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PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3116(a)(11), covering positions connected with the suicidology training program of the National Center for Mental Health Services, Training, and Research, having expired of its own terms, is revoked.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-17156 Filed 10-5-72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Staff Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (10-6-72), § 213.3315 (a)(29) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(29) One Staff Assistant to the Special Assistant to the Secretary, Office of Legislative Liaison.

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-17158 Filed 10-5-72;8:51 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: From Special Assistant to the Assistant Secretary for Community Planning and Management to Staff Assistant to the Assistant Secretary for Community Planning and Management.

Effective on publication in the FEDERAL REGISTER (10-6-72), §§ 213.3384(d) (3) and (10) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Management.* * * *

(3) Five Special Assistants to the Assistant Secretary.

* * * * *

(10) Two Staff Assistants to the Assistant Secretary.

* * * * *

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

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,

Executive Assistant to the Commissioners.

[FR Doc.72-17157 Filed 10-5-72;8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

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

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

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

Prohibition on Importation of Swine and Restrictions on Importation of Pork and Pork Products From Certain Countries

Pursuant to section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 134a, 134b, 134c, 134f), Parts 92 and 94 of Title 9, Code of Federal Regulations, are hereby amended as follows:

§ 92.2 [Amended]

1. In § 92.2 in Part 92 a footnote is added after the phrase "Part 94 of this subchapter" and the footnote is added to read:

"Importations of certain animals from various countries are absolutely prohibited under Part 94 because of specified diseases."

§ 92.5 [Amended]

2. In § 92.5(a)(1), the references to §§ 92.29 and 92.37 are deleted.

§ 92.11 [Amended]

3. a. In § 92.11(b)(1), the phrase "countries of Central America and the West Indies, and Mexico" is deleted.

b. In § 92.11(b)(2), the term "and swine" is deleted wherever it appears; the term "Swine and ruminants" is deleted and the term "Ruminants" is substituted therefor; and the references to §§ 92.29 and 92.37 are deleted.

§§ 92.27 and 92.31 [Amended]

4. In §§ 92.27 and 92.31, the terms "swine," and "or swine" are deleted wherever they appear.

§ 92.34 [Amended]

5. In § 92.34, the terms "other ruminants, and swine" and "other ruminants, swine," are deleted wherever they appear and the terms "and other ruminants" and "other ruminants," are substituted, respectively, therefor.

§§ 92.29 and 92.37 [Deleted]

6. Sections 92.29 and 92.37 are deleted.

§ 92.40 [Amended]

7. In § 92.40, the term "Swine and ruminants" is deleted wherever it appears and the term "Ruminants" is substituted therefor.

8. Part 94 is amended by changing the part heading to read as set forth above and by adding to Part 94 new §§ 94.9 and 94.10 to read, respectively, as follows:

§ 94.9 Pork and pork products from countries where hog cholera exists.

(a) Hog cholera is one of the most dangerous and destructive of all swine diseases. The causative virus is highly virulent and is likely to be present in pork and pork products originating in countries where the disease exists. The disease is known to exist in all countries of the world except Australia, Canada, England, Northern Ireland, the Republic of Ireland, and New Zealand. The only known practical methods of destroying the contagion of the disease in pork and pork products are by a treatment as prescribed in this section. In view of these circumstances and in order to prevent the introduction and dissemination of the contagion of hog cholera, the regulations in this section are promulgated

with respect to the importation of pork and pork products from all countries of the world except: Australia, Canada, England, Northern Ireland, the Republic of Ireland, and New Zealand.²

(b) No pork or pork product will be permitted entry into the United States from any country where hog cholera is known to exist unless it complies with the following requirements:

(1) Such pork or pork product has been treated in accordance with one of the following procedures:

(i) Such pork or pork product has been fully cooked by a commercial method in a rigid can which was sealed promptly after filling and before such cooking, so that such cooking and sealing produced a fully sterilized product which is in a hermetically sealed can and is shelf stable without refrigeration;

(ii) Such pork or pork product is in compliance with the following requirements:

(a) All bones have been completely removed in the country of origin, and

(b) Such article has received heat treatment producing an internal temperature of 158° F. for not less than 10 minutes or 177° F. for not less than 3 minutes; or

(iii) Such pork or pork product is in compliance with the following requirements:

(a) All bones have been completely removed in the country of origin, and

(b) The meat has been held in an unfrozen, fresh condition for at least 3 days immediately following the slaughter of the animals from which it was derived, and

(c) The meat has been thoroughly cured and fully dried for a period of not less than 90 days so that the product is shelf stable without refrigeration.

(2) The article was prepared in an inspected establishment that is eligible to have its products imported into the United States under the Federal Meat Inspection Act and the regulations in § 327.2 in Chapter III of this title; and

(3) In addition to the certificate required by § 327.4 of this title, the article is accompanied by a certificate stating the facts specified in subdivision (i) or (ii) or (iii) of subparagraph (1) of this paragraph, and issued by an official of the national government of the country of origin who is authorized to issue the certificates required by § 327.4³ of this title.

§ 94.10 Swine from countries where hog cholera exists; importations prohibited.

Whereas it has been determined that hog cholera exists in all countries of the world except Australia, Canada, England, Northern Ireland, the Republic of Ireland and New Zealand, and that

swine which originate in or are shipped from or transit any country except those listed, would, if brought into the United States, be likely to introduce or disseminate hog cholera into the United States, it is hereby further determined that, in order to protect the livestock of the United States, it is necessary to prohibit the movement of such swine into the United States and such movement is hereby prohibited except for wild swine which may be allowed importation by the Deputy Administrator upon request in specific cases under § 92.4(c) or § 92.2 of this chapter.

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4 and 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134b, 134c, 134f; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Hog cholera is a highly communicable and dangerous disease of swine, which is known to exist in most foreign countries. An extensive quarantine and eradication program has been undertaken in the United States, including payment of indemnities for swine destroyed in the effort to eradicate the disease in cooperation with the States and territories. An average of more than \$9 million in Federal funds was expended in this program in fiscal years 1970 and 1971.

The prohibitions and restrictions imposed by the foregoing amendments are necessary in order to protect the livestock of the United States by preventing the further introduction or dissemination of the contagion of hog cholera from foreign countries into the United States, and in order to protect the gains made in the eradication program, and must be made effective as soon as possible in order to accomplish these objectives. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publication of notice of proposed rule making and opportunity for public comment in connection with the amendments would be impracticable and contrary to the public interest, and good cause is found for making the amendments effective less than 30 days after their publication in the FEDERAL REGISTER.

Effective date. The amendments shall become effective upon issuance, except with respect to intransit shipments of swine, pork and pork products that are on board a carrier moving to the United States at the time of issuance hereof. Such intransit shipments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Administrator may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of hog cholera into the United States.

Done at Washington, D.C., this 2d day of October 1972.

G. H. WISE,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 72-17169 Filed 10-5-72; 8:52 am]

Title 21—FOOD AND DRUGS

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

FORMETANATE HYDROCHLORIDE

A petition (FAP 2H5010) was filed by NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) proposing establishment of food additive tolerances (21 CFR Part 121) for residues of the insecticide formetanate hydrochloride (*m*-[[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) in or on raisins at 20 parts per million resulting from application of the insecticide to growing grapes and in or on dried prunes at 8 parts per million resulting from application of the insecticide to growing plums (fresh prunes).

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance on raisins. (For a related document, see this issue of the FEDERAL REGISTER, 37 F.R. 21151).

Formetanate hydrochloride qualifies both as a pesticide chemical and a food additive, as defined by the Federal Food, Drug, and Cosmetic Act (sec. 201 (q) and (s), 68 Stat. 511, 72 Stat. 1784; 21 U.S.C. 321 (q) and (s)).

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 F.R. 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore, pursuant to provisions of the act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for pesticides programs (36 F.R. 9038), Part 121 is amended by adding the following new section to Subpart D:

§ 121.1245 Formetanate hydrochloride.

A tolerance of 8 parts per million is established for residues of the insecticide formetanate hydrochloride (*m*-[[[(dimethylamino)methylene]amino]phenyl methylcarbamate hydrochloride) in dried prunes when present therein as a result of the application of the insecticide to growing plums (fresh prunes).

² See also other provisions of this part and Parts 92, 95, 96, and 327 of this chapter for other prohibitions and restrictions upon importation of swine and their products.

³ The certification required may be placed on the certificate prescribed by § 327.4 or may be contained in a separate document.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in triplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-6-72).

(Sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4))

Dated: September 28, 1972.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.72-17118 Filed 10-5-72;8:47 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2729) filed by American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of isophthalic acid as a reactant with diethylenetriamine in the manufacture of polyamide-epichlorohydrin water soluble thermosetting resins intended for use as components of paper and paperboard in contact with aqueous and fatty foods.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526 is amended in the table in paragraph (a) (5) by revising the entry on polyamide-epichlorohydrin water soluble thermosetting resins to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

- (a) * * *
- (5) * * *

List of substances

Polyamide - epichlorohydrin water - soluble thermosetting resins prepared by reacting adipic, isophthalic, or itaconic acid with diethylene triamine to form a basic polyamide and further reacting the polyamide with one of the following: Epichlorohydrin. Epichlorohydrin and ammonia mixture. Epichlorohydrin and sodium hydrosulfite mixture.

Limitations

For use only in the manufacture of paper and paperboard under conditions such that the resins do not exceed 1.5 percent by weight of the paper or paperboard.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in triplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-6-72).

(Sec. 409(c) (1), 72 Stat. 1786; 21 U.S.C. 348(c) (1))

Dated: September 28, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-17102 Filed 10-5-72;8:46 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER E—NAVIGATION REQUIREMENTS FOR THE GREAT LAKES AND ST. MARYS RIVER

[CGD 72-169R]

PART 92—ANCHORAGE AND NAVIGATION REGULATIONS; ST. MARYS RIVER, MICHIGAN

Middle Neebish, Munuscong, and Sailors' Encampment Channels

This amendment deletes from the regulations specific requirements for the color of range lights and structures marking the Middle Neebish, Munuscong, and Sailors Encampment Channels on the St. Marys River.

The Coast Guard plans to install standard daymarks to enhance the daytime effectiveness of the range light structures rather than rely on structure color for identification. Although no

change in the color of the existing range lights is planned, the Coast Guard considers it undesirable for regulations to restrict a future change should conditions so indicate.

Installation of standard range daymarks was requested by users to make the ranges more visible during winter. Since prompt installation of these daymarks before the winter season would enhance maritime safety, and since the amendment will not impose any liability or burden on any member of the public, no useful purpose would be served by delaying rule making to provide for notice to the public.

For these reasons the Coast Guard finds that notice and public procedure thereon are both contrary to the public interest and unnecessary and that good cause exists for making the amendment effective immediately.

In consideration of the foregoing Title 33 of the Code of Federal Regulations is amended by revoking paragraph (c) of § 92.19.

§ 92.19 Temporary closure of West Neebish Channel.

(c) [Revoked]

Effective date. This amendment shall become effective on October 10, 1972.

(Secs. 1-3, 29 Stat. 54055, as amended; sec. 6(b) (1), 80 Stat. 931; 33 U.S.C. 474; 49 U.S.C. 1655(b) (1); 49 CFR 1.46(b))

Dated: September 27, 1972.

J. D. McCANN,
Captain, U.S. Coast Guard, Acting
Chief, Office of Marine
Environment and Systems.

[FR Doc.72-17129 Filed 10-5-72;8:48 am]

Title 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

SUBCHAPTER E—PESTICIDES PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Formetanate Hydrochloride

A petition (PP 2F1238) was filed by NOR-AM Agricultural Products, Inc.,

11710 Lake Avenue, Woodstock, IL 60098, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide formetanate hydrochloride (m-[[dimethylamino]methylene]amino] phenyl methylcarbamate hydrochloride) in or on the raw agricultural commodities grapes and peaches at 5 parts per million, nectarines at 4 parts per million, and plums (fresh prunes) at 2 parts per million.

Subsequently, the petitioner amended the petition by withdrawing the proposed tolerance on grapes. (For a related document, see this issue of the FEDERAL REGISTER, 37 F.R. 21150.)

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.276 is amended by adding two new paragraphs and by revising the paragraph "4 parts per million * * *", as follows:

§ 180.276 Formetanate hydrochloride; tolerances for residues.

