saw op.; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.25	.60	.55	.75	.02	
Millwrights	8.50	.60	.55	.75	.02	
Piledrivermen; Bridge, wharf & dock builders	8.23	.60	.55	.75	.02	
CEMENT MASONS:						
Cement masons	7.13	.56	.75	.75		
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75		
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75		
DRYWALL INSTALLERS	7.82	.60	.50	.50	.04	
ELECTRICIANS:						
Alameda County						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Tunnel:						
Electricians	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba & those portions of Alpine, Eldorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed						
Electricians	8.83	.31	1% +.55		.045	
Cable splicers	9.71	.31	1% +.55		.045	
Tunnel:						
Electricians	8.96	.31	1% +.55		.045	
Cable splicers	9.86	.31	1% +.55		.045	
Lake Tahoe Area:						
Electricians; Instrument Technicians	8.79	.33	1% +.25		.01	
Cable splicers	9.67	.33	1% +.25		.01	
Butte, Glenn, Lassen, Plumas, Shasta, Tehama and Trinity Counties						
Electricians	8.22	.42	1% +.25		.005	
Cable splicers	9.04	.42	1% +.25		.005	
Tunnel:						
Electricians; Cable splicers' helpers	8.63	.42	1% +.25		.005	
Cable splicers	9.49	.42	1% +.25		.005	
Calaveras and San Joaquin Counties						
Electricians; Technicians	8.47	.40	1%		.01	
Cable splicers	9.486	.40	1%		.01	
Contra Costa County						
Electricians	8.80	.40	1% +.50		.02	
Cable splicers	9.90	.40	1% +.50		.02	
Tunnel:						
Electricians	8.80	.40	1% +.50		.02	
Cable splicers	9.90	.40	1% +.50		.02	

AP-235 P. 3

46-CAL-NCAL Counties-1-2-3-a (3-12)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
ELECTRICIANS (Cont'd):						
Del Norte and Humboldt Counties						
Electricians	$ 8.15	.35	1% +.35		.01	
Cable splicers	8.80	.35	1% +.35		.01	
Tunnel:						
Electricians	8.97	.35	1% +.35		.01	
Cable splicers	9.78	.35	1% +.35		.01	
Fresno, Kings, Madera and Tulare Counties						
Electricians	8.48	.28	1%+.35		.05	
Cable splicers	8.88	.28	1%+.35		.05	
Lake, Marin, Mendocino and Sonoma Counties						
Electricians	7.10	.23	1%+.10		.02	
Cable splicers	7.92	.23	1%+.10		.02	
Mariposa, Merced, Stanislaus and Tuolumne Counties						
Electricians	8.69	.27	1%		.01	
Cable splicers	9.56	.27	1%		.01	
Modoc and Siskiyou Counties						
Electricians	7.42	.15	1%		.02	
Cable splicers	7.87	.15	1%		.02	
Monterey County (West of the Salinas River)						
Electricians	8.50	.25	1%+.75		.01	
Cable splicers	9.18	.25	1%+.75		.01	
Monterey County (East of the Salinas River						
Electricians	8.46	.40	1%		.01	
Cable splicers	9.52	.40	1%		.01	
Napa and Solano Counties						
Electricians	8.92	.58	1%+.25		.02	
Cable splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Electricians	9.22	.45	1%+.35			
Cable splicers	10.35	.45	1%+.35			
Tunnel or Shaft:						
Electricians	8.59	.38	1%			
Cable splicers	9.66	.38	1%			
San Francisco County						
Electricians	8.82	.455	1%+.35		.04	
Cable splicers	9.93	.455	1%+.35		.04	
San Mateo County						
Electricians	8.88	.43	1%+.15		.03	
Santa Cruz County						
Electricians -Technicians	9.23	.20	1%		.02	
Cable splicers	10.38	.20	1%		.02	

AP-235 P. 4

46-CAL-NCAL Counties-1-2-3-a (4-12)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELEVATOR CONSTRUCTORS	$8.15	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba & Merced (North of the city of Livingston) Counties	7.605	.15	.25	8%		
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft.Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield), Sonoma Counties	8.225	.25	.25	6%	.01	
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	6.78	.35	.55	.41		
IRONWORKERS:						
Fence erectors	8.24	.58	.625	.70	.02	
Ornamental; Structural	8.38	.58	.625	.70	.02	
Reinforcing	8.34	.58	.625	.70	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Amador, El Dorado, Sacramento and Yolo Counties	6.40	.195	.20			
Butte, Colusa, Glenn, Humboldt, Lake (that portion of county from Lakeport up to county line), Nevada, Placer, Plumas, Shasta, Sirerra, Tehama and Trinity Counties	7.68	.43	.40		.01	
Calaveras and San Joaquin Counties	7.20	.25	.20	.80		
Fresno, Kings, Madera and Tulare Counties	5.90	.15				
Lake (from city of Lakeport down to county line), Marir Mendocino and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Mariposa, Merced, Stanislaus and Tuolumne Counties	6.50				.01	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20b	.01	
Napa and Solano Counties	5.20	.24	.20	.50	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			

AP-235 P. 5

AP-235 P. 6

LINE CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Alameda County						
Groundmen	6.575	.50	4%			
Line equipment men	8.85	.50	4%			
Linemen	8.85	.50	4%			
Cable splicers	9.99	.50	4%			
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba, & those portions of Alpine, El Dorado, Nevada, Placer, & Sierra Counties excluding Lake Tahoe Area						
Line Equipment Operator	6.19	.31	1% + .55		.045	
Linemen	6.88	.31	1% + .55		.045	
Cable Splicers	7.57	.31	1% + .55		.045	
Remaining portions of Alpine, El Dorado, Nevada, Placer and Sierra Cos. (Lake Tahoe Area)						
Groundmen	6.59	.33	1% + .25		.01	
Line Equipment Operator	7.91	.33	1% + .25		.01	
Linemen	8.79	.33	1% + .25		.01	
Cable Splicers	9.67	.33	1% + .25		.01	
Butte, Glenn, Lassen, Plumas, Shasta, Tehama, & Trinity Counties						
Linemen	7.22	.47	1% + .20		.005	
Cable Splicers	7.94	.47	1% + .20		.005	
Calaveras and San Joaquin County						
Linemen	6.61	.23	1%		.01	
Cable splicers	7.44	.23	1%		.01	
Contra Costa County						
Groundmen	6.60	.40	1% + .50		.02	
Line equipment operator	7.92	.40	1% + .50		.02	
Linemen	8.80	.40	1% + .50		.02	
Cable splicers	9.90	.40	1% + .50		.02	
Fresno, Kings, Madera, & Tulare Cos.						
Line Equipment Operators	8.48	.28	1% + .35		.05	
Linemen	8.48	.28	1% + .35		.05	
Cable Splicers	8.88	.28	1% + .35		.05	
Mariposa, Merced, Stanislaus & Tuolumne Counties						
Linemen	8.69	.27	1%		.01	
Cable Splicers	9.56	.27	1%		.01	
Modoc & Siskiyou Counties						
Cable splicers; Leadman Pole Sprayer	8.02	.15	1%		1/2%	
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	7.24	.15	1%		1/2%	
Tree Trimmer	6.54	.15	1%		1/2%	
Line Equipment Man	6.24	.15	1%		1/2%	

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Modoc & Siskiyou Counties						
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	5.46	.15	1%		1/2%	
Groundman; Tree Trimmer Helper	5.15	.15	1%		1/2%	
Hole Digger	4.93	.15	1%		1/2%	
Monterey County						
West of Salinas River:						
Groundmen	6.80	.25	1%+.75		.01	
Equipment Operators; Linemen	8.50	.25	1%+.75		.01	
Cable Splicers	9.18	.25	1%+.75		.01	
East of the Salinas River:						
Equipment Operators; Linemen	8.46	.40	1%		.01	
Cable Splicers	9.52	.40	1%		.01	
Napa and Solano Counties						
Groundmen	6.69	.58	1%+.25		.02	
Line Equipment Operator	8.02	.58	1%+.25		.02	
Linemen	8.92	.58	1%+.25		.02	
Cable Splicers	9.42	.58	1%+.25		.02	
San Benito and Santa Clara Counties						
Linemen	6.41	.15	1%			
Cable Splicers	7.21	.15	1%			
San Francisco						
Groundmen	6.78	.395	1%+.35		.04	
Linemen	7.975	.395	1%+.35		.04	
Cable Splicers	8.97	.395	1%+.35		.04	
San Mateo County						
Line equipment men	6.58	.27	1%+.15		.01	
Linemen	7.31	.27	1%+.15		.01	
Cable Splicers	8.22	.27	1%+.15		.01	
Santa Cruz						
Groundmen	8.09	.20	1%		.02	
Cable Splicers	10.38	.20	1%		.02	
Linemen	9.23	.20	1%		.02	
MARBLE SETTERS	7.59	.69	.51	.53		
PAINTERS:						
Butte, Colusa, Glenn, Lassen (except extreme S. E. Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties:						
Brush; Roller	5.40	.25	.25	.65		
Spray; Sandblast; Structural; Steel; Swingstages & tampers	5.65	.25	.25	.65		
Alpine, Amador, Calaveras, and San Joaquin Counties:						
Brush	6.62	.50	.55	.80		
Spray; Sheetrock taper, Swingstage; Scaffold; Sandblaster; Structural steel	6.92	.50	.55	.80		

46-CAL-NCAL Counties -1-2-3-a (7-12)

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Fresno, Kings, Madera, Tulare, Cos.:						
Brush	7.32	.40	.20			
Spray (incl. sprayed texture)	7.57	.40	.20			
Steel	7.57	.40	.20			
Alameda, Contra Costa, Napa, Sacramento, Solano, Yolo, El Dorado, Nevada, Placer, and Sierra Counties:						
(excluding Lake Tahoe Area)						
Brush	7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Lake Tahoe Area						
Brush	6.00	.20	.20	.40		
Decorators; Machine tapers; Paperhangers; Roof painters; Spray; Structural steel; Swing stage	6.25	.20	.20	.40		
Work performed over 40' above ground	6.50	.20	.20	.40		
Lake Marin, Medocino, San Francisco, Sonoma Counties:						
Brush; Decorators; Paperhangers; Sandblasters; Sheet rock tapers	8.57	.64	.65			
Spraying on erected steel, bridges, tanks	8.82	.64	.65			
Monterey, San Benito, San Matec, Santa Clara, Santa Cruz Counties:						
Brush	7.77	.64	.65			
Steel	8.02	.64	.65			
PAINTERS:						
Parking Lot Striping Work and/or Highway Markers:						
Fresno and Tulare Counties:						
Traffic delineating device applicator	5.01	.20	.20	c		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	4.88	.20	.20	c		
Helper, Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper)	4.38	.20	.20	c		
Remaining Counties:						
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	5.27	.35	.20	c		
Helper (Traffic surface sandblaster, Wheel stop installer, protective coating applicator)	4.77	.35	.20	c		
Striper	6.37	.35	.20	c		
Helper (Striper)	5.37	.35	.20	c		

46-CAL-NCAL Counties-1-2-3-a (8-12)

PLASTERERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Alameda & Contra Costa Counties (western portion of Contra Costa Co. from Carquinez Straits using westerly city limits of Porta Costa to junction of McEwen Rd. & along McEwen Rd. to junction of Franklin Canyon Rd. (State Hwy. #4) & continues as Arnold Industrial Hwy. to junction of State Hwy. #21, south along Hwy. #21 to Hookston Rd., east to Bancroft Rd., southeast to Ygnacio Rd., east to junction Oakgrove Rd. (Mt. Diablo Blvd.) to summit of Mt. Diablo & on 45 degree angle southeast from base line of Mt. Diablo to Alameda and Contra Costa County line).	8.24	.575	.45		.01	
Butte, Colusa, Glenn, Lassen (south eastern half of Lassen Co.), Plumas, Sierra, Sutter, and Yuba Counties	6.05	.25	.25	.50	.01	
Fresno, Kings, and Madera Counties	7.12	.28	.25		.01	
Monterey County	7.70	.46	.35		.01	
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.38	.54	.40	.70	.01	
San Francisco County	8.35	.38	.63	d		
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Lassen (north eastern half of Lassen Co.) Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama, and Trinity Counties	7.75	.43	.25		.01	
Mariposa, Merced, Stanislaus, and Tuolumne Counties	6.00	.60	.45	.75		
Tulare County	5.00	.20	.20	.75		
PLASTERERS' TENDERS:						
Alameda & Contra Costa Counties	7.22	.50	.60		.10	
Butte, Colusa, Glenn, Plumas, Sutter, & Yuba Counties	5.185	.50	.60	.60		
Fresno, Kings, & Madera Counties	6.60	.20	.60			
Del Norte and Humboldt Counties	5.35	.40	.50	.50		
Marin County	7.05	.50	.40			
Mariposa & Merced Counties	5.25	.50	.60	.60		
Monterey County	5.70	.50	.60	.46		
Napa County	6.65	.50				
Amador, El Dorado, Nevada, Placer, Sacramento, Sierra, & Yolo Counties	5.75	.295	.50	.70		
San Francisco & San Mateo Counties	7.50	.25	.40	.95		
San Benito & Santa Clara Counties	7.65	.50	.50			

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46-CAL-NCAL Counties-1-2-3-a (9-12)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS' TENDERS (CONT'D):						
Lassen, Modoc, Shasta, Siskiyou, Tehama, & Trinity Counties	5.25	.50	.60	.60		
Solano County	5.55	.50	.60	.60		
Lake, Mendocino, & Sonoma Cos.	5.44	.40	.50	.50		
Stanislaus and Tuolumne Cos.	5.45	.50	.60	.60		
Tulare County	5.00	.50	.60	.60		
PLUMBERS:						
Alameda County	9.54	.55	1.00	.01	.075	
Contra Costa County	9.57	.53	1.00	.01	.07	
PLUMBERS; Steamfitters						
Del Norte & Humboldt Counties	7.24	.48	1.06	.80	.05	
Monterey County	8.39	.77	.79		.03	
Amador (northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	8.58	.65	1.05		.06	
Lake Tahoe Area	7.40	.30	.60	1.55	.07	
Marin, Mendocino, San Francisco, & Sonoma Counties	8.03	1.44	.705	.735	.065	
San Benito & Santa Clara Counties	8.83	.46	.65		.08	
San Mateo County	9.075	.485	.50		.075	
Alpine, Amador (southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, & Yuba Counties	8.39	.77	.79		.03	
Lake, Napa & Solano Counties	8.50	.35	.58		.07	
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	7.30	.43	.50		.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	7.55	.43	.50		.01	
Bitumastic; enamelers; pipewrapper; coal tar built up	8.30	.43	.50		.01	
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Cos.						
Roofers (Slate, Tile Composition and Built up)	6.64	.45	.20	.75		
Felt Machine Operator	6.89	.45	.20	.75		
Butte, Colusa, Eldorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, and Yuba Counties						
Roofers	7.04	.50	.40			

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46-CAL-NCAL Counties-1-2-3-a (10-12)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS (CONT'D):						
Fresno, Kings, Madera, and Tulare Cos.						
Roofers	$ 8.15	.20	.10			
Lake, Mendocino, and Sonoma Counties						
Roofers (Slate & tile)	7.34	.38	.50		.01	
Kettlemen (2 kettles w/o pumps)	7.59	.38	.50		.01	
Bitumastic enamelers; Pipewrappers; Coal tar pitch built up	8.34	.38	.50		.01	
Marin County						
Roofers (Slate; Tile comp.)	7.37	.30	.55		.01	
Mastic workers; Kettlemen (2 kettles without pumps)	7.62	.30	.55		.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.37	.30	.55		.01	
Monterey County						
Roofers	6.80	.30	.50	1.00		
San Francisco & San Mateo Counties						
Roofers (Slate, Tile composition and built up)	7.26	.35	.60		.01	
Mastic workers & kettlemen (2 kettles) without pumps	7.51	.35	.60		.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.26	.35	.60		.01	
Napa and Solano Cos.						
Roofers	6.70	.25	.50	.50		
Amador, Sacramento and Yolo Cos.						
Roofers (Slate, Tile & Composition)	6.67	.48	.40			
Enameler and Pitch	7.42	.48	.40			
Felt machine operator, spudding machine operator, all types	6.92	.48	.40			
San Benito & Santa Clara Counties						
Roofers; Kettlemen (1 Kettle)	6.71	.36	.53	1.00		
Coal Tar; Bitumastic Enamelers; Mastic Workers; Kettlemen (2 Kettles); Pitch	7.21	.36	.53	1.00		
SHEET METAL WORKERS:						
Alameda & Contra Costa Counties	7.25	.39	.505	10%e	.015	
Alpine, Calaveras, & San Joaquin	6.375	.36	.50	1.00		
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter Tehama, and Yolo Counties	8.21	.36	.83		.07	
Del Norte, Humboldt, & Trinity Counties	8.18	.38	.83			
Fresno, Kings, Madera, & Tulare Cos.	7.00	.38	.69	.70	.05	
Lake, Marin, Mendocino, Napa, Sonoma, & Solano Counties	8.55	.36	.44		.15	
Mariposa, Merced, Stanislaus, & Tuolumne Counties	6.33	.36	.40		.01	
Monterey, San Benito, Santa Clara, & Santa Cruz Counties	7.70	.38	.50	10%		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		2%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SOFT FLOOR LAYERS:						
Alameda, Contra Costa, Napa, & Solano Counties	7.50	.36	.30	f + .298	.05	
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced (east of the San Joaquin River) Plumas, San Joaquin, Shasta, Sacramento, Stanislaus Sutter, Tehama, Trinity, Tuolumne, Yolo, & Yuba Counties, & those portions of El Dorado, Nevada, Placer & Sierra Counties (excluding Lake Tahoe Area	6.96	.455	.45	.95	.07	
Honey Lake Area & Lake Tahoe Area	6.02	.20	.20	.40		
Fresno County	6.55	.20				
Lake, Marin, Mendocino, San Francisco, San Mateo, & Sonoma Counties	7.10	.41	.30	h + .281	.04	
Monterey, San Benito, Santa Clara & Santa Cruz Counties	7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, & Sonoma Counties	10.645	.25	.40		.02	
SPRINKLER FITTERS:						
Remaining Counties	10.55	.25	.40		.05	
STEAMFITTERS:						
Alameda & Contra Costa Counties	9.415	.30	.65		.005	
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, Trinity Counties	7.79	.63	.58	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, & Yuba Counties	7.73	.25	.20		1.00 p/mo.	
Fresno, Kings, Madera, & Tulare Counties	6.02	.25				
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma, Trinity Counties	8.05	.56	.60		.015	
Alpine, Amador, Calaveras, San Joaquin Counties	6.60	.25		.65		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS: (Cont'd)						
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, & Yuba Cos.	$6.40	.42	.35	.80	j	
Fresno, Kings, Madera, & Tulare Counties:	6.02	.25				
Monterey & Santa Cruz Counties:	6.96	.575	.20			
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or 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 over 5 years service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.20 per hour to Paid Holiday Fund. 6 Paid Holidays: A through F.

c. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation in 1st year's service, $.20 per hour after 1 year's service but less than 5 years' service, $.30 per hour after 5 years' service but less than 10 years' service, and $.40 per hour after 10 years' service.

d. 8 Paid Holidays: A through F, Washington's Birthday and Admission Day.

e. 4 Paid Holidays: C, D. E, and Washington' Birthday

f. 1st year of employment employer contributes $.14 p/h to Vacation; 2nd thru 5th year $.30 p/h; 6th year & thereafter $.46 p/h.

g. Employer contributes $.29 p/h to Holiday Fund.

h. 1st year of employment, employer contributes $.14 per hour to Vacation Fund; 2nd through 5th year, $.295 per hour; 6th year and thereafter $.46 per hour.

i. Employer contributes $.28 per hour to Holiday Fund.

j. Employer contributes $2.00 per month per apprentice employed.