* * *

5 parts per million in or on peaches.

4 parts per million in or on grapefruit, lemons, limes, nectarines, oranges, and tangerines.

* * *

2 parts per million in or on plums (fresh prunes).

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-6-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: September 28, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17119 Filed 10-5-72; 8:47 am]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Subpart D—Exemptions From Tolerances

3-(LAURAMIDOPROPYL) TRIMETHYLAMMONIUM METHYL SULFATE

The American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, submitted a petition (PP 2F1235) in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption from the requirement of a tolerance for residues of (3-lauramidopropyl) trimethylammonium methyl sulfate when used as an inert ingredient in pesticide formulations applied to growing crops only.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that the inert ingredient is useful for the purpose for which the exemption from a tolerance is being established and that the exemption established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs (36 F.R. 9038), § 180.1001 is amended by alphabetically inserting a new item in paragraph (d) as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * *

(d) * * *

Inert Ingredients	Limits	Uses
***	***	***
(3-Lauramidopropyl) trimethylammonium methyl sulfate.	Not more than 2.6% in the formulation. Not to be applied within 7 days of harvest.	Antistatic agent.
***	***	***

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Environmental Protection Agency, Room 3125, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20460, written objections

thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (10-6-72).

(Sec. 408(d) (2), 68 Stat. 512; 21 U.S.C. 346a(d) (2))

Dated: September 28, 1972.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.72-17120 Filed 10-5-72; 8:47 am]

Title 45—PUBLIC WELFARE

Chapter VII—Commission on Civil Rights

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Subpart B—Organization Statement

REGIONAL OFFICES

Section 701.13 is revised to read as follows:

§ 701.13 Regional offices.

The Commission has established regional offices at:

(a) Central States Regional Office, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

(b) Mid-Atlantic Regional Office, Room 510, 2120 L Street NW., Washington, DC 20425.

(c) Midwestern Regional Office, Room 1428, 219 South Dearborn Street, Chicago, IL 60604.

(d) Mountain States Regional Office, Room 216, Ross Building, 1726 Champa Street, Denver, CO 80202.

(e) Northeastern Regional Office, Room 1639, 26 Federal Plaza, New York, NY 10007.

(f) Southern Regional Office, Room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, GA 30303.

(g) Southwestern Regional Office, Room 249, New Moore Building, 106 Broadway, San Antonio, TX 78205.

(h) Western Regional Office, Room 1015, 312 North Spring Street, Los Angeles, CA 90012.

Effective date. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (10-6-72).

THEODORE M. HESBURGH,
Chairman.

[FR Doc.72-17153 Filed 10-5-72; 8:50 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS [S.O. 1112]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 29th day of September 1972.

It appearing, that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding both the domestic and export movements of agricultural, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1112 Service Order No. 1112.

(a) *Railroad operating regulations for freight car movement.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(i) *Application.* (i) The provisions of this section shall apply to intrastate, interstate and foreign commerce.

(ii) This section shall apply to all loaded cars.

(ii) This section shall apply to all empty cars listed in the Official Railway Equipment Register, ICC RER No. 384, issued by W. J. Trezise, or reissues thereof, as having mechanical designations XL, XM, XP, RB, RBL, RP, RPL, RS, RSB, GA, GB, GD, GE, GH, GRA, GS, GT, HD, HE, HF, HFA, HFB, HK, HM, HMA, HT, HTA, FM, LC, LO, or LP, including all such cars to which the suffix H, I, R, or S has been added to the mechanical designation to denote the addition of heaters, insulation, roofs, or other special modifications.

EXCEPTION: Cars described in subdivisions (iv), (v), (vi), and (vii) of this subparagraph.

(iv) Exception: Any empty car with inside length 69 feet and over, and

empty flat cars having mechanical designation FM, with a carrying capacity of 200,000 pounds or more, are exempt from this provision of this section.

(v) Exception: Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this section.

(vi) Exception: Empty cars of private ownership held pursuant to instructions of the car owner or lessee, or held awaiting instructions from the car owner or lessee, are exempt from the provisions of this section.

(vii) Exception: Empty cars, described in subdivision (iii) of this subparagraph, which are in general service and are not assigned to the exclusive use of a specified shipper, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this section.

(viii) This section shall apply to all empty cars described in subdivision (iii) of this subparagraph, which are assigned to the exclusive use of a specified shipper, except as otherwise provided in this section.

(ix) Freight cars assigned to the exclusive use of a specified shipper may be removed from assignment: *Provided*, That assignee furnishes written notice to originating railroad and to the car owner, if different from originating railroad, at least 1 day in advance of his desire to release such cars from assignment on a permanent, or on a temporary basis of not less than 15 days' duration (see exception). The carrier must remove cars from assignment in accordance with assignee's request.

EXCEPTION: Assigned cars which have arrived empty at the point of assignment or at a point of loading designated by assignee, shall not be diverted empty to another point for loading unless authorized by prepaid shipping order showing destination and route at a rate of ten cents (10¢) per mile, subject to a minimum of 100 miles for each railroad handling the car in line-haul service, plus applicable tariff switching charges of each participating railroad which does not provide line-haul service in connection with the movement, or unless released from assignment in the manner described herein. If released from assignment, cars may not be ordered empty to any point or shipper on instructions of the assignee who ordered the release of the cars.

(x) Cars assigned to the exclusive use of a specified shipper must be listed on assignment lists posted in the office of the Chief Transportation Officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, the shipper to whom assigned, and the date car assignment became effective. Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than 10 days before the effective date of the car assignment. Freight cars in assigned service on October 9, 1972, shall be considered as having been in

such assignments for 10 days or longer, provided that the assignment lists are prepared and posted, as required herein, not later than October 23, 1972.

(xi) The mechanical designations of existing freight cars in subdivision (iii) of this subparagraph may not be changed to any mechanical designation other than those listed in subdivision (iii) of this subparagraph during the period this order is in effect.

(xii) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other than public delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(xiii) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff ICC H-36, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays, and holidays, following arrival at destination.

(ii) Empty cars which are in general service and are not assigned to the exclusive use of a specified shipper, which after placement will be subject to demurrage or detention rules applicable to cars for loading, shall be actually or constructively placed within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) (a) Empty cars described in subparagraph (1)(viii) of this paragraph which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of \$5 per car per day or fraction thereof until ordered placed for loading or appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, and holidays. (See exception, subparagraph (2)(iv) of this paragraph.)

(b) In computing storage charges on cars subject to this part, such charges shall begin at the second 7 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of notice that the cars are being held awaiting orders for actual placement or appropriation for loading.

(c) When empty assigned cars are held at any point awaiting orders from assignee for placement for loading or awaiting appropriation by assignee for loading, a written notice of arrival (see note) shall be sent or given assignee within 24 hours of arrival of the empty car at the point where held, exclusive of Saturdays, Sundays, and holidays. Such notice shall contain the initials and numbers of each car held and shall state that each car is being held subject to a storage charge of \$5 per car per day or fraction of a day, until ordered placed for loading or ordered released, in writing, from assignment.

NOTE: When the assignee notifies the railroad, in writing, that it will accept verbal or telephone notice of the arrival of empty assigned cars, verbal or telephone notice may be substituted for written notice of arrival. The carriers will maintain a written record of all such verbal or telephone notices, such records to show car initials and numbers, date and hour of notice, name of assignee, name of railroad employee giving the notice, and name of employee of assignee receiving the notice.

(d) Empty cars released from storage status by order or appropriation for loading shall be subject to all demurrage or detention rules and charges published in tariffs applicable to cars held for loading, from time released from storage charges.

(iv) *Exception to subparagraph (2) (iii) of this paragraph.* When it is impossible to load or to receive for loading empty cars assigned to the exclusive use of a shipper because of cessation of operations for a period of 5 days or more resulting from a strike, work stoppage, flood, high water, or other interference at the plant of the assignee for which empty assigned cars are held, the charges provided in subparagraph (2) (iii) of this paragraph shall be suspended for the period of such interference with operations: *Provided*, That the assignee furnishes a written notice to the carrier at the point of assignment, with a copy to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., for his approval. Such notice shall be given within 5 days, exclusive of Saturdays, Sundays, and holidays, after the date on which the interference ceased; and shall state the date and time when the interference began and ceased and the cause of the interference.

(v) When delivery of a car, either empty or loaded, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, in writing or as otherwise agreed to in writing, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(vi) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(vii) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of cars.* (i) Empty cars must be removed from point of unload-

ing or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning or repairs within 24 hours following removal of empty cars.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs within 24 hours, following release and removal.

(iii) Cars subject to subdivisions (i) and (ii) of this subparagraph, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in subdivisions (ii), (iii), or (iv) of this subparagraph, or cars described in subparagraph (2) (ii) of this paragraph.

(ii) *Exception:* Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) *Exception:* Cars held for repairs or cleaning. (See subparagraph (5) of this paragraph.)

(iv) *Exception:* Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for repairs or cleaning.*

(i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Backhauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended.

(c) *Effective date.* This section shall become effective at 12:01 a.m., October 9, 1972.

(d) *Expiration date.* This section shall expire at 11:59 p.m., March 31, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 72-17164 Filed 10-5-72; 8:51 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter III—Economic Development Administration, Department of Commerce

PART 302—DESIGNATION OF AREAS

Termination

Part 302 of Chapter III, Title 13 of the Code of Federal Regulations (31 F.R. 11294 and 31 F.R. 16674) is amended to provide for annual review of designated areas prior to December 1 of each year, and for terminating the designated status of areas no longer qualified upon

30 days' notice and prior to January 1. Section 302.50 is amended by revising paragraph (a) as follows:

§ 302.50 Termination.

(a) Prior to December 1 of each year, the Assistant Secretary will conduct a review of all areas designated pursuant to this part, which will be used as the basis for terminating, upon 30 days' notice and prior to January 1, those areas in which economic circumstances have so improved that the area no longer meets the standards for designation set forth in § 302.1, § 302.2, or § 302.10.

Effective date of publication (10-6-72).

ROBERT A. PODESTA,
Assistant Secretary
for Economic Development.

OCTOBER 2, 1972.

[FR Doc.72-17134 Filed 10-5-72;8:49 am]

Title 7—AGRICULTURE

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Grapefruit Juice and Orange Juice (or Orange Juice and Grapefruit Juice)¹

Notice of a proposal to revise the U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice (7 CFR 52.1281-52.1293) was published in the FEDERAL REGISTER of June 2, 1972 (37 F.R. 11067).

The revised standards, as proposed, would apply to all single strength grapefruit juice and orange juice, including canned grapefruit juice and orange juice, chilled or refrigerated grapefruit juice and orange juice; and juice prepared from grapefruit juice concentrate and orange juice concentrate. Interested persons were given until July 2, 1972, in which to submit written comments concerning the proposed revision.

The revised standards are issued under the authority of the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use by producers, buyers, and consumers. Official grading services are also provided under this Act upon

¹ Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

request and upon payment of a fee to cover the cost of such services.

Statement of consideration leading to the revision of the standards. The revision of the standards as proposed on June 2, 1972, combined the grade and quality requirements for all single strength mixtures of grapefruit juice and orange juice (or orange juice and grapefruit juice) into one document. That proposal was based on the premise that a mixture of grapefruit juice and orange juice of comparable quality should receive the same quality grade regardless of the type of container, the process, or the area of production.

Comments on the proposal of June 2, 1972, came from industry, trade organizations, consumers, and a consumer membership organization. Sunkist Growers, a California based cooperative that manufactures and markets citrus and citrus products and represents co-operating citrus growers of California and Arizona, and Florida Canners Association, a trade organization representing all citrus processors in the State of Florida, offered several comments on the proposal.

The Florida Canners Association recommended that the reasons for the deletion of the word "blended" from the title of the grade standards be clarified so that the processor would understand that the product may be labeled with or without the words "blend" or "blended" and would qualify in either case for grading under the proposed revised standards. The Department agrees with this comment since that was the intent and this practice does not violate labeling laws.