1-CAL-NCAL-LAB-1-2-3-v (1-1)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Bridge; Brush loaders & Piler; Clean-up; Dumpman; General; Landscape; Limbers Tool room attendant	$5.435	.55	1.05	.70	.06	
Asphalt Shovelers; Cement Dumper; Chipper; Choker setter & rigger; Chucktender; Concrete; Guinea Chaser; High pressure Nozzleman-Hydraulic Monitor; Nipper; Pneumatic-Gas-Electric tool Operator (not otherwise classified); Sloper; Loading, Unloading, handling materials for reinforcing concrete construction	5.535	.55	1.05	.70	.06	
Aligners; Asphalt Ironers & Rakers; Bucker; Buggymobile, Chainsaw; Compactors; Concrete Saw & pan work; Cribber and/or Shoring; Curb setter; Form Raiser; Faller; Headerboard Man; Post hole digger (air-gas-electric); Jackhammer; Kettleman; Log loader; Magnesite & Mastic Workers; Pavement Breaker Pipelayer; Pipewrapper; Power Broom Sweeper; Riprap stonepaver & Rockslinger; Rotary Scarifier; Roto-Tiller; Sandblaster; Barko, wackers & similar type tampers; Tank cleaners; Tree Climber; Vibrator; Vibra-Screed Bull Float.	5.685	.55	1.05	.70	.06	
Burning and Welding	5.735	.55	1.05	.70	.06	
Pipelayers; Caulkers; Banders (Contra-Costa County only)	5.885	.55	1.05	.70	.06	
Blasters; Drills (Daimond-Wagon); High scaler; Powderman; Tree Topper	5.91	.55	1.05	.70	.06	
Laborers on General Construction Work on or in Bell Hole Fottings, & Shaft	6.235	.55	1.05	.70	.06	
Gunnite Laborers:						
Nozzleman; Rodman; Gunman, Groundman	6.145	.55	1.05	.70	.06	
Reboundman	5.555	.55	1.05	.70	.06	

4-CAL-NCAL-LAB-(TUNNEL)-1-2-3-f (1-1)

TUNNEL LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Daimond Driller; Groundmen; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work & Raise (below actual or excavated ground level)	$6.565	.55	1.05	.70	.06	
Bit Grinder; Blaster, Drillers, Powdermen-Heading; Cherry Pickermen-where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman & Potman; Gunite & Shotcrete Gunmen & Potmen; Headermen; High Pressure Nozzleman; Miners-Tunnel, including top & bottom man on shaft & raise work; Nipper Nozzleman on slick line; Sandblaster-Potman (work assignment interchangeable) Steel Form Raisers & Setters; Timberman, Retimberman-Wood or Steel or substitute materials therefore; Tugger	6.315	.55	1.05	.70	.06	
Cabletender; Chucktender; Powderman-Primer House; Vibratormen, Pavement Breakers	6.165	.55	1.05	.70	.06	
Bull Gang-Muckers, Trackmen; Concrete Crew-Includes rodding & Spreading; Dumpmen (Any method); Grout Crew; Reboundmen; Swamper	6.065	.55	1.05	.70	.06	
Compressed Air Operations:						
1 lb. - 14 lbs., 6 hrs. work	60.13	.55	1.05	.70	.06	
Over 14 lbs. - 18 lbs., 6 hrs. work	63.24	.55	1.05	.70	.06	
Over 18 lbs. - 22 lbs., 4 hrs. work	63.18	.55	1.05	.70	.06	
Over 22 lbs. - 26 lbs., 4 hrs. work	68.07	.55	1.05	.70	.06	
Over 26 lbs. - 32 lbs., 4 hrs. work	70.83	.55	1.05	.70	.06	
Over 32 lbs. - 38 lbs., 3 hrs. work	73.93	.55	1.05	.70	.06	
Over 38 lbs. - 44 lbs., 2 hrs. work	75.43	.55	1.05	.70	.06	
Outside lock and guage tender per 6 hour shift	52.69	.55	1.05	.70	.06	

*AREA 1

1-CAL-NCAL-PEO-1-2-3- h (1-5)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty repair shop parts room)	$6.63	.62	.90	.60	.24	
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator Spreader boxman (with screeds); Tar Pot fireman (power agitated)	6.91	.62	.90	.60	.24	
GROUP III						
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier (construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	7.08	.62	.90	.60	.24	
GROUP IV						
BALLAST JACK TAMPER: Ballast regulator; ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer; Towermobile	7.53	.62	.90	.60	.24	
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	7.70	.62	.90	.60	.24	

*AREA 1 (cont'd)

1-CAL-NCAL-PEO-1-2-3- h (2-5)

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
BLH LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); small rubber tired tractors; Surface heater	7.81	.62	.90	.60	.24	
CROUP VII						
CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene & similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled & supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled Elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	7.94	.62	.90	.60	.24	

AREA 1* (cont'd)

1-CAL-NCAL-PEO-1-2-3- h (3-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VIII						
ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat ; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woods-mixer (and other similar pugmill equipment)	8.26	.62	.90	.60	.24	
GROUP IX						
CANAL FINGER DRAIN DIGGER; Chicago Boom; Combination mixer & compressor (gunite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	8.44	.62	.90	.60	.24	

AREA 1* (cont'd)

1-CAL-NCAL-PEO-1-2-3- h (4-5

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X						
BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-more loader & Adams Elegrader; Elevating grader op.; Rubber tired scraper, self-loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills); Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (no tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill comb.; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	8.60	.62	.90	.60	.24	
GROUP X-A						
BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1. cu. yd. m.r.c.): Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	8.69	.62	.90	.60	.24	

AREA 1* (Cont'd)

1-CAL-NCAL-PEO-1-2-3- h (5-5)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI						
AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes, . (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth moving machines (multiple propulsion power units & two or more scrapers) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete or asphalt); Tandem cats; Tower Cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu. yds. per hour); Whirley cranes (over 25 tons)	8.83	.62	.90	.60	.24	
GROUP XI-A						
LOADER (over 12 cu. yds. up to & incl-18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band Wagons (in conjunction with wheel excavator) Wheel excavator (Over 750 yds. per hour); Cranes (over 125 tons)	9.70	.62	.90	.60	.24	
GROUP XI-B						
LOADER (over 18 cu. yds.)	9.92	.62	.90	.60	.24	
GROUP XI-C						
OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	10.15	.62	.90	.60	.24	

AREA 2**

7-CAL-NCAL-PEO-1-2-3-c (1-5)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
ASSISTANTS TO ENGINEERS (Brakeman; Fireman; Heavy duty repairman helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty repair shop parts room)	7.76	.62	.90	.60	.24	
GROUP II						
COMPRESSOR OPERATOR; Concrete mixer (up to & incl. 1 yd.); Conveyor belt op. (tunnel); Fireman hot plant; hydraulic monitor; Mechanical conveyor (handling building materials); Mixer box operator (concrete plant); Pump operator Spreader boxman (with screeds); Tar Pot fireman (power agitated)	8.04	.62	.90	.60	.24	
GROUP III						
BOX OPERATOR (bunker); Locomotive; Motorman; Oiler; Rodman or chainman; Ross carrier (construction job site); Rotomist operator; Screedman (except asphaltic concrete paving); Self-propelled, Automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching machine (maximum digging capacity 3 ft. depth); Tugger hoist, single drum	8.21	.62	.90	.60	.24	
GROUP IV						
BALLAST JACK TAMPER: Ballast regulator; Ballast tamper multi-purpose; boxman (asphalt plant); Fork lift or lumber stacker (construction job site); Line Master; Lubrication & service engineer (mobile and grease rack); Material hoist (1 drum); Shuttlecar; Tie spacer; Towermobile	8.66	.62	.90	.60	.24	
GROUP V						
COMPRESSOR OPERATOR (2 to 7); Concrete mixers (over 1 yd.); Concrete pumps or pumpcrete guns; Generators (100 K.W. or over); Press-weld (air-operated); Pumps (2 to 7); Welding machines (gasoline or diesel) (2 to 7)	8.83	.62	.90	.60	.24	

AREA 2** (cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI BLH LIMA ROAD PACTOR or similar; Boom truck or dual purpose A-frame truck; concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports, and canals; Drilling and boring machinery, vertical & horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, grade checker (mechanical or otherwise); Highline cableway signalman; Locomotives (steam or over 30 tons) Maginnis internal full slab vibrator (on airports, highways, canals & warehouses); Mechanical finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical burm, curb and/or curb and gutter machine, concrete or asphalt; Portable crushers; Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene & similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled pipeline wrapping machine (perault, CRC, or similar types); Slip forms pumps (lifting device for concrete forms); small rubber tired tractors; Surface heater	8.94	.62	.90	.60	.24	
GROUP VII CONCRETE CONVEYOR OR CONCRETE PUMP, Truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Instrument man; Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene & similar; Mine or shaft hoist; Mixer-mobile; Pavement breaker with or without compressor combination; Pavement breaker, Truck mounted with compressor combination; Pipe bending machine (pipe lines only); Pipe cleaning machine (tractor propelled &						

AREA 2** (cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII (Cont'd) supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Self-propelled boom type lifting device; Self-propelled Elevating grade plane; Slusher operator; Small tractor (with boom); Soil tester; Truck type loader	9.07	.62	.90	.60	.24	
GROUP VIII ARMOR-COATER (or similar); Asphalt plant engineer; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heavy duty repairman and/or welders; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical shield operator (or similar); Mechanical trench shield; Portable crushing & screening plants; Push cat; Rubber tired earth moving equipment (up to & incl. 45 cu. yds. "struck" m.r.c., euclids, T-pulls, DW-10,20,21 and similar); Tractor drawn scraper; Self-propelled compactor with dozer; Sheepfoot; Tractor; Trenching machine; Tri-batch paver; Tunnel mole boring machine operator; Welder; Woodsmixer (and other similar pugmill equipment)	9.39	.62	.90	.60	.24	
GROUP IX CANAL FINGER DRAIN DIGGER; Chicago Boom; Combination mixer & compressor (gunnite); Combination Slurry mixer and/or cleaner; Highline cableway (5 tons & under); Lull hi-lift or similar (20 ft. or over); Mucking machine; Tractor (with boom) (D-6 or larger and similar)	9.57	.62	.90	.60	.24	
GROUP X BOOM-TYPE BACKFILLING MACHINE; Bridge crane; Cary-lift (or similar); Chemical grouting machine; Chief of party; Combination backhoe & Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derricks (2 operators required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-more loader & Adams Elegrader, Elevating grader op.; Rubber tired scraper, self-						

AREA 2** (cont'd) POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP X (Cont'd) loading (paddle wheels, etc.); Heavy duty rotary drills rigs (incl. caisson foundation work & Robbins type drills); Koehring Skooper (or similar); Lift slab machine (Vagtborg & similar types); Loader (2 yds. up to & incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple engine earth-moving machine (euclids, dozers, etc.) (No tandem scraper); Prestress wire wrapping machine; Shuttle car (reclaim station); Soil stabilizer (P & H or equal); Subgrader (gurries or other automatic type); Track laying type-Earth moving machine (single engine with tandem scrapers); Tractor, compressor drill comb.; Train loading station; Vacuum cooling plant; Single engine scraper over 45 yds.; Whirley crane (up to & incl. 25 tons)	9.73	.62	.90	.60	.24	
GROUP X-A BACKHOE (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination backhoe and loader over 1/2 cu. yd. m.r.c.); Continuous flight tie back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead & gantry); Grade all up to and incl. 1 cu. yd.); Power shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.): Power blade; Self-propelled boom-type lifting device (center mount) (over 10 tons); Self-propelled boom-type lifting device (center mounted) (over 15 tons)	9.82	.62	.90	.60	.24	
GROUP XI AUTOMATIC CONCRETE SLIP FORM PAVER; Automatic railroad car dumper; Canal finger drain backfiller; Canal trimmer; Canal trimmer w/ditching attachments; Cranes, (over 25 tons up to and incl. 125 tons); Continuous flight tie back Auger over 1 cu. yd. (incl. crane); Drott travelift 650-A-1 or similar (45 tons or over); Rubber tired earth-moving machines (multiple propulsion power units & two or more scrapers)						