Sunkist Growers objected to the proposal of including single strength juice and reconstituted juice in one standard. They also objected to the different requirements for single strength juice and reconstituted juice in that they want all requirements to be the same whether for single strength juice or reconstituted juice. The Department desires to promulgate standards that best serve the whole industry and reiterates the first paragraph of this statement of consideration. To require a higher Brix requirement for the sweetened style and/or reconstituted type product best serves the producer and the consumer by receiving better consumer acceptance due to improved flavor.

Sunkist Growers recommended that § 52.1290 of the proposal be expanded to include a more concise definition or definitions of what constitutes "good flavor." This point is well taken and definitions are now included that define "good flavor" for the "chilled" juices and "good flavor" for the "canned" juices. Sunkist Growers also recommended that § 52.1290 include those provisions of the current standards for minimum Brix-acid ratio of single strength juice (unsweetened) that has a Brix reading of 11.5° or more. It was pointed out that a portion of the California-Arizona produced grapefruit juice and orange juice has a Brix-acid ratio below the 9.5 to 1

ratio requirement for U.S. Grade A. They contend that both portions of this blend are mature and this blend is a palatable product of Grade A quality. Since this requirement or option is included in the current standards and since a portion of the industry is served by this provision, the Department includes the option for unsweetened single strength juice that has a Brix of 11.5° or more to have a Brix-acid ratio not less than 8.5 to 1 or more than 18 to 1.

The Department accepts the recommendations from several respondents that the following minimum Brix requirements be included in the standards:

- (1) U.S. Grade A, reconstituted type, unsweetened style: Raise minimum Brix from 11.5° to 12.5°;
- (2) U.S. Grade B, single strength type, unsweetened style: Raise minimum Brix from 9° to 9.5°;
- (3) U.S. Grade B, single strength type, sweetened style: Raise minimum Brix from 11° to 11.5°;
- (4) U.S. Grade B, reconstituted type, unsweetened style: Raise minimum Brix from 10° to 11°; and
- (5) U.S. Grade B, reconstituted type, sweetened style: Raise minimum Brix from 11.5° to 12.5°.

Therefore, after consideration of all relevant matters presented, the U.S. Standards for Grades of Canned Blended Grapefruit Juice and Orange Juice are hereby revised substantially as proposed on June 2, 1972, and by the changes included in this statement of consideration. Certain editorial changes are also made for clarity of presentation.

The revision is as follows:

Subpart: U.S. Standards for Grades of Grapefruit Juice and Orange Juice (or Orange Juice and Grapefruit Juice)

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES	
Sec.	
52.1281	Product description.
52.1282	Types.
52.1283	Styles.
52.1284	Grades.
FILL OF CONTAINER	
52.1285	Recommended fill of container.
FACTORS OF QUALITY	
52.1286	Ascertaining the grade.
52.1287	Ascertaining the rating for the factors which are scored.
52.1288	Color.
52.1289	Defects.
52.1290	Flavor.
EXPLANATIONS AND METHODS OF ANALYSIS	
52.1291	Definitions of terms and methods of analysis.
LOT COMPLIANCE	
52.1292	Ascertaining the grade of a lot.
SCORE SHEET	
52.1293	Score sheet.

AUTHORITY: The provisions of this Subpart issued under sec. 205, 60 Stat. 1090; 7 U.S.C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES,
AND GRADES

§ 52.1281 Product description.

(a) Grapefruit Juice and Orange Juice (or Orange Juice and Grapefruit Juice), hereinafter referred to as Grapefruit Juice and Orange Juice, is prepared from a combination of unfermented juices obtained from mature fresh grapefruit (*Citrus paradisi*) and mature sweet oranges (*Citrus sinensis*). The juice of oranges from the mandarin group (*Citrus reticulata*), however, may be added in such quantities that not more than 10 percent, by volume, of the orange juice ingredient consists of juice from citrus *reticulata*. It is recommended that the minor juice ingredient (either orange or grapefruit) provide not less than 25 percent, by weight, of the total soluble fruit solids present in the finished product.

(b) The fruit is prepared and the juice extracted and processed in a manner to assure a clean and wholesome product.

(c) Soluble solids, insoluble solids, Brix-acid ratios, and flavor may be adjusted by suitable manufacturing procedures.

(d) The product is processed by appropriate physical means to assure its preservation through normal marketing channels. Such means include, but are not limited to:

(1) *Canning*. Processing with heat so as to assure the preservation of the juice in hermetically sealed containers.

(2) *Refrigerating*. Reducing the temperature of the product so as to extend its market life. The juice may or may not have been subjected to heat prior to refrigerating. It may or may not be packed in hermetically sealed containers.

§ 52.1282 Types.

The product may be identified as one of the following types:

(a) *Single strength type*. Composed of single strength grapefruit juice and orange juice, with or without added grapefruit juice concentrate and/or orange juice concentrate.

(b) *Reconstituted type*. Composed of grapefruit juice concentrate and orange juice concentrate and water, with or without added single strength grapefruit juice and/or single strength orange juice.

§ 52.1283 Styles.

(a) Unsweetened.

(b) Sweetened.

§ 52.1284 Grades.

(a) U.S. Grade A (or U.S. Fancy) is the quality of grapefruit juice and orange juice that:

- (1) Shows no coagulation;
- (2) Has a good color;
- (3) Is practically free from defects;
- (4) Has a good flavor; and

(5) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) U.S. Grade B (or U.S. Choice) is the quality of grapefruit juice and orange juice that:

(1) May show only a slight coagulation;

(2) Has a reasonably good color;

(3) Is reasonably free from defects;

(4) Has a reasonably good flavor; and

(5) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) Substandard is the quality of grapefruit juice and orange juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.1285 Recommended fill of container.

The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be as full of grapefruit juice and orange juice as practicable and that the product occupy not less than 90 percent of the volume capacity of the container.

FACTORS OF QUALITY

§ 52.1286 Ascertaining the grade.

(a) *General*. Consideration is given to the degree of coagulation, the ratings for the factors which are scored, and the limiting rules which may apply.

(b) *Factors which are scored*. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors	Points
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.1287 Ascertaining the rating for the factors which are scored.

The essential variations, within each factor which is scored, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1288 Color.

(a) (A) *classification*. Grapefruit juice and orange juice that has a good color may be given a score of 18 to 20 points. "Good color" means that the juice mixture has a yellow-orange color that is bright and typical of the freshly extracted juice of oranges and either white fleshed grapefruit or red or pink fleshed grapefruit, and is free from browning due to scorching, oxidation, caramelization, or other causes.

(b) (B) *classification*. Grapefruit juice and orange juice that has a reasonably good color may be given a score of 16 or 17 points. Juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means

that the juice has a fairly typical color that may range from light yellow to light amber, may be dull or show evidence of slight browning, but is not off color.

(c) (SSTd) *classification*. Grapefruit juice and orange juice that fails the color requirements of U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1289 Defects.

(a) *General*. The factor of defects concerns the degree of freedom from small seeds and seed portions; from discolored specks, harmless extraneous material, and other similar defects; from juice sacs and particles of membrane, core, and peel in excess of that normally present in grapefruit juice and orange juice; and from free and suspended pulp.

(b) (A) *classification*. (1) Grapefruit juice and orange juice that is practically free from defects may be given a score of 36 to 40 points.

(2) "Practically free from defects" means that the juice may not contain more than 12 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may no more than slightly detract from the appearance or drinking quality of the juice.

(c) (B) *classification*. (1) Grapefruit juice and orange juice that is reasonably free from defects may be given a score of 32 to 35 points. Such product shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(2) "Reasonably free from defects" means that the juice may not contain more than 18 percent free and suspended pulp as determined by the method outlined in this subpart, and that any other defects present may no more than materially detract from the appearance or drinking quality of the juice.

(d) (SSTd) *classification*. Grapefruit juice and orange juice that fails to meet the requirements of U.S. Grade B may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1290 Flavor.

(a) (A) *classification*. (1) Grapefruit juice and orange juice that has a good flavor may be given a score of 36 to 40 points.

(2) "Good flavor" means the following with respect to the method of preservation used:

(i) *Refrigerated juice* or juice not subjected to high temperatures prior to refrigerating: "Good flavor" means a flavor that is fine, distinct, and substantially typical of freshly extracted grapefruit juice and orange juice which is free from off flavors and off odors of any kind;

(ii) *Canned juice* or juice that has been subjected to high temperatures:

"Good flavor" means a fine, distinct grapefruit juice and orange juice flavor which is free from off flavors and off odors of any kind; and

(iii) The flavor of all juices may be affected only slightly by the process, the packaging, or storage conditions and the juice complies with the analytical limits listed in Table I.

TABLE I ANALYTICAL REQUIREMENTS—U.S. GRADE A

Type style	Single strength		Reconstituted	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix (Degrees) Minimum.....	10.0°	11.5°	11.0°	12.5°
Brix-Acid Ratio—				
If Brix is less than 11.5°:				
Minimum.....	9.5:1		9.5:1	
Maximum.....	18.0:1		18.0:1	
If Brix is 11.5° or more:				
Minimum.....	8.5:1	10.5:1	9.5:1	10.5:1
Maximum.....	18.0:1	18.0:1	18.0:1	18.0:1
Oil—Maximum percent by volume.....	0.035	0.035	0.035	0.035

(b) (B) classification. (1) Grapefruit juice and orange juice that has a reasonably good flavor may be given a score of 32 to 35 points. Grapefruit juice and orange juice of this flavor shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(2) "Reasonably good flavor" means a flavor less desirable than "good flavor" because of excess bitterness, terpenic, processing, storage, or container flavors but is not seriously objectionable and is free from off flavors and off odors of any kind. Such juice complies with the analytical limits listed in Table II.

TABLE II

ANALYTICAL REQUIREMENTS—U.S. GRADE B

Type Style	Single strength		Reconstituted	
	Unsweetened	Sweetened	Unsweetened	Sweetened
Brix (Degrees) Minimum.....	9.5°	11.5°	11.0°	12.5°
Brix-Acid Ratio:				
Minimum.....	8.0:1	10.5:1	9.0:1	10.5:1
Maximum.....	None	None	None	None
Oil—Maximum percent by volume.....	0.055	0.055	0.055	0.055

(c) (SStd) classification. Grapefruit juice and orange juice that fails the requirements of the U.S. Grade B classification may be given a score of 0 to 31 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

to diameter, as indicated in Table No. III, and the juice is centrifuged for exactly 10 minutes. As used in this subparagraph, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE III

Diameter (inches)	Approximate revolutions per minute
10	1,609
10½	1,570
11	1,534
11½	1,500
12	1,468
12½	1,438
13	1,410
13½	1,384
14	1,359
14½	1,336
15	1,313
15½	1,292
16	1,271
16½	1,252
17	1,234
17½	1,216
18	1,199
18½	1,182
19	1,167
19½	1,152
20	1,137

(a) Brix. "Brix" means the degrees Brix of the juice when tested with a hydrometer calibrated at 20° C. (68° F.) and to which any applicable temperature correction has been made. The degrees Brix may be determined by any other method which gives equivalent results.

(b) Acid. "Acid" means the grams of total acidity, calculated as anhydrous citric acid, per 100 grams of juice. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(c) Brix-Acid ratio. "Brix-Acid ratio" is the ratio of the degrees Brix of the grapefruit juice and orange juice to the grams of anhydrous citric acid per 100 grams of the juice.

(d) Free and suspended pulp. "Free and suspended pulp" means the percentage of pulp determined by the following method: Graduated centrifuge tubes with a capacity of 50 ml. are filled with juice and placed in a suitable centrifuge. The speed is adjusted, according

(e) Recoverable oil. "Recoverable oil" means the percent of oil by volume, determined by the Bromate titration method as described in the current issue

of the Official Methods of Analysis of the Association of Analytical Chemists.²

LOT COMPLIANCE

§ 52.1292 Ascertaining the grade of a lot.

The grade of a lot of grapefruit juice and orange juice covered by these standards is determined by the procedures set forth in the Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (§§ 52.1 through 52.87).

§ 52.1293 Score sheet.

SCORE SHEET

Size and kind of container.....	
Container mark.....	
Identification.....	
Label (including ingredient statement, if any).....	
Liquid measure (fluid ounces).....	
Vacuum (inches).....	
Style.....	
Brix (degrees).....	
Acid (grams/100 gms; calculated as anhydrous citric acid).....	
Brix-acid ratio (1).....	
Pulp (free and suspended) (%).....	
Recoverable oil (%) by volume.....	
Degree of conglomeration (None), (Slight), or (Serious).....	