AREA 2** (cont'd) POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP XI (Cont'd) (up to & incl. 75 cu. yds. "struck" m.r.c.); Highline cableway (over 5 tons); Loader (over 4 yds. up to & incl. 12 cu. yds.); Power blades operator (multi-engine); Power shovels, Clamshells, Draglines, Backhoes, Gradalls, (over 1 yd. up to & incl. 7 cu. yds. m.r.c.); Self-propelled compactor (with multiple propulsion power units); Slip form paver (concrete or asphalt); Tandem cats; Tower Cranes mobile; Trencher (pulling attached shield); Tower cranes mobile; Single engine rubber tired earth moving moving machine (with tandem scrapers); Universal Liebher and Tower cranes (and similar types); Wheel excavator (up to & incl. 750 cu. yds. per hour); Whirley cranes (over 25 tons)	9.96	.62	.90	.60	.24	
GROUP XI-A LOADER (over 12 cu. yds. up to & incl. 18 cu. yds.); Rubber tired multi-purpose earth moving machine (2 units) (over 75 cu. yds. "struck" m.r.c.); Power shovels & draglines (over 7 cu. yds. m.r.c.); Band Wagons (in conjunction with wheel excavator) Wheel excavator (over 750 yds. per hour); Cranes (over 125 tons)	10.83	.62	.90	.60	.24	
GROUP XI-B LOADER (over 18 cu. yds.)	11.05	.62	.90	.60	.24	
GROUP XI-C OPERATOR OF HELICOPTER (when used in erection work); Remote controlled earth moving equipment	11.28	.62	.90	.60	.24	

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5-CAL-NCAL-PEO-(Dredging)-b

POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHE
LEVERMAN	$7.48	.475	.65	.50	.14	
WATCH ENGINEER (steam or electric); Welder	6.79	.475	.65	.50	.14	
DECKMATE	6.27	.475	.65	.50	.14	
WINCHMAN (steam winch on dredge)	6,20	.475	.65	.50	.14	
BARGEMAN; Deckhand; Leveehand; Fireman; Oiler	5.65	.475	.65	.50	.14	
DREDGING (Clam Shell Dredges)						
LEVERMAN	7.48	.475	.65	.50	.14	
WATCH ENGINEER	6.79	.475	.65	.50	.14	
BARGEMATE (Seagoing); Deckmate	6.27	.475	.65	.50	.14	
WINCHMAN (steam or electric or diesel)	6.20	.475	.65	.50	.14	
BARGEMAN; Deckhand; Fireman; Oiler	5.65	.475	.65	.50	.14	

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4-CAL-NCAL-PEO(Piledriving)-1-2-3-f (1-1)

PILEDRIVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I ASSISTANT TO ENGINEER (Fireman, Oiler, Deckhand)	$6.69	.62	.90	.60	.24	
GROUP Ia COMPRESSOR OPERATOR	6.96	.62	.90	.60	.24	
GROUP Ib TRUCK CRANE OILER	7.08	.62	.90	.60	.24	
GROUP IIa OPERATOR OF TUGGER HOIST (Hoisting material only)	7.59	.62	.90	.60	.24	
GROUP IIb COMPRESSOR OPERATOR (2-7); Generator operator (100 k.w. or over); Pump operator (2-7); Welding machine operator (2-7 - powered other than by electricity)	7.76	.62	.90	.60	.24	
GROUP III DECK ENGINEER; Fork lift operator; A-frames; Self-propelled boom-type lifting device	8.00	.62	.90	.60	.24	
GROUP IIIa HEAVY DUTY REPAIRMAN &/OR WELDER	8.31	.62	.90	.60	.24	
GROUP IV OPERATING ENGINEER IN LIEU OF ASSISTANT TO ENGINEER TENDING BOILER OR COMPRESSOR ATTACHED TO CRANE PILEDRIVER; Operator of Piledriving rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to & incl. 1 cu yd. rating; Truck crane op. (up to & incl. 25 tons - Hoisting material only)	8.76	.62	.90	.60	.24	
GROUP V OPERATOR OF DIESEL OR GASOLINE POWERED CRANE PILEDRIVER (w/o boiler) OVER 1 CU YD RATING; Operator of crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered crawler, or Universal type driver (Raymond or similar type); Truck crane operator (over 25 tons - Hoisting material or performing piledriving work)	8.8[illegible]	.62	.90	.60	.24	

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & including 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete Truck (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skid Truck (debris box over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$7.41	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & including 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete Truck (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skid Truck (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete Truck (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skid Truck (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & including 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete Truck (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skid Truck (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	6.96	.765	.50	.75		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & including 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete Truck (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's, & other similar cat type, Terra Cobra, LeTourneau Pulls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak, water tank trailers & fuel and/or grease tank trailers or other miscellaneous trailers; Skid Truck (debris box, over 24 yds. & incl. 35 yds. water level); Trucks (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	$6.81	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & including 24 yds. water level); Combination Dump Truck & Dump Trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete Truck (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid Truck (debris box, over 18 yds. & incl. 24 yds. water level); Transit Mix, agitator (over 14 yds through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.735	.765	.50	.75		
TRUCK REPAIRMAN	6.745	.765	.50	.75		
P. B. or SIMILAR TYPE Self-Loading Truck	6.71	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumpcrete Truck (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skid Truck (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75		
TRANSIT MIX, AGITATOR (Over 12 yds. through 14 yds.)	6.625	.765	.50	.75		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level) Dumpcrete (8 yds. & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level); Self-propelled Street Sweeper with Self-contained Refuse Bin; Skid Truck (debris box, 8 yds. & incl. 12 yds. water level); Snow go &/or Snow Plow; Trucks (dry pre-batch concrete mix, 8 yds. & incl. 12 yds. water level)	$6.61	.765	.50	.75		
TRANSIT MIX, AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75		
HEAVY DUTY TRANSPORT (gooseneck low bed)	6.62	.765	.50	.75		
JETTING TRUCK AND WATER TRUCK (5,000 and under 7,000 gals)	6.485	.765	.50	.75		
VACUUM TRUCK (5,000 gals, and under 7,500 gals.)	6.435	.765	.50	.75		
TRANSIT MIX, AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75		
ROSS HYSTER, similar Straddle Carrier	6.415	.765	.50	.75		
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75		
"A" Frame drivers, winch truck; Buggy-mobile; Hydro-lift, Swedish Crane Type (incl. when Swedish Crane is used for Jetting); Jetting Truck & Water Truck (4,000 & under 5,000 gals); Rubber-tired Truck Jumbo	6.385	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete Truck (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skid Truck (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75		
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75		
VACUUM TRUCK (3,500 gals & under 5,500 gals)	6.335	.765	.50	.75		

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
COMBINATION WINCH TRUCK with hoist-transit mix, agitator (6 yds. & under 8 yds.)	$6.325	.765	.50	.75		
JETTING TRUCK & Water Truck (2,500 gals. under 4,000 gals.)	6.285	.765	.50	.75		
SCISSOR TRUCK; Single Unit Flat Rack (3 axle unit-industrial lidt truck, mechanical tailgate); Small Rubber Tired Tractor (when used within teamsters jurisdiction)	6.27	.765	.50	.75		
VACUUM TRUCK (under 3,500 gals.)	6.255	.765	.50	.75		
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75		
TRANSIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75		
LIFT JITNEYS, Fork Lift	6.205	.765	.50	.75		
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	6.185	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete Truck (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skid Truck (debris box, 4 yds. & under 6 yds. water level); Single unit Flat Rack (2 axle unit-industrial lift truck, mechanical tailgate); Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75		
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Manhaul Driver; Concrete Pump Machine; Concrete Pump Truck (when Flat Rack Truck is used appropriate Flat Rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete Truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or Pilot Car Driver; Nipper Truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickup Trucks; Skid Trucks (debris box, under 4 yds. water level); Team Drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Vacuum Truck Helpers Warehousemen	6.075	.765	.50	.75		

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (1-3)

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S,
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E,
falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd) (2-3)

*Area 1 (cont'd):
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11 E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd) (3-3)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning, which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E. corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, range 1E,
Thence Westerly along the Northerly line of township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W,
on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

AP-232 P. 2

STATE: Colorado
DECISION NUMBER: AP-232
Supersedes Decision #AM-3,632, dated August 27, 1971, in 36 FR 17079.
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Carpenters	$5.72	.35	.35	.25	.015	
Cement Masons:						
Denver Metropolitan Area	6.15	.30	.50	.30	.06	
Outside Denver Metropolitan Area	6.00	.30	.50	.30	.06	
Electricians:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.72	.22	1%		2/10%	
Electricians:						
Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties						
Zone 1 (Within 12 miles Pueblo Main Post Office)	7.30	.22	1%		1/10%	
Zone 2 (12 to 20 miles from Pueblo Main Post Office)	7.70	.22	1%		1/10%	
Zone 3 (20 to 40 miles from Pueblo Main Post Office)	8.05	.22	1%		1/10%	
Zone 4 (40 miles & over from Pueblo Main Post Office)	8.80	.22	1%		1/10%	
Zone 3 & 4 Where electrical contract is less than $2,000 the rate is	5.35	.22	1%		1/10%	
Electricians:						
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park, and Teller Counties	8.10	.32	1%		.01	
Electricians:						
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan & San Miguel Counties	7.15	.22	1%		3/10%	
Ironworkers:						
Adams, Arapahoe, Boulder, Northern part of Chaffee, Clear Creek, Delta, Denver, Dolores, Douglas, Eagle, Northern part of Elbert, Garfield, Gilpin, Grand, Gunnison, Hinsdale, Jackson, Jefferson, Northern part of Kit Carson, Lake, La Plata, Larimer, Northern part of Lincoln, Logan, Mesa, Moffat, Montzuma, Montrose, Morgan, Ouray, Northern 2/3 part of Park, Phillips, Pitkins, Rio Blanco, Rio Grande, Routt, San Juan, San Miguel, Sedgwick, Summit, Northern part of Teller, Washington, Weld, and El Paso Counties						
Structural, ornamental, reinforcing, fence erectors	7.25	.50	.60		.04	
Ironworkers:						
Alamos, Archuleta, Baca, Bent, Southern part of Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Southern part of Elbert, Fremont, Huerfano, Kiowa, Southern part of Kit Carson, Las Animas, Southern part of Lincoln, Mineral, Otero, Southern 1/3 part of Park, Prowers, Pueblo, Saguache, Southern part of Teller Counties						
Structural, ornamental, reinforcing, fence erectors	6.75	.45	.45		.01	
Painters:						
Adams, Arapahoe, Boulder, Clear Creek, Denver, Dolores, Douglas, Gilpin, Grand, Jackson, Jefferson, Lake, LaPlata, Larimer, Logan, Moffat, Montezuma, Morgan, Ouray, Phillips, Rio Grande, Routt, San Juan, San Miguel, Sedgwick, Washington, Weld, Northern parts of Eagle, Elbert, & Summit Counties.						
Spray	7.89	.40	.15		.01	
Brush	7.41	.40	.15		.01	