Scoring factors	Score points
Color.....	20 { (A) 18-20 (B) ¹ 16-17 (SStd) ¹ 0-15
Defects.....	40 { (A) 36-40 (B) ¹ 32-35 (SStd) ¹ 0-31
Flavor.....	40 { (A) 36-40 (B) ¹ 32-35 (SStd) ¹ 0-31
Total score.....	100

Grade.....

¹ Indicates limiting rule.

To become effective November 1, 1972.

Dated: September 28, 1972.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.
[FR Doc. 72-17051 Filed 10-5-72; 8:45 am]

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Subpart—Rules and Regulations

PRORATE BASES AND ALLOTMENTS; CORRECTION

On August 24, 1972, certain provisions of § 910.153 of the rules and regulations (Subpart—Rules and Regulations; 7 CFR 910.100-910.180; 37 F.R. 15979), including § 910.153(c) (1) (iii), were amended

² Copies may be obtained from this Association at Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

(37 F.R. 17048). Said rules and regulations are currently effective pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), which regulate the handling of lemons grown in California and Arizona. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The Lemon Administrative Committee, established under said order as the agency to administer the terms and provisions thereof, has noted that the phrase "for the district" was inadvertently included in the aforesaid subdivision in two places. More specifically, the current provisions of § 910.153(c) (1) (iii) specify "the number of weeks in the prorate base period for the district" as the basis for computing a handler's average weekly picks for periods of 3 weeks or more.

Inclusion of the limiting phrase "for the district" changes the intent of the subdivision, as originally recommended by the committee, and renders it incompatible with the related subdivisions (i) and (ii) of the same subparagraph which permit the computation of average weekly pick, of a handler, to be based on an individual prorate base period granted to the handler pursuant to the provisions of § 910.53. Accordingly, the provisions of § 910.153(c) (1) (iii) are hereby corrected by deleting the phrase "for the district" from the two places where it appears so that the subdivision reads as follows:

§ 910.153 Prorate bases and allotments.

(c) Average weekly pick computation.

*(1) * * **

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until the total number of the most recent weeks equals the total number of weeks in such handler's applicable prorate base period) divided by the total weeks of picks and deliveries so included and then divided by 1 week less than the number of weeks in the prorate base period and multiplied by $\frac{1}{2}$ the number of weeks, as determined by the committee, that lemons will be substantially picked and delivered to the handler but not to exceed 1 week less than the number of weeks in the prorate base period.

Dated: October 2, 1972.

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

[FR Doc. 72-17131 Filed 10-5-72; 8:48 am]

Chapter XVIII—Farmers Home Administration, Department of Agriculture

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

REFINANCING DEBTS

The requirements of 5 U.S.C. 553 involve a delay in making available the assistance provided by this authority. Farmers that have had crop production losses or damages to their farms by natural disasters are seeking emergency loan assistance to continue normal operations in counties determined to be major disaster areas by the President, and in counties designated emergency loan areas by the Secretary of Agriculture. Many of these requested loans are for financing 1972 crop and livestock operations. The operating year is well under way and any delay in providing loan assistance under these revised instructions would be contrary to the public interest. This new addition authorizes the use of emergency loans for refinancing debts of owner-operators. Applicants must be turned down by letter by at least two other lenders, must refinance their emergency loans as soon as possible, and must have equity in real property to secure the amount loaned for refinancing. Accordingly, in the public interest, this subpart shall be effective upon publication in the FEDERAL REGISTER (10-6-72).

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. See the Secretary of Agriculture's statement setting forth the policy on public participation in rule making 36 F.R. 13804, dated July 24, 1971. In accordance with the spirit of that policy, interested parties may submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, within 30 days after the publication of this Subpart A. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this Subpart A of Part 1832 shall remain effective until it is amended, in order to permit the public business to proceed expeditiously. The new § 1832.19 of Subpart A of Part 1832, Title 7, Code of Federal Regulations reads as follows:

§ 1832.19 EM loans for refinancing debts.

(a) *General.* This section contains the authorization and policies for making EM loans to farmers and ranchers for

refinancing debts. Such loans will be made in accordance with the requirements of §§ 1832.1 through 1832.12 except as modified herein. The total amount which may be loaned under this section in any fiscal year will not exceed 15 percent of the total amount apportioned for making EM loans for that fiscal year.

(b) *Objectives.* The basic objectives for making EM loans for refinancing debts is to enable eligible applicants to retain essential farm or other property, including livestock, equipment, and supplies as necessary for their normal operations. These loans will be made only where this can be done on a reasonably sound basis.

(c) *Availability and State distribution of funds.* EM loans to refinance debts may be made only in counties which have been designated for making EM loans within 3 years prior to the beginning of the current fiscal year and in counties which are subsequently designated during that fiscal year. This authorization applies to designations based on major disasters declared by the President and natural disasters determined by the Secretary. It does not apply to natural disasters previously determined by the State Director in authorizing the receiving of applications for initial EM loans in nondesignated counties.

(1) The National Office will notify each State which has had major disasters or natural disasters as described above the maximum amount of EM loans which may be made in the State under this supplement during the fiscal year.

(2) The National Office notification will be by letter to the State Director early in the fiscal year, setting forth the State ceiling of refinancing funds for the fiscal year and the counties which have been designated for EM loans during the prescribed period.

(3) The State Director is responsible for seeing that EM loans to refinance debts are made only in authorized counties and within the State's distribution of refinancing funds.

(4) The State Director will issue a State requirement early each fiscal year after receiving a letter from the National Office as described in subparagraph (2) of this paragraph naming the counties in which these loans may be made. The State requirement will be supplemented to include any counties subsequently designated during the fiscal year.

(d) *Eligibility.* The eligibility requirements set forth in § 1832.5 apply under this supplement except as follows:

(1) The applicant must be unable to meet his obligations or debts requested to be refinanced because of production or property losses which occurred within 3 years prior to his loan application caused by a major disaster declared by the President under which the OEP determined the counties to be eligible for financial assistance, or a natural disaster for which the Secretary of Agriculture designated an EM loan area. (This does not

include nondesignated areas previously authorized by the State Director.)

(2) The applicant's creditors will not continue to carry the debts to be financed, or he cannot reasonably be expected to meet the terms of these debts.

(i) A creditor's refusal to carry a debt will be established by a written statement from him showing the amount of the debt, final due date, interest rate, amount of principal and interest delinquent, unpaid principal and accrued interest. This statement will be obtained by the applicant and placed in the file. In addition, the creditor will furnish for the file, a statement showing the applicant's repayment record for each of the previous 5 years or each year since the loan was made if it was made less than 5 years ago.

(ii) If a creditor is willing to carry the debt he holds but it is not reasonable to expect the applicant to meet the terms, it will be necessary for the creditor to furnish a statement showing whether he will change that debt to terms which the applicant could be expected to meet.

(3) The applicant is unable to obtain credit from other sources to refinance his debts on terms he can reasonably be expected to meet.

(i) The applicant will furnish at least two letters from private lenders who make long-term real estate loans including his present creditors showing whether they will meet all his refinancing needs. These letters will be placed in the file.

(e) *Loan purposes.* EM loans may be made to eligible applicants to:

(1) Refinance, subject to the loan limitations contained herein, principal and interest owed on debts which are secured by real estate or chattel mortgages, unsecured debts, and taxes which have become liens against the property which will be taken as security for the loan.

(i) For a debt which is secured by a real estate or chattel mortgage, or both, and payable in annual installments, the account will be brought current instead of refinancing the entire debt if the applicant can reasonably be expected to repay the EM loan and meet the terms of subsequent installments owed to his present creditor.

(ii) Generally, it will not be necessary in currently designated counties, to refinance:

(a) Unsecured debt and open accounts if a regular EM loan for operating and living expenses is being made to enable eligible applicants to operate on a cash basis. This would enable an applicant to pay cash for fertilizer and other essential expenses and should enable his creditor to carry the delinquent indebtedness he holds while doing a cash business with him.

(b) Debts secured by liens on essential farm machinery and equipment because regular EM loans for operating and living expenses can include funds to pay interest on such debts and reasonable amounts as depreciation on essential farm and ranch equipment under lien to other creditors.

(2) Pay EM loan interest-only installment(s) scheduled for the first January 1 following the closing of the loan.

(3) Pay legal fees in connection with loan closing.

(f) *Loan limitations.* Section 1832.8 does not apply. Instead, EM loans to refinance debts will not be made:

(1) To applicants who are not the owner-operators of their farms or ranches within the meaning of § 1832.5(b).

(2) To an estate or trust; a corporation owned primarily by an estate, trust, other corporations, or partnerships; a partnership composed primarily of an estate, trust, corporations, or other partnerships, or an applicant operating under the jurisdiction of a bankruptcy court.

(3) To an operating loan borrower, or a FO loan borrower, who is operating larger than a family farm or ranch.

(4) Which would cause an applicant's total indebtedness secured by liens on his farm or ranch, including principal and interest owed to other creditors; principal and interest owed on EM loans already made for real estate purposes; and EM loans being made under this section to refinance debts to exceed the market value of the property or \$300,000, whichever is smaller.

(5) Which would cause an applicant's total debts owed to the Federal Government and secured by liens on his farm or ranch to exceed 50 percent of the total of his real estate secured debts.

(6) To refinance debts owed to the FHA.

(7) To enable an applicant to retain property not essential to his operation or property which cannot reasonably be expected to be operated on a sound basis.

(g) *Terms.* EM loans to refinance debts will be scheduled for repayment on Form FHA 440-16, "Promissory Note (Insured Loan)," in annual installments amortized over the shortest period consistent with repayment ability, but not to exceed 40 years from the date of the note, except any EM loan of \$2,500 or less will not be scheduled for repayment over periods in excess of 5 years.

(1) Form FHA 440-16 will be prepared and executed in accordance with instructions available in all FHA offices, except "EM" will be inserted in the appropriate box to show the kind of loan.

(h) *Security policies.* An EM loan to refinance debts will be secured by a lien on the applicant's farm, ranch, or other real estate in which there is a market value equity of not less than the amount of the EM loan. This lien will be documented on Form FHA 427-1 (State), "Real Estate Mortgage for

----- (Insured Loans to Individuals)," and prepared in accordance with Part 1807 of this chapter.

(1) Determination of an applicant's equity in real estate offered as security will be based on an appraisal showing the market value of the property and the amount of any liens or other encumbrances thereon. This appraisal will be made by a qualified FHA employee authorized to make appraisals. Form FHA 422-1, "Appraisal Report (Farm Tract)," and related forms will be used. The appraiser's estimate of the recommended market value of the property will be shown in part 8 of Form FHA 422-1. However, when the amount of the loan plus present indebtedness against the

property does not exceed \$10,000, only parts 1, 2, and 8 of Form FHA 422-1 will be completed and the recommended market value of the property will be shown in part 8.

(2) If the real estate offered as security is held under a purchase contract, it must be determined that:

(i) The applicant has mortgageable interest in the property under a long-term purchase contract.

(ii) The purchase contract is not subject to summary cancellation upon default, and does not contain other provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(3) If any of the prior liens against real estate offered as security contain future advance provisions, or other provisions which might jeopardize the security position of the Government, or the applicant's ability to meet his obligations under these prior liens and also repay his EM loan, the prior lienholders involved must agree in writing, before the loan is closed, to modify, waive, or subordinate such objectionable provisions. This will be accomplished usually on Form FHA 427-8, "Agreement with Prior Lienholder," subject to any modifications necessary to meet legal requirements for closing a particular loan.

(4) In States where a prior lienholder may foreclose his security instrument under power of sale or otherwise and extinguish junior liens of private parties without making junior lienholders parties or giving them actual notice, and a junior lien on real estate is to be taken as security for the loan, the prior lienholder must agree in writing to give the Government advance notice of foreclosure or assignment of the mortgage. A State requirement will be issued, with the advice of the OGC, to indicate whether such agreements will be necessary in each particular State, and if so, to set forth the procedure and requirements for obtaining and recording such agreements.

(5) If there are essential insurable buildings located on the property or if new buildings are to be erected or major improvements made to existing buildings, the applicant will provide adequate property insurance coverage at the time of the loan closing or as of the date materials are delivered to the property, as appropriate, in accordance with the provisions of Part 1806 of this chapter.

(6) If insurance claims for loss or damage to buildings to be replaced or repaired with loan funds are outstanding at the time the loan is made, the applicant will be required to agree in writing for the proceeds of such claims to be used for replacement or repair of buildings or to be paid to the Government for applications on the loan when settlement is made, or for such proceeds to be applied on debts secured by prior liens.

(i) *Title clearance, legal services, and loan closing.* These services will be provided and loans will be closed in accordance with Part 1807 of this chapter in the same manner as for FO loans. Form FHA 440-3, "Record of Actions," will be prepared and used in accordance with instructions available in all FHA offices.

The type of loan will be shown in the form on the line designated for "other" loan types.

(j) *Coding loans.* This type loan will be shown on all appropriate forms as follows:

(1) "EMR-I" to indicate an initial EMR loan made to an applicant who is not indebted for any EM-type loan (including a Special Livestock loan) or Operating loan.

(2) "EMR-IO" to indicate an initial EMR loan to an applicant who is indebted for an Operating loan.

(3) "EMR-S" to indicate a subsequent EMR loan made to an applicant who is indebted for any EM-type loan but not an Operating loan.

(4) "EMR-SO" to indicate a subsequent EMR loan made to an applicant who is indebted for an Operating loan and any EM-type loan.

(k) *Interest rates and cancellations.* (1) EM loans for refinancing as a result of a natural disaster which occurred prior to July 1, 1971, will be made at the prevailing rate of interest at the time of loan closing as determined monthly by the Secretary of the Treasury, and no cancellation will be considered on such loans.

(2) EM loans for refinancing as a result of a natural disaster occurring on or after July 1, 1971, and through June 30, 1973, will be made in accordance with the provision of Public Law 92-385.

(l) Each State Director will be responsible for keeping loans made under this section within the amount of apportionment allotted to his State. This will be accomplished by routing all loans of this type to the Finance Office through the State Director.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 301, 80 Stat. 379, 5 U.S.C. 301; 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)

Dated: September 28, 1972.

DARREL A. DUNN,
Associate Administrator,
Farmers Home Administration.

[FR Doc.72-17130 Filed 10-5-72;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 72-SO-81]

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

Designation of Transition Area

On August 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16810), stating that the Federal Aviation Adminis-

tration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Jasper, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., December 7, 1972, as hereinafter set forth.

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

JASPER, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Walker County Airport (latitude 33°51'55" N., longitude 87°15'40" W.); within 4.5 miles each side of Birmingham VORTAC 303° radial, extending from the 6.5-mile-radius area to 14 miles northwest of the VORTAC.

(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 East Point, Ga., on September 26, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-17104 Filed 10-5-72;8:46 am]

[Airspace Docket No. 72-SO-92]

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

Redesignation of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Myrtle Beach AFB, S.C., and the Sumter, S.C., control zones.

The Myrtle Beach AFB control zone is described in § 71.171 (37 F.R. 2056 and 17160) and the Sumter control zone is described in § 71.171 (37 F.R. 2056 and 14670). Both control zones are designated as part time, with effective times stated in the descriptions. Military necessity requires that these control zones be redesignated as full time, effective 0501 G.m.t., November 8, 1972, through 0459 G.m.t., November 10, 1972. It is necessary to temporarily alter the descriptions to reflect these changes. Since this amendment is required in the interest of national defense, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0501 G.m.t., November 8, 1972, through 0459 G.m.t., November 10, 1972, as hereinafter set forth.

In § 71.171 (37 F.R. 2056), the Myrtle Beach AFB, S.C., control zone (37 F.R. 17160) is amended as follows: " * * * This control zone is effective from 0700 to 2300 hours, local time, daily * * * " is deleted from the description.

In § 71.171 (37 F.R. 2056), the Sumter, S.C., control zone (37 F.R. 14670) is amended as follows: " * * * from 0700

to 2300 hours, local time, daily, during eastern standard time * * * " is deleted from the description.

(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 East Point, Ga., on September 26, 1972.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.72-17105 Filed 10-5-72;8:46 am]

[Airspace Docket No. 72-WE-30]

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

Alteration of Transition Area

On August 19, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 F.R. 16811) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Reno, Nev., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., December 7, 1972.

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

Issued in Los Angeles, Calif., on September 27, 1972.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

In § 71.181 (37 F.R. 2143) the description of the Reno, Nev., transition area is amended in part as follows:

At the end of the description of the Reno, Nev., transition area add " * * * and that airspace northwest of Reno extending from the 45-mile-radius area bounded on the northeast by the southwest edge of V-452 and on the west by longitude 120°19'00" W."

[FR Doc.72-17106 Filed 10-5-72;8:46 am]

[Airspace Docket No. 72-NW-22]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Redesignation of Federal Airway and Jet Routes

The purpose of these amendments to the Federal Aviation Regulations is to redesignate portions of V-112 and J-3 and J-517. These changes are necessary

because the name of the Kimberley, British Columbia, Canada, VOR was changed to "Cranbrook."

Since these amendments are minor and editorial in nature and no substantive change in the regulation or its effect upon the operation of aircraft is effected, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30-days notice.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER (10-6-72), as hereinafter set forth.

1. Section 71.123 (37 F.R. 2009 and 4903) is amended as follows: In V-112 "Kimberley" is deleted and "Cranbrook" is substituted therefor.

2. Section 75.100 (37 F.R. 2382 and 18615) is amended as follows:

a. In Jet Route No. 3 in the heading and the text "Kimberley" is deleted and "Cranbrook" is substituted therefor.

b. In Jet Route No. 517, "Kimberley" is deleted and "Cranbrook" is substituted 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 28, 1972.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.72-17107 Filed 10-5-72; 8:46 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-771, Amdt. 2]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of September 1972.

By ER-725, adopted March 15, 1972, the Board issued a new part (Part 239) to establish a system of reporting freight loss and damage claims by certain air carriers and foreign route air carriers. Subsequent to the issuance of the part, a joint petition for rule making was filed by the Air Transport Association of America (ATA) on behalf of 23 certificated carriers to amend Part 239 in certain respects. The requested amendments include the following: (1) Change the time when reports are due to be filed with the Board from 30 days to 60 days after the end of the reporting period; and (2) grant permission to Air Cargo, Inc. (ACI), a wholly-owned subsidiary of the scheduled certificated airlines, which administers air freight pickup and delivery service for the airlines, to file certain data on behalf of air carriers which request such filing, i.e., claims in-

volving the ground portion of an air freight shipment. Certain other amendments were requested in the petition and these will be processed in a rule making proceeding (EDR-234) being instituted simultaneously herewith.

1. Section 239.2(e) provides, in part, that the reports required by the part must be received by the Board within 30 days after the termination of the reporting period. The ATA carriers request 60 days after the termination of the reporting period within which to file the reports. They refer to the related Interstate Commerce Commission (ICC) rule which grants the truck carriers 40 days after the end of the reporting period to submit their reports.¹ They also maintain that the revenue accounting departments of air carriers generally do not close out the previous month's data until after the 10th of the succeeding month and that the preparation of the reports called for requires more than 15 days whether the reports are prepared manually or by computer. Therefore, they contend, 30 days after the end of the period for the filing of reports is not reasonable.

Upon consideration of the foregoing, we are persuaded to add 10 days to the time within which reports will be required to be received by the Board and this change will be made in the rule. See § 239.2(e), *infra*.²

2. In their petition, the ATA carriers state that the Board may have rejected their previous request that ACI file claims data with respect to ground movements on their behalf, because ACI could not be required by the Board to file such data. They now ask that the Board approve a procedure whereby individual carriers would direct ACI to file such claims data for them.

We approve the basic concept of having ACI file data as to ground movements on behalf of air carriers which desire this procedure. Accordingly, we shall grant a blanket waiver in the rule so as to permit ACI to file claims data as to ground movements on behalf of the certificated route carriers.³ The rule will provide that the responsibility for reporting these statistics remains with the air carriers. Further, it remains the responsibility of each carrier to report its own statistics on claim payments covering pickup and delivery services not performed by ACI.

3. When Part 239 was adopted (ER-725, *supra*), the Board provided for limited confidentiality of individual carrier data on two items in Schedule A, namely, carrier revenue by commodity and total dollar amount of paid claims by commodity (columns (20) and (21) of Sched-

ule A). Subsequent to the adoption of the rule, the Board stayed until further notice the effectiveness of § 239.6(k) which required the reporting of one of these confidential items, namely, the total amount of freight revenue received for each commodity with respect to which claims were paid (ER-746, adopted and effective June 26, 1972). This reporting was to be made in column (21) of Schedule A. The requirement for limited confidentiality of the individual carrier data in column (20) of Schedule A was dependent upon the Board's according limited confidentiality to column (21) of Schedule A.⁴ With the removal of the requirement for furnishing data in column (21) of Schedule A, there is no longer any need for limited confidentiality of the data in column (20). Thus, we shall delete and reserve the limited confidentiality provision of the part (§ 239.12).

4. Several carriers have submitted Form 239 data, prepared on automatic data processing (ADP) equipment, which did not fully comply with the reporting requirements as set forth on the Board's Form 239. We have no objections to the carriers' submission of freight-claim data in an ADP format. However, we must insist on the same columnar headings and the same order of arrangements in the ADP data as set forth in the prescribed Form 239. In the future, ADP data which does not meet this requirement will not be accepted by the Board.

5. The carriers note that the first report under Part 239 is due in July 1972 (specifically, it became due July 30, 1972, 30 days after the end of the second calendar quarter reporting period). They request the Board to make any amendments it may adopt applicable to the July 1972 report as well as to all reports due thereafter. Flying Tiger concurs in this request to the extent it would extend the time for filing the first report.

We are in accord with this proposal. Therefore, the amendments we are making herein will be applicable to the July 1972 quarterly report and to all reports which shall become due thereafter under the part.

Since this rule imposes no burden upon any person, and merely relieves a restriction and permits a person to file data on behalf of an air carrier, the Board finds that notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 239 (14 CFR Part 239), effective September 29, 1972, as follows:

1. Amend the table of contents by deleting and reserving § 239.12 as follows:

Sec.
239.12 [Reserved]

2. Amend § 239.2(e) to read as follows:

§ ER-725, *supra*, mimeo. p. 22.
⁴ We are also amending § 239.8(1) to correct a reference to "account 3906 on Schedules P-1.1 or P-1.2 of CAB Form 41" which should read "account 3906.2 on Schedule P-3 of CAB Form 41."

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

(e) The report shall be filed in duplicate and addressed to the Civil Aeronautics Board, Washington, D.C. 20428, Attention: Bureau of Accounts and Statistics. It shall be filed so as to be received by the Civil Aeronautics Board within 40 days after the termination of each reporting period.

3. Amend § 239.6(g) to read as follows:

§ 239.6 Schedule A—Report of Freight Loss and Damage Claims Paid.

(g) Column (3)—For each commodity listed in column (2), show separately the amounts paid for claims relating to shipments while moving by air and while moving on the ground by inserting the letters "A" and "G," respectively, and "T" representing the total of these two modes. Upon the authorization of any certificated air carrier, Air Cargo, Inc. (ACI), may file claims-paid data with respect to the ground movement portion of such carrier's air cargo shipments and the filing of such data by ACI will to that extent relieve such air carrier from filing such claims data with the Board: *Provided, however,* That the responsibility for supplying these data to the Board remains with the air carrier. ACI may file a consolidated report for certificated carriers as to ground shipments without a breakout of data by carriers. However, ACI must identify the carrier or carriers on whose behalf such data are filed, and the carrier in turn shall state on its Schedule A that ACI is filing such data on its behalf. To the extent that a certificated air carrier subject to this part pays claims with respect to pickup and delivery services not performed by ACI, such claims-paid data must be reported by the air carrier on Schedule A.

4. Amend § 239.8(i) to read as follows:

§ 239.8 Schedule C—Analysis of Claims Processed.

(i) Item 12—Show the gross scheduled air freight revenue received during the reporting quarter. For certificated route air carriers this figure should agree with the amounts reported separately for domestic and international operations in Account 3906.2 on Schedule P-3 of CAB Form 41; for air freight forwarders and international air freight forwarders this figure refers to amounts reported separately for domestic and overseas/foreign operations in Item 4 on Schedule P of CAB Form 244.