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Painters:						
Baca, Bent, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers & Pueblo Counties						
Brush	4.75					
Structural steel	5.00					
Spray	5.25					
Painters:						
Alamosa, Archuleta, Chaffee, Cheyenne, Conejos, El Paso, Gunnison, Hinsdale, Lincoln, Mineral, Park, Pitkin, Kit Carson, Saguache, Teller, Southern Parts of Eagle, Elbert, and Summit Counties.						
Brush	6.00	.20				
Spray and Steel	6.50	.20				
Painters:						
Delta, Garfield, Mesa, Montrose & Rio Blanco Counties						
Brush	6.225	.20	.15		.01	
Spray	6.705	.20	.15		.01	
Piledrivermen	5.97	.35	.35	.25	.015	
Cable splicers:						
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington, Weld Counties	7.97	.22	1%		2/10%	
Cable splicers:						
Alamosa, Archuleta, Baca, Bent, Chaffee, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande, and Saguache Counties						
Zone 1 (Within 12 miles Pueblo Main Post Office)	8.58	.22	1%		1/10%	
Zone 2 (12 to 20 miles from Pueblo Main Post Office)	8.98	.22	1%		1/10%	
Zone 3 (20 to 40 miles from Pueblo Main Post Office)	9.33	.22	1%		1/10%	
Zone 4 (40 miles & over from Pueblo Main Post Office)	10.08	.22	1%		1/10%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O--
Cable splicers: Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan, and San Miguel Counties	$7.40	.22	1%		3/10%	

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.45	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potman (not mechanical); Pipewrapper; Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air. gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI Pipelayer	4.75	.30	.35		.05	

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.30	.30	.35		.05	
GROUP I Minimum tunnel labor, dry house man	4.90	.30	.35		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05	
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.08	.30	.35		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05	
GROUP V Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.30	.30	.35		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05	

LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05	
GROUP IV Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.26	.25		.03	
GROUP II Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.26	.25		.03	
GROUP III Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.26	.25		.03	

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POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.26	.25		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.26	.25		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.26	.25		.03	

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POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.26	.25		.03	
Brakeman	4.95	.26	.25		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.26	.25		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.26	.25		.03	
Concrete Placement Pump under 8" discharge	5.65	.26	.25		.03	
Grout Machine	5.65	.26	.25		.03	
Gunnite Machine	5.65	.26	.25		.03	
Jumbo Form Operator	5.65	.26	.25		.03	
Mole Operator	6.20	.26	.25		.03	
Motorman (Brakeman)	5.30	.26	.25		.03	
Mucking Machines and front end loaders underground	5.80	.26	.25		.03	
Slusher	5.80	.26	.25		.03	
Line Construction - Colorado						
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$4.80	.25	.15			
DUMP TRUCKS, TO & INCL. 6 CU. YDS; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	4.90	.25	.15			
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.00	.25	.15			
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.05	.25	.15			
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.10	.25	.15			
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.15	.25	.15			
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.20	.25	.15			
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumpter, Youngbuggy, Jumbo & similar type equipment	5.25	.25	.15			
MECHANICS	5.30	.25	.15			
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.35	.25	.15			

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.40	.25	.15			
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.50	.25	.15			
CEMENT MIXER, Agitator over 15 cu. yds.	5.65	.25	.15			
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	5.70	.25	.15			

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: AP-233
COUNTY: El Paso
DATE: Date of Publication
Supersedes Decision #AP-220, dated August 11, 1972, in 37 FR 16301.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	1/Others
BUILDING CONSTRUCTION						
ASBESTOS WORKERS	$ 8.13	.25	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons	7.72	.30	.50		.04	
CARPENTERS:						
Carpenters	6.02	.35	.35	.20	.015	
Millwrights	6.66	.35	.35	.40	.015	
CEMENT MASONS:						
Cement masons	6.10	.25	.20	.60	.03	
Working with composition materials & color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	6.35	.25	.20	.60	.03	
ELECTRICIANS	8.10	.32	1%		.01	
ELEVATOR CONSTRUCTORS	7.47	.195	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS (Northern portion)	7.25	.50	.60		.04	
IRONWORKERS (Southern portion)	6.75	.45	.45		.01	
LABORERS:						
General laborers	4.45	.30	.35		.05	
Underpinning & shoring 0' to 8' below working surface	4.50	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface; Power tool ops. of all mechanical, air, gas & electrical tools, incl. self-propelled buggies & cement finisher tenders; Pipelayers; Gunnite nozzlemen & sandblasters	4.78	.30	.35		.05	
Laborers, preparing & placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.80	.30	.35		.05	
Jackhammer op.; Underpinning & shoring over 12' below working surface; Bellers & stemmers on caisson work	5.05	.30	.35		.05	
Mason tenders, brick & plaster	5.10	.30	.35		.05	
PAINTERS:						
Brush & roller; Tapers; Texture	$6.00	.20				
Paperhangers; Spray; Steel	6.50	.20				
PLASTERERS	7.69			.50	.01	
PLUMBERS; Pipefitters	6.51	.40	.35	$1.17 b	.05	
ROOFERS	7.18					
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	
TILE SETTERS	6.86	.30				
TILE SETTERS' HELPERS	5.65	.38	.20	.25		

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Paid Holidays A through G.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Veterans' Day.

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HEAVY & HIGHWAY - SITE PREPARATION - SEWER CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.45	.30	.35		.05	

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LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D):						
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I						
Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II						
Potman (not mechanical); Pipewrapper; Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III						
Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV						
Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe)						
Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI						
Pipelayer	4.75	.30	.35		.05	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (TUNNELS):						
Outside laborers	$4.30	.30	.35		.05	
GROUP I						
Minimum tunnel labor, dry house man	4.90	.30	.35		.05	
GROUP II						
Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05	
GROUP III						
Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.06	.30	.35		.05	
GROUP IV						
Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05	
GROUP V						
Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement man	5.30	.30	.35		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I						
Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05	
GROUP II						
Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05	

LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05	
GROUP IV Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.26	.25		.03	
GROUP II Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.26	.25		.03	
GROUP III Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.26	.25		.03	

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POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.26	.25		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.26	.25		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.26	.25		.03	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	$5.72	.35	.35	.25	.015	
Underground carpenters	5.87	.35	.35	.25	.015	
Working on creosoted material; High work 40 ft. above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	5.97	.35	.35	.25	.015	
CEMENT MASONS	6.00	.30	.50	.30	.06	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$4.80	.25	.15			
DUMP TRUCKS, TO & INCL. 6 CU. YDS; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	4.90	.25	.15			
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.00	.25	.15			
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.05	.25	.15			
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.10	.25	.15			
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.15	.25	.15			
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.20	.25	.15			
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo & similar type equipment	5.25	.25	.15			
MECHANICS	5.30	.25	.15			
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.35	.25	.15			

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.40	.25	.15			
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.50	.25	.15			
CEMENT MIXER, Agitator over 15 cu. yds.	5.65	.25	.15			
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	5.70	.25	.15			

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POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.26	.25		.03	
Brakeman	4.95	.26	.25		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.26	.25		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.26	.25		.03	
Concrete Placement Pump under 8" discharge	5.65	.26	.25		.03	
Grout Machine	5.65	.26	.25		.03	
Gunnite Machine	5.65	.26	.25		.03	
Jumbo Form Operator	5.65	.26	.25		.03	
Mole Operator	6.20	.26	.25		.03	
Motorman (Brakeman)	5.30	.26	.25		.03	
Mucking Machines and front end loaders underground	5.80	.26	.25		.03	
Slusher	5.80	.26	.25		.03	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Line Construction - Colorado						
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: AP-234
Supersedes Decision #AP-219, dated August 11, 1972, in 37 FR 16294

COUNTIES: Adams; Arapahoe; Boulder (Southeast portion incl. City of Boulder); Denver; Douglas (Northern portion) Elbert (Northern portion); Jefferson; Weld (Southwest portion).