NOTE: Schedule P of CAB Form 244 calls for a semiannual report whereas the subject item is to be reported quarterly.

5. Delete and reserve § 239.12 as follows:

§ 239.12 [Reserved]

(Secs. 204(a), 402 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.72-17172 Filed 10-5-72; 8:52 am]

Chapter III—National Transportation Safety Board

[NTSB Reg. OR-3, Amdt. 1]

PART 405—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

The purpose of this amendment is to delete a discontinued position; to change the titles of some officers of the Board to conform to changes already made; to add certain additional employees classified as GS-13 or above, to Appendix II, in order to require them to submit statements of employment and financial interests, in compliance with the provisions of 5 CFR 735.404; and to renumber those positions.

Since this regulation is a rule of agency practice and procedure affecting employees only, notice and public procedure thereon are not required.

This amendment was approved by the Civil Service Commission on September 13, 1972, and becomes effective on publication in the FEDERAL REGISTER (10-6-72).

Accordingly, the National Transportation Safety Board hereby amends the provisions of its regulations covering employee responsibilities and conduct (Part 405) as follows:

1. The term "Executive Director" in Part 405, §§ 405.735-5(b)(7), 405.735-405(b)(8), 405.735-7(a), 405.735-8(b), 405.735-17, 405.735-23(b), 405.735-24(a), and 405.735-24(b), is changed to "General Manager," wherever it appears.

2. The term "Personnel Manager" in Part 405, §§ 405.735-16(a), 405.735-21, 405.735-23(b), 405.735-24(a), 405.735-24(b), 405.735-25(a), and 405.735-25(b), is changed to "Personnel Officer," wherever it appears.

3. The title to the first appendix to Part 405 is amended to read "Appendix 1."

4. Appendix II to Part 405 is revised to read as follows:

APPENDIX II

EMPLOYEES REQUIRED TO SUBMIT STATEMENTS

Statements of employment and financial interests are required of the following:

(a) Employees in grades GS-16 or above, or in positions not subject to the Classification

Act paid at a rate at or above the entrance rate for GS-16.

- (b) Administrative Law Judges.
- (c) Special Assistants to the Members.
- (d) Attorneys in grade GS-15.
- (e) Office of Public Affairs:
 - (1) Director.
 - (2) Deputy Director.
 - (f) Office of the General Manager:
 - (1) Personnel Officer.
 - (2) Budget and Fiscal Officer.
 - (3) Chief, Administrative Operations Division.
 - (4) Deputy Chief, Administrative Operations Division.
 - (5) Office Services Manager, GS-12.
 - (6) Legislative Affairs Officer.
 - (g) Division Chiefs, Bureau of Surface Transportation Safety.
 - (h) Bureau of Aviation Safety:
 - (1) Assistant Director (Interdepartmental).
 - (2) Assistant to the Director.
 - (3) Supervisor, National Aircraft Accident Investigation School.
 - (4) Division Chiefs.
 - (5) Accident Inquiry Managers.
 - (6) Branch Chiefs.
 - (7) Area Supervisors.
 - (8) Chief or Senior Investigators, Field Offices.

Adopted: August 3, 1972.

By the National Transportation Safety Board.

[SEAL] JOHN H. REED,
Chairman.

OCTOBER 2, 1972.

[FR Doc.72-17117 Filed 10-5-72; 8:47 am]

Title 20—EMPLOYEES' BENEFITS

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

[Reg. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965—)

Subpart A—Hospital Insurance Benefits

Subpart F—Agreements With and Functions of Providers, Intermediaries, Carriers, and State Agencies

Subpart O—Providers of Services, Independent Laboratories, and Suppliers of Portable X-ray Services; Determinations and Appeals Procedures

ELECTIONS TO RECEIVE REIMBURSEMENT FOR EMERGENCY SERVICES AND APPEAL RIGHTS OF EMERGENCY SERVICE HOSPITALS

On May 27, 1972, there was published in the FEDERAL REGISTER (37 F.R. 10733) a notice of proposed rule making with proposed amendments to Subparts A, F, and O of Regulations No. 5, which would (1) permit qualified hospitals to elect to

receive from Medicare at any time before the close of a calendar year reimbursement for emergency hospital services furnished during the year, and (2) provide such hospitals the same administrative review and appeal rights as are applicable in determining whether a facility, agency, etc., is qualified as a provider of services. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

No objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

(Secs. 1102, 1814(d), 1835(b), 1861(e), 1869, 1871; 49 Stat. 647, as amended, 79 Stat. 296, as amended, 79 Stat. 304, as amended, 79 Stat. 314, as amended, 79 Stat. 330, 79 Stat. 331, 42 U.S.C. 1302, 1395 et seq.)

Effective date. These regulations shall be effective upon publication in the FEDERAL REGISTER (10-6-72).

Dated: September 14, 1972.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: October 1, 1972.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (a) of § 405.152 is amended by revising subparagraph (5) to read as follows:

§ 405.152 Payment for services furnished; nonparticipating hospital furnishing emergency services.

(a) Payment (in amounts as determined in accordance with § 405.151) may be made to a hospital even though the hospital is not a participating provider (i.e., it has not entered into an agreement with the Secretary, pursuant to section 1866 of the Act—see § 405.606) if:

(5) With respect to services furnished in a calendar year beginning after December 31, 1967, the hospital has in effect an election to claim payment for all emergency services furnished in such calendar year (see § 405.658).

2. Section 405.658 is revised to read as follows:

§ 405.658 Emergency hospital services; hospital election to receive health insurance payments.

(a) **General.** A hospital which meets the requirements of section 1861(e) applicable for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152 (a)(1)) and does not have in effect an agreement with the Secretary to participate in the health insurance program but is furnishing emergency inpatient and outpatient services to individuals entitled to health insurance benefits

may elect, pursuant to sections 1814(d) and 1835(b) of the Act, to receive payment under such program for all emergency services furnished in a calendar year after December 31, 1967, by the hospital or under arrangements with the hospital, to entitled individuals: *Provided*, That such hospital has not previously charged an individual or other person for emergency hospital services furnished to the individual in such calendar year. The hospital's statement of election must be filed on a form designated by the Social Security Administration.

(b) **Elements of statement of election.** Under the provisions of the statement of election, the hospital agrees for the calendar year of election:

(1) To comply with the provisions of §§ 405.607-405.610 which relate to charges for items and services the hospital may make to the individual, or other person, for emergency hospital services furnished such individual;

(2) To comply with the provisions described in §§ 405.618-405.621 which relate to proper disposition of moneys incorrectly collected from, or on behalf of, an individual furnished emergency hospital services; and

(3) To request payment under the health insurance program based on reasonable costs of furnishing emergency hospital services determined in accordance with section 1861(v) of the Act.

(c) **Filing of statement of election.** The hospital's statement of election must be signed by an authorized official of the hospital and must be submitted to the Administration before the close of the calendar year of election. For purposes of this paragraph, an election is submitted to the Administration before the close of a calendar year only if deposited in the U.S. postal system or received by the Administration before the close of such calendar year. Upon acceptance for filing by the Administration the effective date of the election shall be established as of the earliest day in the calendar year of election for which the Administration determines that the hospital has been in continuous compliance with the requirements of section 1861(e) applicable for purposes of sections 1814(d) and 1835(b) of the Act.

(d) **Notification of failure to continue to comply.** The Administration shall give at least 5 days' notice to a hospital of its failure to continue to be in compliance with the elements of its election; or of its failure to continue to be a hospital for purposes of claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act. Such notice shall state the calendar year to which it applies; the effective date of the notice as it applies to the hospital's election to claim payment for such calendar year; and, shall inform the hospital of its applicability for such calendar year to the services of the hospital.

(e) **Applicability of notice.** A notice under the conditions described in paragraph (d) of this section shall, for the

calendar year to which it applies, be applicable to all claims for emergency service reimbursement filed by the hospital for services furnished in such calendar year to individuals who are accepted as patients (inpatients or outpatients) by the hospital on or after the effective date of such notice; and the hospital shall be ineligible to receive emergency services reimbursement for such services.

(f) **Appeal by institution.** Any institution dissatisfied with a determination that it does not qualify to claim payment for all emergency hospital services furnished in a calendar year shall be entitled to appeal such determination as provided in Subpart O of this part.

3. A new § 405.659 is added to read as follows:

§ 405.659 Reinstatement of emergency service hospital after notice of failure to continue to comply.

Where a hospital is notified by the Administration of its failure to continue to be in compliance with the elements of its election or its failure to continue to be a hospital for purposes of claiming emergency services reimbursement for a calendar year (see § 405.658(d)), such hospital may not file another election for such calendar year, or a subsequent calendar year, unless the Administration finds that the reason for its failure to continue to comply has been removed and that there is reasonable assurance that it will not recur.

4. The heading of Subpart O is revised to read as follows:

Subpart O—Providers of Services, Emergency Service Hospitals, Independent Laboratories, and Suppliers of Portable X-Ray Services; Determinations and Appeals Procedures

5. Section 405.1501 is amended by revising the section heading, revising paragraph (a), and adding a new paragraph (e) to read as follows:

§ 405.1501 Providers of services, emergency service hospitals, independent laboratories, and suppliers of portable X-ray services; determinations and appeals procedures.

(a) The provisions contained in this Subpart O shall govern the procedure for making and reviewing determinations with respect to whether an institution, facility, agency, or clinic is a provider of services (i.e., a hospital, extended care facility, home health agency, or for purposes of furnishing outpatient physical therapy services, a clinic, rehabilitation agency, or public health agency) within the meaning of title XVIII of the Social Security Act and Subparts J, K, L, or Q of this Part 405, as appropriate; whether an institution is a hospital, as such term is included in section 1861(e) for purposes of sections 1814(d) and 1835 (b) of the Act (see § 405.152(a)(1)), qualified to elect to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658); the termination of the Secretary's agreement

with a provider of services; whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; and whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405).

(e) Any institution which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year, may request the Administration to reconsider that determination (see § 405.1510). If dissatisfied with the reconsidered determination of the Administration, or where the institution's election to claim payment for all such services furnished in a calendar year has been accepted by the Administration for filing, with an initial determination thereafter of its failure to remain in compliance with the qualifications for claiming such payments for such calendar year, the institution is entitled to a hearing thereon and, if dissatisfied with the Secretary's final decision after such hearing, to Appeals Council review and then judicial review of such decision (see § 405.1530 et seq.).

6. Section 405.1502 is amended by adding a new paragraph (d) to read as follows:

§ 405.1502 Initial determinations.

The Administration will make findings, setting forth the pertinent facts and conclusions, and an initial determination with respect to:

(d) (1) Whether an institution is a hospital, as such term is included in section 1861(a) for purposes of sections 1814(d) and 1835(b) of the Act (see § 405.152(a)(1)), qualified to elect to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658), if the institution has filed a written request for such determination; or

(2) Whether an institution continues to remain in compliance with the qualifications for claiming emergency service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; if the institution's election to claim such reimbursement for such calendar year has been accepted by the Administration for filing.

7. Section 405.1503 is revised to read as follows:

§ 405.1503 Notice of initial determination.

Written notice of an initial determination (see § 405.1502) with respect to whether an institution, facility, agency, or clinic is or is not a provider; or with respect to whether an institution is or is not a hospital for purposes of the

emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act; or with respect to the termination of an agreement; or with respect to whether an institution continues to remain in compliance with the qualifications for claiming emergency services reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act; or with respect to whether an independent laboratory or supplier of portable X-ray services meets the appropriate conditions for coverage of its services (see Subparts M and N of this Part 405) will be mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and will include the basis or reasons for the determination, and information concerning the appeal rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1510 and 405.1530).

8. Section 405.1504 is revised to read as follows:

§ 405.1504 Effect of initial determination.

The initial determination shall be final and binding upon the parties to the determination unless it is revised (see § 405.1519), or unless, in the case of a determination described in § 405.1502(a), (b) (1), or (d) (1), it is reconsidered in accordance with § 405.1514 or, in the case of a determination described in § 405.1502 (b) (2), (c), or (d) (2), a request for a hearing is filed and a decision rendered.