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others 1/
ASBESTOS WORKERS	$8.13	.25	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemasons (Elbert County only)	7.72	.30	.50		.04	
BRICKLAYERS; Stonemasons (Remaining Counties)	8.15	.45	.50	.25	.05	
CARPENTERS:						
Carpenters	6.565	.35	.35	.25	.015	
Millwrights	6.66	.35	.35	.40	.015	
CEMENT MASONS:						
Cement masons	6.35	.25	.20	.60	.03	
Working with composition materials & color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling & floor grinding machines	6.60	.25	.20	.60	.03	
DRAIN LAYERS	4.62		.20	.25		
ELECTRICIANS:						
Electricians (Elbert County only)	8.10	.32	1%		.01	
Electricians (Remaining Counties)	7.72	.22	1%		2/10%	
Cable splicers (Remaining Counties)	7.97	.22	1%		2/10%	
ELEVATOR CONSTRUCTORS	7.47	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS	7.25	.50	.60		.04	
LABORERS (Adams, Arapahoe, Boulder, Denver and Weld Counties. That part of Douglas and Jefferson Counties lying North of the South line of Township 7 South; That part of Elbert County lying West of the East line of Range 65 West and North of the South line of Township 7 South):						
ZONE 1 - 0 to 30 miles from nearest basing point						
General laborers; Underpinning & shoring; 0 to 8' below working surface	4.50	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface; Power tool ops. of all mechanical, air, gas & electrical tools incl. self-propelled buggies & cement finisher tenders; Gunnite nozzlemen & sandblasters	4.78	.30	.35		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tilt-up panels	4.80	.30	.35		.05	
Pipelayers	5.00	.30	.35		.05	
Jackhammer op.; Underpinning and shoring over 12' below working surface; Bellers & stemmers on caisson work	5.05	.30	.35		.05	
Mason tenders, brick & plaster	5.10	.30	.35		.05	
ZONE 2 - 30 to 70 miles from nearest basing point						
General laborers; Underpinning & shoring 0' to 8' below working surface	4.95	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface; Power tool ops. of all mechanical, air, gas & electrical tools incl. self-propelled buggies & cement finisher tenders; Gunnite nozzlemen & sandblasters	5.23	.30	.35		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tilt-up panels	5.25	.30	.35		.05	
Pipelayers	5.45	.30	.35		.05	
Jackhammer op.; Underpinning and shoring over 12' below working surface; Bellers & stemmers on caisson work	5.50	.30	.35		.05	
Mason tenders, brick & plaster	5.55	.30	.35		.05	
ZONE 3 - 70 miles & over from nearest basing point						
General laborers; Underpinning & shoring 0' to 8' below working surface	5.40	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface; Power tool ops. of all mechanical, air, gas & electrical tools incl. self-propelled buggies & cement finisher tenders; Gunnite nozzleman & sandblasters	5.68	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 3 - 70 miles & over from nearest basing point						
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.70	.30	.35		.05	
Pipelayers	5.90	.30	.35		.05	
Jackhammer op.; Underpinning & shoring over 12' below working surface; Bellers & stemmers on caisson work	5.95	.30	.35		.05	
Mason tenders, brick & plaster	6.00	.30	.35		.05	
LABORERS (Remaining portions of Douglas, Elbert and Jefferson Counties):						
ZONE 1 - 0 to 30 miles from nearest basing point						
General laborers; Underpinning & shoring 0' to 8' below working surface	4.30	.30	.35		.05	
Power tool ops. of all mechanical, air, gas & electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen & sandblasters	4.45	.30	.35		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.50	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface	4.58	.30	.35		.05	
Jackhammer op.; Underpinning & shoring over 12' below working surface; Bellers & stemmers on caisson work	4.62	.30	.35		.05	
Pipelayers	4.78	.30	.35		.05	
Mason tenders, brick and plaster	4.90	.30	.35		.05	
ZONE 2 - 30 to 70 miles from nearest basing point						
General laborers; Underpinning & shoring 0' to 8' below working surface	4.75	.30	.35		.05	
Power tool ops. of all mechanical, air, gas & electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen & sandblasters	4.90	.30	.35		.05	
Laborers - preparing & placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.95	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface	5.03	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 2 - 30 to 70 miles from nearest basing point						
Jackhammer ops.; Underpinning & shoring over 12' below working surface; Bellers & stemmers on caisson work	5.07	.30	.35		.05	
Pipelayers	5.23	.30	.35		.05	
Mason tenders, brick and plaster	5.35	.30	.35		.05	
ZONE 3 - 70 miles & over from nearest basing point						
General laborers; Underpinning & shoring 0' to 8' below working surface	5.20	.30	.35		.05	
Power tool ops. of all mechanical, air, gas, & electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen & sandblasterers	5.35	.30	.35		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.40	.30	.35		.05	
Underpinning & shoring 8' below working surface to any depth below working surface	5.48	.30	.35		.05	
Jackhammer ops.; Underpinning & shoring over 12' below working surface; Bellers and stemmers on caisson work	5.52	.30	.35		.05	
Pipelayers	5.68	.30	.35		.05	
Mason tenders, brick and plaster	5.80	.30	.35		.05	
LATHERS	5.60					
PAINTERS:						
Brush & roller	7.41	.40	.15		.01	
Drywall finisher; Paperhanger	7.61	.40	.15		.01	
Spray; Swing stage	7.89	.40	.15		.01	
PLASTERERS	7.69			.50	.01	
PLUMBERS; Pipefitters	7.70	.45	.40	.40	.05	
ROOFERS	7.19	.37			.02	
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.00	.25	.40		.05	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

HEAVY & HIGHWAY - SITE PREPARATION - SEWER CONSTRUCTION

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections & side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars & chairs in concrete paving; Nursery man incl. seeding, mulching & planting of trees, shrubs & flowers; Stake chaser; Gabion baskets & Reno mattresses	$4.30	.30	.35		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.35	.30	.35		.05	
GROUP III Hot asphalt laborer; Rakers; Boxtenders; Asphalt curb machines; Potmen (not mechanical)	4.43	.30	.35		.05	
GROUP IV Multi-plate culvert pipe; Air, gas & electric tool ops.; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber & chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man & checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor op., mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.45	.30	.35		.05	

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LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor & working from a bos'n chair, swinging stage, life belt or block & tackle	4.47	.30	.35		.05	
GROUP VI Gunniting & shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning & shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distribution; Placing & hooking of landing mats; Bull float (hand operated) & center expansion machines; Sandblasters; Grade checkers if required by employer	4.58	.30	.35		.05	
GROUP VII Powdermen & blasters; Gunnite nozzlemen; Shotcrete op.	4.68	.30	.35		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	4.75	.30	.35		.05	
GROUP IX Wagon drills & air tracks; Jackhammer ops. in caissons over 12'; Bellers & stemmen; Licensed powdermen; Diamond and core drills powered by air	4.88	.30	.35		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle above ground level to & including 40'	4.93	.30	.35		.05	
GROUP XI Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle more than 40' above ground	5.25	.30	.35		.05	

LABORERS (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
(PIPELINES)						
All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.						
GROUP I Pipe plants and yards; Stringing of pipe or skids; Handling & signaling on line work	4.30	.30	.35		.05	
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.35	.30	.35		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric & hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.52	.30	.35		.05	
GROUP IV Sandblasters, powdermen & blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.54	.30	.35		.05	
GROUP V (Relining Pipe) Relining pipe	4.63	.30	.35		.05	
Mixer man	4.68	.30	.35		.05	
GROUP VI Pipelayer	4.75	.30	.35		.05	

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Outside laborers	$4.30	.30	.35		.05	
GROUP I Minimum tunnel labor, dry house man	4.90	.30	.35		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pump ops.	5.00	.30	.35		.05	
GROUP III Helpers on shotcrete, gunniting & sandblasting; Helpers, core and diamond drills; Pot tender	5.08	.30	.35		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.15	.30	.35		.05	
GROUP V Collapsible form movers & setters, miners, machinemen & bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal & external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher(underground); Shotcrete op.; Gunnite nozzle men; Sandblaster; Pump concrete placement men	5.30	.30	.35		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen and Cagers	5.00	.30	.35		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pump ops.	5.15	.30	.35		.05	

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LABORERS (TUNNEL CONT'D):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP III						
Helpers on shotcrete, gunniting & sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	5.25	.30	.35		.05	
GROUP IV						
Collapsible form movers & setters, miners, machinemen and bit grinders, nippers, powdermen & blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting & welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal & external	5.43	.30	.35		.05	
GROUP V						
Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete ops.; Sandblasters & pump concrete placement men	5.53	.30	.35		.05	
GROUP VI						
Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.58	.30	.35		.05	

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
Carpenters	$5.72	.35	.35	.25	.015	
Underground carpenters	5.87	.35	.35	.25	.015	
Working on creosoted material; High work 40 ft. above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	5.97	.35	.35	.25	.015	
CEMENT MASONS (Outside Denver Metropolitan Area)	6.00	.30	.50	.30	.06	
CEMENT MASONS (Denver Metropolitan Area)	6.15	.30	.50	.30	.06	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP I						
Asphalt Screed Operator; Brakeman; Drill Operator - William MF, Similar and smaller; Helper to Heavy Duty Mechanic and/or Welder; Tractor Operator (under 70 HP); Oiler (Assistant to Engineer)	$4.80	.26	.25		.03	
GROUP II						
Air Compressor Operator; Ditch Witch Trenching Machine and similar; Equipment Lubricating & Service Engineer; Fork Lift Operator; Haulage Motorman (Brakeman); Operators of One or More Light Plants, Welding Machines, Compressors 360 C. F. M. or less, Pumps, Generators; Pugmill Operator; Pugmill (more than 1); Pump Operator; Portable Screening Plant with or without a Spray Bar; Screening Plants-With Classifier; Self-Propelled Rollers - 5 tons & under	5.15	.26	.25		.03	
GROUP III						
Asphalt Plant Operator; Backfiller Operator; Bituminous Spreader or Laydown Machine; Cableway Signalman; Caissons Drill Operator (William MF, similar and larger; C.M.I. and similar operator; Concrete Finish Machine; Concrete Gang, Saws on Concrete Paving; Concrete Mixer (less than 1 yd.); Concrete Placement Pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill Operators (diamond or core); Drill Rigs (Rotary, churn or cable tool); Elevating Graders; Engineer Fireman; Fireman or Tank Heater, Road; Grout Machine; Gunnite Machine; Hoists Operator (1 drum); Loader Operator (Barber Greene, etc.); Loader (up to & including 6 cu. yd.); Machine Doctor Mechanic; Motor Grader (blade) operator; Road Stablization Machine; Rollers - Self-Propelled-all types over 5 tons; Sandblasting Machine; Scrapers - Single Bowl - under 40 cu. yd.; Single Unit Portable Crusher - with or without washer; Tile Tamper, Wheel Mounted; Tractor Operator (70 h.p. and over) (with or without attachments); Trenching Machine Operator rigged to dig 7 feet or over; Welder; Winch Operator on Truck; Concrete Batching Plants	5.50	.26	.25		.03	

POWER EQUIPMENT OPERATORS (Cont'd) (Other than for Work in Tunnels, Shafts, & Raises)	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	Apr. Tr.	Other
GROUP IV						
Concrete Mixer (over 1 cy. yd.); Concrete Paver 34 E or similar; Concrete Placement Pumps (8 in & over); Crane Operator (50 tons & under); Hoists (2 drums); Loader - over 6 cu. yd.; Mechanic - Welder (Heavy Duty); Mixermobile; Multiple Unit Portable Crusher - with or without washer; Pile Driver; Power Shovels, Draglines, Clamshells & Backhoes (5 cu. yd. & under) (1/2 cu. yd. or over); Scooper; Scraper - all tandem bowls; Scraper - Single bowl including pups 40 cu. yd. & over; Self-Propelled Hydrocrane; Tractor with Side Boom; Truck Mounted Hydrocrane	$5.65	.26	.25		.03	
GROUP V						
Climbing Tower Crane; Crane Operator - over 50 tons; Derrick; Electric Rail Type Tower Crane; Hoist (3 drum or more); Power Shovels, Draglines, Clamshells & Backhoes (over 5 cu. yd.); Quad Mine and Similar Push Unit	5.80	.26	.25		.03	
GROUP VI						
Cableway Operator; Crawler or Truck Mounted Tower Crane; Wheel Excavator	5.95	.26	.25		.03	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$4.80	.25	.15			
DUMP TRUCKS, TO & INCL. 6 CU. YDS; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	4.90	.25	.15			
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.00	.25	.15			
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.05	.25	.15			
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.10	.25	.15			
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.15	.25	.15			
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.20	.25	.15			
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo & similar type equipment	5.25	.25	.15			
MECHANICS	5.30	.25	.15			
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.35	.25	.15			

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.40	.25	.15			
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.50	.25	.15			
CEMENT MIXER, Agitator over 15 cu. yds.	5.65	.25	.15			
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	5.70	.25	.15			

POWER EQUIPMENT OPERATORS (For Work in Tunnels, Shafts, & Raises)	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Air Tractors	$5.65	.26	.25		.03	
Brakeman	4.95	.26	.25		.03	
Compressor Operator (servicing tunnels shafts and raises)	5.40	.26	.25		.03	
Concrete Placement Pumps--8" and over discharge	5.80	.26	.25		.03	
Concrete Placement Pump under 8" discharge	5.65	.26	.25		.03	
Grout Machine	5.65	.26	.25		.03	
Gunnite Machine	5.65	.26	.25		.03	
Jumbo Form Operator	5.65	.26	.25		.03	
Mole Operator	6.20	.26	.25		.03	
Motorman (Brakeman)	5.30	.26	.25		.03	
Mucking Machines and front end loaders underground	5.80	.26	.25		.03	
Slusher	5.80	.26	.25		.03	
Line Construction - Colorado						
Cable splicers	$7.40	.15	1%		3/4%	
Lineman	6.90	.15	1%		3/4%	
Equipment operator	5.90	.15	1%		3/4%	
Line equipment maintenance man	5.90	.15	1%		3/4%	
Groundman	4.90	.15	1%		3/4%	

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Los Alamos
DECISION NO.: AP-322 DATE: Date of Publication
Supersedes Decision No. AM-11,420, dated May 19, 1972, in 37 FR 10315
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and Heavy Engineering Construction

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbesto workers	$7.25	.35	.42c			
Boilermakers	6.50	.30	.40		.02	
Bricklayers - Stonemasons	7.29	.26	.40	.80		
Carpenters	5.91	.30	.40	.25	.04	
Cement masons:						
Cement masons	5.14	.26				
Composition or mastic, machine	5.26	.26				
Electricians:						
Electricians	8.48	.25	1%		1/7%	
Cable splicers	9.23	.25	1%		1/7%	
Elevator constructors	6.885	.195	.20	2%+a+b		
Elevator constructors helper	70%JR	.195	.20	2%+a+b		
Elevator constructors helper (prob.)	50%JR					
Glaziers	5.09				.02	
Ironworkers:						
Structural, ornamental, reinforcing, machinery movers, riggers	6.53	.35	.50			
Marble, terrazzo, tile workers	6.75	.25				
Marble, terrazzo, tile workers helper	5.30	.25				
Millwrights	6.16	.30	.40	.25	.04	
Painters:						
Brush and roller	5.00					
Paperhanger	5.25					
Spray, sandblast pressure, roller, gunnite operator	5.65					
Steel painter, bridges, structural steel	5.50					
Dry wall finisher - hand finisher	5.50					
Ames tool operator - machine finishing	5.75					
Piledrivermen	6.16	.30	.40	.25	.04	
Plasterers	5.65	.26			.01	
Plumbers & pipefitters	8.40	.31	.27		.07	
Roofers	5.30					
Sheet metal workers	7.18	.15	.15			
Soft floor layers	5.25	.25			.01	
Sprinkler fitters	7.60	.25	.40		.05	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid holidays A thru F
c. Includes .07 per hour contribution to occupational health fund.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION

New Mexico 1 - Lab. 1 - F

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand	$4.02	.26	.15			
SEMI-SKILLED:						
Air and power tool operator, Asphalt raker, Cement masons tenders, Cutting torch operators, Demolition, Gunite rebound men, Hodcarriers, Mortar mixers, Plaster spreader operators, Plasterer tenders, Fog Machine Operator, Power buggy operators, Rodmen, Sand blasters (pot men), Window washer, Wagon, core and diamond drillers' tenders, outside	4.32	.26	.15			
WAGON, CORE, DIAMOND DRILLERS	4.42	.26	.15			
MISCELLANEOUS						
Gunite nozzleman, Pipe layer (non-metallic), Pumpcrete nozzlemen	4.625	.26	.15			
POWDERMEN AND BLASTERS	4.775	.26	.15			

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Group I Fireman, Oiler Helpers-Mechanic, Welder, Grease truck, Screedman, Scale op. such as bin-a-batch, Rubber-tired farm type tractor, Tractors (under 50 hp w/out attachments), Concrete paving curing machine bridge.	$4.48	.20	.10		.03	
Group 1A Rollers, Sheepsfooter, Pneumatic, Self-propelled w/out Dozer, Concrete conveyor, Service Truck Operator (head Oiler)	5.02	.20	.10		.03	
Group II Air Compressor (300 CFM & over) Pumps (6" & over), Screening plants, Concrete mixers (under 1 c.y.), Concrete saw or Grinder-Span Type, Hoists, 1 Drum, Air Tugger, Elevating Belt Type Loaders, Fork-lift, Lumber Stacker, Front End Loader (under 2 c.y.), Tractor-Farm type (under 50 hp w/attachments), Winch Trucks	5.02	.20	.10		.03	
Group III Asphalt Plants, Bituminous Distributors, Bituminous Finishing machines, Boilers, Retort & Hot Oil Heaters, Concrete Batching Plants, Crushing Plants, Concrete Paver, single Drum, Drilling Equipment, Motor Graders-Rough Trenching machines-all types, Concrete mixers (1 c.y. and over)	5.10	.20	.10		.03	
Group IIIA Pumpcrete & Gunite machines slipform paver, Mechanical Bull-floats, Concrete slab spreading machine, Concrete slab finishing machine	5.10	.20	.10		.03	

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group IV Front end loader (2 thru 7 c.y.) Rollers, steel wheeled-all types, Bulldozers, Scrapers, motor or towed, Elevating graders, self-propelled rollers equiped with dozer, Twin-bowl scrapers 35¢ over basic rate, Three bowl scrapers, 60¢ over basic rate	5.16	.20	.10		.03	
Group V Concrete paver-double drum hoists-2 drum, motor graders, finish, Fine Grades and oil work, Cat cranes, Hysters, Cranes 3/4 c.y. & under with less than 50' boom, Side & Swing boom cats, Auto-Finegrader, Front End Loader over 7 cy	5.22	.20	.10		.03	
Group VI Mechanic, Welder	5.32	.20	.10		.03	
Group VII Shovel type equipment (under 3/4 c.y.) Cranes under 20 ton	5.60	.20	.10		.03	
Group VIII Shovel type equipment (3/4 to 3 c.y.) Cranes 20 to 50 ton	5.60	.20	.10		.03	
Group IX Derricks, Guy & Stiffleg, Pile Driver, Shovels, 3 c.y. & over, Cranes, 50 ton and over	5.60	.20	.10		.03	

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GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION - NEW MEXICO 1 - TD - 1 - D

TRUCK DRIVERS:	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
Dump or batch truck, under 8 cu. yds. WLC., Flat bed (bobtail) 2 ton and under, warehousemen including material checker	$4.34	.26				
Distributor driver, truck and trailer (flat bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C., Lumber carrier driver-young-buggy or similar equip. driver, transit mix, driver-scissor truck	4.54	.26				
Dumpster and dumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gals, capacity, lowboy light equip. driver	4.59	.26				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equip. when used to haul materials and assigned to a Teamster. Lowboy heavy equip. driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.93	.26				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., flat bed (bobtail) over 2 ton, heavy tire repair	4.42	.26				
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	4.22	.26				
Spreader Box driver	4.27	.26				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.73	.26				
Vacuum truck, dump truck 20 to 30 yds. W.L.C.	4.69	.26				

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LINE CONSTRUCTION - NEW MEXICO - B

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CABLE SPLICERS	$7.40	.25	1%		½%	
LINEMEN	6.89	.25	1%		½%	
TECHNICIANS	6.89	.25	1%		½%	
EQUIPMENT OPERATORS	6.55	.25	1%		½%	
EQUIPMENT MECHANICS	5.99	.25	1%		½%	
POWDERMEN	5.99	.25	1%		½%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.63	.25	1%		½%	
2nd 6 months	4.13	.25	1%		½%	
Experienced	4.83	.25	1%		½%	

SUPERSEDEAS DECISION

STATE: New Mexico COUNTY: Bernalillo
DECISION NO.: AP-323 DATE: Date of Publication
Supersedes Decision No. AM-11,421, dated May 19, 1972, in 37 FR 10318.
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy engineering construction.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.25	.35	.42c			
BOILERMAKERS	7.00	.35	.50		.02	
CEMENT MASONS:						
Cement masons	5.14	.26				
Machine; composition or mastic	5.26	.26				
ELEVATOR CONSTRUCTORS:						
Journeymen	6.885	.195	.20	2% + a&b		
Helpers	70%-JR	.195	.20	2% + a&b		
Helpers - probationary	50%-JR					
GLAZIERS	5.09				.02	
IRONWORKERS:						
Structural; ornamental; reinforcing; machinery movers; riggers; erectors	6.53	.35	.50			
LATHERS	4.50	.125			.02	
PAINTERS:						
Brush; roller and hand texture	5.17	.25	.20			
Spray; sandblaster; gunnite operator; steel bridges, tanks, towers & pipes; structural steel	5.67	.25	.20			
Paperhanger	5.42	.25	.20			
Steeple jack	6.09	.25	.20			
Dry wall finisher; Ames tool operator	5.75	.25	.20			
Hand finisher; machine texture	5.50	.25	.20			
30 to 75 ft. above ground or floor	5.82	.25	.20			
75 ft. or more above ground or floor	6.02	.25	.20			
PLASTERERS	5.92	.26			.03	
ROOFERS & KETTLEMEN	5.30					
SHEET METAL WORKERS	6.43	.15	.15			
SOFT FLOOR LAYERS	5.25	.25			.01	
SPRINKLER FITTERS	7.60	.25	.40		.05	
TILE MARBLE & TERRAZZO WORKERS	5.625	.25				
TILE MARBLE & TERRAZZO WORKERS HELPERS	4.175	.25				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						

FOOTNOTES:

a. 1 st 6 mos. to 5 yrs.-2%; over 5 yrs.-4% of basic hourly rate.

b. The following paid holidays: New Year's; Memorial; Independence; Labor; Thanksgiving and Christmas Days.

c. Includes $0.07 contribution to Occupational Health Fund.