9. Section 405.1505 is amended by adding new paragraphs (g) through (j) to read as follows:

§ 405.1505 Administrative actions which are not initial determinations.

Administrative actions which shall not be considered initial determinations under any provision of the regulations in this Subpart O include, but are not limited to, the following:

(g) The finding that an institution is not a hospital for purposes of the emergency service reimbursement provisions of sections 1814(d) and 1835(b) of the Act, if such findings are not made in accordance with the provisions of §§ 405.1502(d) (1) or (2) and 405.1503.

(h) The refusal by the Administration to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year (see § 405.658), where the Administration finds that such institution has previously charged an individual or other person for emergency hospital services furnished to the individual in such calendar year.

(i) The refusal by the Administration to accept for filing an election submitted by an institution to claim payment for all emergency hospital services furnished in a calendar year, where such election is submitted to the Administration after the close of such calendar year (see § 405.658(c)).

(j) The finding that, pursuant to § 405.659, an institution is not eligible to file an election to claim emergency services reimbursement after the Administration has notified such institution of its failure to continue to comply.

10. Section 405.1510 is revised to read as follows:

§ 405.1510 Reconsideration; right to reconsideration.

Any institution, facility, agency, or clinic which is dissatisfied with an initial determination (see § 405.1502) that it does not qualify as a provider of services or any institution which is dissatisfied with an initial determination that it does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or any independent laboratory or supplier of portable X-ray services which is dissatisfied with an initial determination that its services do not meet the conditions for coverage (see Subparts M and N of this Part 405) as appropriate, may request that the Administration reconsider the determination. The Administration will reconsider an initial determination if a written request for reconsideration is filed by the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned, as provided in § 405.1511.

11. Section 405.1519 is revised to read as follows:

§ 405.1519 Revision of initial or reconsidered determination.

Except in the case of a determination that an institution, facility, agency, or clinic qualifies as a provider of services, or that an institution qualifies to elect to claim payment for all emergency hospital services furnished in a calendar year, an initial or reconsidered determination which is otherwise final under § 405.1504 or § 405.1517 may be reopened by the Administration upon its own motion within 12 months after the date of the notice of the initial determination (see § 405.1503). Notice of the reopening of a determination and any revision thereof shall be given to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the determination (see § 405.1520).

12. Section 405.1530 is revised to read as follows:

§ 405.1530 Hearing; right to hearing.

After an initial and reconsidered determination that it does not qualify as a provider of services or that an independent laboratory or supplier of portable X-ray services does not meet the conditions for coverage of its services or that an institution does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year (see §§ 405.1502 (a), (b) (1), and (d) (1), and 405.1514); or after an initial determination described in § 405.1502 (b) (2), (c), and (d) (2); or after a revised determination described in § 405.1519, an institution, facility, agency, clinic, laboratory, or portable X-ray supplier shall be entitled to a hearing with respect to such

determination, if the representative of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier files a written request for hearing as provided in § 405.1531.

13. Paragraph (a) of § 405.1531 is revised to read as follows:

§ 405.1531 Filing a request for a hearing; time and manner of filing.

(a) The request for a hearing shall be made in writing, signed by a proper official of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier concerned and filed at an office of the Administration, or with an Administrative Law Judge (formerly called "hearing examiner") or the Appeals Council of the Bureau of Hearings and Appeals. The request must be filed within 6 months after the date on which written notice of an initial determination provided for in § 405.1502 (b) (2), (c), or (d) (2), or a reconsidered or revised determination is mailed to the institution, facility, agency, clinic, laboratory, or portable X-ray supplier (see §§ 405.1503, 405.1516, and 405.1520), except where the time is extended for "good cause" (see § 405.1569).

14. Section 405.1532 is revised to read as follows:

§ 405.1532 Parties to the hearing.

The parties to the hearing shall be the institution, facility, agency, clinic, laboratory, or portable X-ray supplier which was a party to the prior determination (see §§ 405.1502 (b) (2), (c), and (d) (2), 405.1514, and 405.1519) and the Bureau of Health Insurance. The Bureau of Health Insurance shall be represented at the hearing (see § 405.1543).

15. Paragraph (a) of § 405.1542 is revised to read as follows:

§ 405.1542 Hearing on new issues.

(a) On the application of either party, or on his own motion, the Administrative Law Judge (formerly called "hearing examiner") may give notice at any time after a request for hearing has been filed (see § 405.1531), but prior to the closing of the record, that he will consider any specific new issue which may affect the rights of the institution, facility, agency, clinic, laboratory, or portable X-ray supplier, even though the Administration has not made an initial and reconsidered determination with respect to the issue and even though the issue arose after the request for hearing or prehearing conference. Except that, in the case of an initial determination described in § 405.1502 (b) (2), (c), or (d) (2), the Administrative Law Judge shall not consider any issue which arose on or after (1) the effective date of the termination of an institution's, facility's, agency's, or clinic's agreement with the Secretary, or (2) the date on which it is determined that a laboratory or portable X-ray supplier no longer meets the conditions for coverage of its services, or (3) the effective date of the notification to an institution of its failure to remain in compliance with the qualifications for claiming emergency

service reimbursement for a calendar year under the provisions of sections 1814(d) and 1835(b) of the Act. Notice of the time and place of the hearing on any new issue shall, unless waived (see § 405.1550), be given to the parties within the time and manner prescribed in § 405.1540. Upon giving of such notice, the Administrative Law Judge shall, except as otherwise provided, proceed to hearing on such new issues in the same manner as he would on an issue in which an initial and reconsidered determination had been made by the Administration and a hearing request with respect thereto had been filed.

16. Section 405.1567 is revised to read as follows:

§ 405.1567 Effect of the Appeals Council decision.

The decision of the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b) and (e)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act or unless the decision is revised in accordance with § 405.1570. (Section 1869(c) of the Act does not grant judicial review of the Secretary's decision with respect to whether an independent laboratory or supplier of portable X-ray services meets the conditions for coverage, as required by Subparts M and N, respectively.)

17. Paragraph (a) of § 405.1569 is revised to read as follows:

§ 405.1569 Extension of time to request a hearing or review or begin civil action.

(a) Any institution, facility, agency, clinic, laboratory, or portable X-ray supplier which is a party to an initial determination described in § 405.1502 (b) (2), (c), or (d) (2); or to a reconsidered determination that it does not qualify as a provider of services or does not qualify to elect to claim payment for all emergency hospital services furnished in a calendar year or does not meet the conditions for coverage; or to a revised determination described in § 405.1519; or which is a party to a decision of an Administrative Law Judge (formerly called "hearing examiner") may request an extension of time for filing a request for hearing or review, as the case may be, although the time for filing the request has passed. If an extension of time for filing a request for hearing before an Administrative Law Judge is sought, the request may be filed with the Administrative Law Judge. In any other case, the request shall be filed with the Appeals Council. The request shall be in writing and shall state the reasons why the request was not filed within the required time. An institution, facility, agency, or clinic which is a party to a decision of the Appeals Council, may ask the Appeals Council for an extension of time for commencing civil action in a district court within 60 days from the date of the

notice of the Appeals Council action and shall state the reasons an extension is required. For good cause shown, the Administrative Law Judge may extend the time for filing a request for hearing or the Appeals Council may extend the time for filing a request for review or civil action.

18. Section 405.1572 is revised to read as follows:

§ 405.1572 Effect of revised determination.

A revised decision by an Administrative Law Judge (formerly called "hearing examiner") shall be final and binding upon the parties thereto unless reviewed by the Appeals Council in accordance with §§ 405.1561-405.1563. A revised decision by the Appeals Council shall be final and binding unless a civil action (see § 405.1501 (b) and (e)) is filed by the institution, facility, agency, or clinic in a district court of the United States as authorized by section 1869(c) of the Act.

[FR Doc. 72-17133 Filed 10-5-72; 8:48 am]

Title 29—LABOR

Subtitle A—Office of Secretary of Labor

PART 55—GRANTS UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971

Miscellaneous Amendments

Regulations pursuant to the Emergency Employment Act were originally issued in four subparts, Subpart A relating to grants under section 9(a) (1) of the Act (published August 14, 1971, at 36 F.R. 15433-15437), Subpart B relating to grants under section 6 (published October 5, 1971, at 36 F.R. 19361-19362), Subpart C relating to grants to Indian tribes on Federal and State reservations (published November 5, 1971, at 36 F.R. 21282-21284), and Subpart D relating to discretionary funds (published November 6, 1971, at 36 F.R. 21337-21338). At the time of initial publication the Secretary invited interested parties to submit written comments, suggestions, data, or arguments to the Assistant Secretary for Manpower within 45 days of publication, and stated that the material thus submitted would be evaluated and acted upon in the same manner as if the original document had been published in proposal form. The suggestions received have been considered, and revisions to Subpart A were published on March 3, 1972 (37 F.R. 4436-4441). Revisions to Subparts B, C, and D are set forth herein.

In addition Subpart A is further amended:

(1) To incorporate in its proper place in the regulations a general statement of policy with respect to the method of

apportionment of funds under section 9(a) (1) which was previously published in notice form (36 F.R. 18124, September 1, 1971), on which comment has been received. The procedure which was followed during the initial year of operation under the Act will be retained except that persons employed under grants made pursuant to the Act will be counted as unemployed for allocation purposes.

(2) To increase the minimum period an individual must be without work in order to qualify for a PEP job from 7 to 14 days.

(3) To delete authority for administrative funds to be used to pay compensation to participants in excess of \$12,000 per year, and to delete provisions for excluding units of government serving fewer than 10,000 people for that reason.

(4) To give greater preference to veterans.

(5) To broaden the definition of older worker to include those over 65, as it did prior to March 3, and

(6) To specify that the Act prohibits use of Federal funds to impair existing contracts for services of independent contractors, and does not refer to collective bargaining agreements.

In addition to conforming and editorial revisions, the following are the major changes to Subpart B:

(1) As in the case of grants under Subpart A, persons employed under grants made pursuant to the Act are deemed unemployed for purposes of the allocation of funds.

(2) The definition of "State" is revised to make it clear that the government of the District of Columbia is both a State and a local government.

(3) Definitions are added for "eligible area", and "substantial unemployment", and

(4) A statement of general policy is added regarding apportionment of section 6 funds by the Secretary to Program Agents.

The changes to Subparts C and D are primarily those needed for conforming purposes. In addition a number of minor editorial and clarifying changes have been made.

In order to shorten the period of time during which the various subparts do not conform with each other, and inasmuch as these changes involve statements of policy or are editorial or clarifying in character, these regulations will be effective upon publication in the **FEDERAL REGISTER** (10-6-72).

The following are the revisions of Part 55:

1. The table of contents for Part 55 is revised as follows:

Subpart A—Application for and Requirements of Grants

Sec.	
55.0	Coverage.
55.1	Definitions.
55.2	Purpose and scope.
55.3	Application for grants.

Sec.	
55.4	Apportionment and allocation of funds.
55.5	Employing agencies.
55.6	Assurances.
55.7	Selection of participants.
55.10	Comments by units of general government of labor organizations.
55.11	Action upon applications.
55.15	Use of Federal funds.
55.16	Non-Federal share.
55.17	Records, financial reports, and audits.
55.18	Reports of effectiveness.
55.19	Participant compensation and working conditions.
55.20	Nondiscrimination.
55.25	Adjustments in payments.
55.26	Termination of grants.

Subpart B—Grants Under Section 6 of the Emergency Employment Act

Sec.	
55.30	Scope and purpose.
55.31	Definitions.
55.31a	Incorporation of sections from Subpart A.
55.32	Applications for grants.
55.33	Apportionment and allocation of section 6 funds.
55.34	Employing agencies.
55.35	Selection of participants.
55.36	Action upon applications.
55.37	Adjustments in payments; termination of grants.
55.38	Manpower and supportive services.

Subpart C—Grants for Indian Tribes on Federal or State Reservations

Sec.	
55.40	Purpose and scope.
55.41	Definitions.
55.42	Incorporation of sections from other subparts.
55.43	Applications for grants.
55.44	Distribution and use of funds.
55.45	Employing agencies.
55.46	Selection of participants.
55.47	Action on application.
55.48	Adjustments in payments; termination of grants.
55.49	Funding.