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers:						
Zone (1) - 0 to 25 road miles from Albuquerque Main P.O.	$6.29	.26	.40	.80		
Zone (2) - 25 to 50 road miles from Albuquerque Main P.O.	6.79	.26	.40	.80		
Zone (3) - Over 50 road miles from Albuquerque Main P.O.	7.29	.26	.40	.80		
Carpenters:						
Zone (1) - 0 to 15 road miles from Albuquerque						
Carpenters	5.91	.30	.40	.25	.04	
Millwrights - Piledrivers	6.16	.30	.40	.25	.04	
Carpenters:						
Zone (2) - 15 to 35 road miles from Albuquerque						
Carpenters	6.41	.30	.40	.25	.04	
Millwrights - Piledrivers	6.66	.30	.40	.25	.04	
Carpenters:						
Zone (3) - over 35 road miles from Albuquerque						
Carpenters	6.66	.30	.40	.25	.04	
Millwrights - Piledrivers	6.91	.30	.40	.25	.04	
Electricians:						
Electricians:						
Zone (1)	7.50	.25	1%		1/7%	
Zone (2)	8.03	.25	1%		1/7%	
Zone (3)	8.48	.25	1%		1/7%	
Zone (4)	9.00	.25	1%		1/7%	
Cable Splicers:						
Zone (1)	8.25	.25	1%		1/7%	
Zone (2)	8.78	.25	1%		1/7%	
Zone (3)	9.23	.25	1%		1/7%	
Zone (4)	9.75	.25	1%		1/7%	
Plumbers - Pipefitters:						
Zone (1) - 0 to 5 road miles from Albuquerque	7.77	.31	.27		.07	
Zone (2) - 5 to 13 road miles from Albuquerque	8.02	.31	.27		.07	
Zone (3) 13 to 23 road miles from Albuquerque	8.27	.31	.27		.07	
Zone (4) - 23 to 35 road miles from Albuquerque	8.52	.31	.27		.07	
Zone (5) - 35 to 45 road miles from Albuquerque	9.02	.31	.27		.07	
Zone (6) over 45 road miles from Albuquerque	9.27	.31	.27		.07	

New Mexico 1 - Lab. 1 - F

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
UNSKILLED:						
Building and Common Laborers, Carpenter tenders, Concrete workers, Chainmen-stakedrivers, Concrete buggy operators, hand	$4.02	.26	.15			
SEMI-SKILLED:						
Air and power tool operator, Asphalt raker, Cement masons tenders, Cutting torch operators, Demolition, Gunite-rebound men, Hodcarriers, Mortar mixers, Plaster spreader operators, Plasterer tenders, Fog Machine Operator, Power buggy operators, Rodmen, Sand blasters (pot men), Window washer, Wagon, core and diamond drillers' tenders, outside	4.32	.26	.15			
WAGON, CORE, DIAMOND DRILLERS	4.42	.26	.15			
MISCELLANEOUS						
Gunite nozzleman, Pipe layer (non-metallic), Pumpcrete nozzlemen	4.625	.26	.15			
POWDERMEN AND BLASTERS	4.775	.26	.15			

NMEX - 1 - PEO - 1 - D (1-2)

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Group I Fireman, Oiler Helpers-Mechanic, Welder, Grease truck, Screedman, Scale op. such as bin-a-batch, Rubber-tired farm type tractor, Tractors (under 50 hp w/out attachments), Concrete paving curing machine bridge.	$4.48	.20	.10		.03	
Group 1A Rollers, Sheepsfooter, Pneumatic, Self-propelled w/out Dozer, Concrete conveyor, Service Truck Operator (head Oiler)	5.02	.20	.10		.03	
Group II Air Compressor (300 CFM & over) Pumps (6" & over), Screening plants, Concrete mixers (under 1 c.y.), Concrete saw or Grinder-Span Type, Hoists, 1 Drum, Air Tugger, Elevating Belt Type Loaders, Fork-lift, Lumber Stacker, Front End Loader (under 2 c.y.), Tractor-Farm type (under 50 hp w/attachments), Winch Trucks	5.02	.20	.10		.03	
Group III Asphalt Plants, Bituminous Distributors, Bituminous Finishing machines, Boilers, Retort & Hot Oil Heaters, Concrete Batching Plants, Crushing Plants, Concrete Paver, single Drum, Drilling Equipment, Motor Graders-Rough Trenching machines-all types, Concrete mixers (1 c.y. and over)	5.10	.20	.10		.03	
Group IIIA Pumpcrete & Gunite machines slipform paver, Mechanical Bull-floats, Concrete slab spreading machine, Concrete slab finishing machine	5.10	.20	.10		.03	

NMEX - 1 - PEO - 1 - D (2-2)

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Group IV Front end loader (2 thru 7 c.y.) Rollers, steel wheeled-all types, Bulldozers, Scrapers, motor or towed, Elevating graders, self-propelled rollers equiped with dozer, Twin-bowl scrapers 35¢ over basic rate, Three bowl scrapers, 60¢ over basic rate	5.16	.20	.10		.03	
Group V Concrete paver-double drum hoists-2 drum, motor graders, finish, Fine Grades and oil work, Cat cranes, Hysters, Cranes 3/4 c.y. & under with less than 50' boom, Side & Swing boom cats, Auto-Finegrader, Front End Loader over 7 cy	5.22	.20	.10		.03	
Group VI Mechanic, Welder	5.32	.20	.10		.03	
Group VII Shovel type equipment (under 3/4 c.y.) Cranes under 20 ton	5.60	.20	.10		.03	
Group VIII Shovel type equipment (3/4 to 3 c.y.) Cranes 20 to 50 ton	5.60	.20	.10		.03	
Group IX Derricks, Guy & Stiffleg, Pile Driver, Shovels, 3 c.y. & over, Cranes, 50 ton and over	5.60	.20	.10		.03	

NEW MEXICO 1 - TD - 1 - D

GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION: TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App Tr.	Other
Dump or batch truck, under 8 cu. yds. WLC., Flat bed (bobtail) 2 ton and under, warehousemen including material checker	$4.34	.26				
Distributor driver, truck and trailer (flat bed) or Semi-trailer driver, dump truck 16 to 20 cu. yds. W.L.C., Lumber carrier driver-young-buggy or similar equip. driver, transit mix, driver-scissor truck	4.54	.26				
Dumpster and dumpcrete driver, water, fuel and oil truck driver, 3000 to 6000 gals, capacity, lowboy light equip. driver	4.59	.26				
Euclid diesel powered turnarocker, terra cobra, D.W.-10, D.W.-20, Le Tourneau pulls and similar diesel powered equip. when used to haul materials and assigned to a Teamster. Lowboy heavy equip. driver, water, fuel and oil trucks drivers 6000 gal. capacity and over	4.93	.26				
Dump truck 8 to 16 cu. yds. (water level) driver, water, fuel and oil trucks driver, less than 3000 gal., flat bed (bobtail) over 2 ton, heavy tire repair	4.42	.26				
Pick-up 3/4 ton and under, service station, lubrication, light tire repair or washer, swamper or riding helper, Teamsters 2 or 4 up	4.22	.26				
Spreader Box driver	4.27	.26				
Flaherty truck driver, Slurry truck driver - dump truck 30 to 40 cu. yds. W.L.C., Bulk cement truck driver	4.73	.26				
Vacuum truck, dump truck 20 to 30 yds. W.L.C.	4.69	.26				

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LINE CONSTRUCTION - NEW MEXICO - A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CABLE SPLICERS	$6.77	.25	1%		½%	
LINEMEN	6.30	.25	1%		½%	
TECHNICIANS	6.30	.25	1%		½%	
EQUIPMENT OPERATORS	5.99	.25	1%		½%	
EQUIPMENT MECHANICS	5.49	.25	1%		½%	
POWDERMEN	5.49	.25	1%		½%	
GROUNDMEN & JACKHAMMER OPERATORS:						
1st 6 months	3.32	.25	1%		½%	
2nd 6 months	3.78	.25	1%		½%	
Experienced	4.41	.25	1%		½%	

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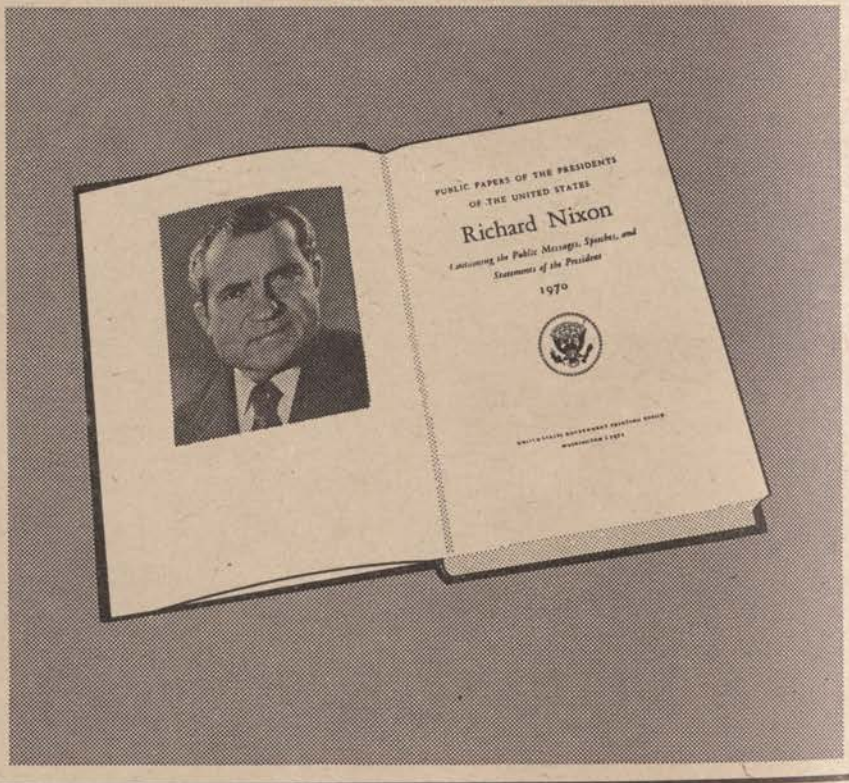

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