Subpart D—Grants Under the Secretary's Discretionary Authority

Sec.	
55.50	Purpose and scope.
55.51	Incorporation of sections from Subpart A.
55.52	Distribution and use of funds.
55.53	Assurances.
55.54	Selection of participants.
55.55	Action upon applications.
55.56	Use of Federal funds.
55.57	Maximum compensation.
55.58	Waiver of requirements by Secretary.

AUTHORITY: The provisions of this Part 55 issued under sec. 12, Emergency Employment Act, Secretary Order 20-71 of 1971, Public Law 92-54, 85 Stat. 148.

Subpart A—Application for and Requirements of Grants

2. Section 55.0 is hereby added as follows:

§ 55.0 Coverage.

The provisions of this Subpart A involve grants made pursuant to section 5 and allocated pursuant to section 9(a) (1) of the Emergency Employment Act. They apply only to grants made pursuant to this Subpart A except to the extent portions of Subpart A are specifically incorporated by reference in other subparts.

3. Section 55.1 (g), (j), (q) (3), (t), (u), and (v) are hereby amended as follows:

§ 55.1 Definitions.

As used in this subpart and in grant instruments entered into pursuant to this subpart:

(g) "Participant" means any previously unemployed or underemployed person who is employed under the Act after selection in accordance with § 55.7.

(j) "Program Agent" means an eligible applicant which has been designated by the Secretary for requesting, receiving, and administering funds pursuant to the Act. The Secretary will first designate as Program Agent every State, each city or town with general governmental powers which has a population of 75,000 or more, and each county or town with general governmental authority which has a population of 75,000 or more disregarding cities or towns within its boundaries which have been designated as Program Agents. In the event a Program Agent declines to serve or which is otherwise unable to do so satisfactorily, the Secretary will designate an alternative eligible applicant to serve the same unemployed population.

(q) "Unemployed persons" means ***

(3) For purposes of allocation of funds (e.g. §§ 55.4, 55.33 and 55.44), those persons who are unemployed within the meaning of paragraph (1) of this section plus persons who are employed under grants made pursuant to the Act.

(t) "Balance of State" means the area within the jurisdiction of the State as Program Agent not included in another Program Agent's area.

(u) "Civilian work force" means the sum of the number of persons in an area who are employed in civilian jobs plus the number of persons unemployed within the meaning of paragraph (q) (1) of this section.

(v) "Rate of unemployment" means the number of unemployed persons within the meaning of paragraph (q) (3) of this section as a percent of the total number of persons in the civilian work force.

4. Section 55.4 is revised by adding new paragraphs (a), (b), and (c), and by revising the present paragraphs (a) and (b) and renumbering them as (d) and (e) respectively. As revised § 55.4 reads:

§ 55.4 Apportionment and allocation of funds.

(a) Funds available for apportionment under section 9(a) (1) of the Act will be distributed among the States by the Secretary in accordance with the following procedure:

(1) The total amount available shall be apportioned among the States so that each receives the percentage of the total amount that the proportion of the unemployed persons residing within that State is to the national total of unemployed persons.

(2) The total amount will be apportioned among the States so that each

State receives an amount equal to the percentage that the number of unemployed in excess of 4.5 percent in that State is of the sum of the number of unemployed in excess of 4.5 percent in all States with a rate of unemployment of 4.5 percent or more and

(3) The apportionment to each State will be the average of the amount apportioned under each of the above: *Provided, however,* That no State shall receive an apportionment of less than \$1,500,000 under this formula, and that for purposes of this paragraph (a), the trust territory, Guam, American Samoa and the Virgin Islands count as one State.

(b) The amount apportioned to the States shall be further allocated by the Secretary to individual Program Agents in accordance with the same two-part formula, except that the first amount to be allocated among areas within a given State shall be the amount that State would have received under paragraph (a)(1) of this section, and the second amount to be allocated among areas within a given State shall be the amount the State would have received under paragraph (a)(2) of this section. The actual amount for each Program Agent is the average of the amounts under each half of the formula.

(c) The funds for a city, county or town acting as Program Agent shall be reduced by an amount equal to the ratio of State government employees at work in that area to the total number of government employees working the area. The portion withheld will be allocated to the State government to provide employment in State public service jobs to unemployed residents of the Program Agent area: *Provided,* That no reduction shall be made when the amount to be withheld for State government amounts to less than \$25,000.

(d) The funds apportioned to the State government as Program Agent for the balance of State shall be further apportioned between local and State governments based on the percentage of State government to total government employment in the balance of State.

(e) Program Agents must allocate funds equitably among county and city levels of government, including public agencies which are independent of supervision by such level of government, in accordance with the following guidelines:

(1) When distributing funds for employment of residents within its geographic jurisdiction, the Program Agent shall give due consideration to the level and severity of unemployment in each city and county. Any such unit which would be entitled to less than \$25,000 may be excluded, and

(2) When distributing funds among employing agencies serving the same population, the Program Agent shall consider the number of public service jobs, the public service needs, and the size of the population served by each unit of government. Where appropriate, Federal and State agencies may also be made employing agencies.

(f) Program Agents and employing agencies may enter into contracts for necessary supportive or administrative services with public organizations and, except contracts for the employment of participants, with private organizations or individuals: *Provided,* Any such contract with a private organization or individual for an amount in excess of \$10,000 shall be effective only if approved by the Secretary.

5. Paragraphs (c) and (e) of § 55.7 are hereby amended to permit veterans to be given greater than proportional preference, and to require persons who qualify for PEP as unemployed persons to have been without work a minimum of 14 days. As amended these paragraphs read:

§ 55.7 Selection of participants.

(c) Each Program Agent shall be responsible for assuring (1) that participants will be chosen on an equitable basis, in accordance with the purposes of the Act, from among significant segments of the population in the area of unemployed and underemployed persons and (2) that preference will be given to unemployed and underemployed persons who are any one or more of the following (not necessarily in this order) until such time as they have been employed in proportion to their numbers in the unemployed population or in the case of veterans until a proportion of total hires as determined by the Secretary has been reached: (i) Disabled veterans of the Vietnam era and special veterans; (ii) young persons 18 years and older entering the labor force; (iii) persons 45 years of age or older; (iv) migrant farmworkers; (v) persons whose native tongue is not English and whose ability to speak English is limited; (vi) persons from families with incomes below the poverty level or welfare recipients; (vii) persons who have become unemployed or underemployed as a result of technological change or whose most recent employment was with Federal contractors who have cut back in employment because of shifts in Federal expenditure, such as in the defense, aerospace, or construction industries; or (viii) others who come from socioeconomic backgrounds generally associated with substantial unemployment and underemployment.

(e) Participants may not have been employed by a Program Agent or sub-agent less than 30 days prior to being re-employed by the same unit of government. Those who qualify as unemployed may not have worked for any employer less than 14 days prior to employment under the Act.

6. Section 55.15 is revised to delete authority for payment to participants of compensation at a rate in excess of \$12,000 a year from administrative funds, and to specify that the contracts for services that may not be impaired are

those of independent contractors. As revised § 55.15 (d) (1) and (f) read:

§ 55.15 Use of Federal funds.

(d) Federal funds granted under the Act for wages and benefits shall not be used to pay—

(1) Compensation to any participant at a full-time rate higher than \$12,000 a year plus fringe benefits to the extent they do not exceed those normally provided employees earning \$12,000.

(f) Federal funds shall not be expended for work that would otherwise have been performed at Federal, State, or local expense, which will not result in an increase over the employment which would otherwise be available, which will result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of nonovertime work or wages or employment benefits), or which will impair existing contracts of independent contractors for services.

7. Subpart B is revised to read as follows:

Subpart B—Grants Under Section 6 of the Emergency Employment Act

§ 55.30 Scope and purpose.

This subpart contains the policies, rules, and regulations of the Department of Labor in implementing the Special Employment Assistance Program under section 6 of the Emergency Employment Act of 1971 (Public Law 92-54, 85 Stat. 148).

§ 55.31 Definitions.

As used in this Subpart B in grant instruments entered into pursuant to this subpart:

(a) The definitions of "the Act," "civilian work force," "compensation," "health care," "participant," "poverty level," "professional work," "public service," "rate of unemployment," "Secretary," "special veteran," "subagent or subgrantee," "supportive or manpower services," "unemployed person," "underemployed person," and "veterans of the Vietnam Era" set forth in § 55.1 are hereby incorporated in this subpart.

(b) "Eligible area" means any previously recognized area which has substantial unemployment, and sufficient size and scope to sustain a public service employment program.

(c) "Eligible applicant" means any unit or consortium of units of general local government or any public agency or institution which is a subdivision of any such unit, which is or has within it an area of substantial unemployment. It does not include a State or any State or Federal agency or institution.

(d) "Employing agency" means any eligible applicant which has been designated by a Program Agent or the Secretary to employ participants with funds granted pursuant to section 6 of the Act.

(e) "Program Agent" means a State government or an eligible applicant

which has been designated by the Secretary for requesting, receiving, and administering funds pursuant to section 6 of the Act.

(f) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, provided that the government of the District of Columbia is deemed a local government as well as a State government.

(g) "Substantial unemployment" means unemployment equal to or in excess of 6 percent of the civilian work force which has lasted for 3 consecutive months, as determined by the Secretary.

§ 55.31a Incorporation of sections from Subpart A.

Sections 55.10, 55.15, 55.16, 55.17, 55.18, 55.19, and 55.20 are hereby made applicable to section 6 of the Act, except that § 55.16(c) shall not be construed to make administrative services performed by the State as Program Agent allowable as non-Federal share. Contributions in cash or in kind by the State toward the program of an eligible applicant are allowable.

§ 55.32 Applications for grants.

An application for a grant for section 6 funds may be submitted by a Program Agent acting through its chief elected officer or his designee, or, in the case of a combination of units, the officer designated by such combinations of units. The application shall contain all the information and assurances required by §§ 55.3 and 55.6: *Provided*, That the provisions of § 55.6(g)(2) requiring maximum placement efforts by the Program Agent in the event the national rate of unemployment falls below 4.5 percent are inapplicable.

§ 55.33 Apportionment and allocation of section 6 funds.

(a) The Secretary will make an initial apportionment of the funds he determines to be reasonably available under section 6 of the Act within 3 months after such funds are appropriated as follows:

(1) Not less than half the money shall be apportioned among the Program Agents with eligible areas so that each receives the percentage of the total amount that the proportion of the unemployed persons residing within eligible areas in the Program Agent's jurisdiction is to the sum of the number of unemployed persons residing in all eligible areas.

(2) The remaining funds shall be apportioned among the Program Agents so that each receives the percentage of the total amount which the proportion of the unemployed persons above 6 percent in eligible areas of the Program Agent's jurisdiction is to the sum of the number of unemployed above 6 percent in all eligible areas in the United States, and

(3) No funds shall be apportioned to a Program Agent for the employment of participants who reside in an eligible area which would receive less than \$25,000.

(b) Where the Program Agent's entire jurisdiction qualifies as an eligible area, the Program Agent shall allocate funds to identifiable subareas within its jurisdiction in accordance with the standards set forth in paragraph (a) of this section.

(c) Where the Program Agent's entire jurisdiction does not qualify as an eligible area, the Secretary will grant funds to the Program Agent for specified eligible areas within its jurisdiction in amounts determined in accordance with the procedures set forth in paragraph (a) of this section.

(d) Program Agents shall allocate funds equitably among city and county governments within whose jurisdictions eligible areas are located, including public agencies which are independent of supervision by such governments, taking into consideration the total governmental employment of each such governmental unit, public service needs, and such other factors as the Program Agent may deem significant in determining an equitable distribution of funds.

§ 55.34 Employing agencies.

(a) Only an eligible applicant may become an employing agency.

(b) Activities and services for which financial assistance is granted under section 6 of the Act must be administered by or under the supervision of a Program Agent.

(c) Program Agents may make subgrants to any eligible applicant as defined in § 55.31(b) for use in employing participants: *Provided, however*, the Program Agent remains responsible as provided in § 55.5 for assuring compliance by such employing agency with the Act, the regulations, and the grant conditions. If the Program Agent is a State, any eligible applicant receiving directly through it shall also be responsible to the Secretary for compliance with the Act, the regulations and the grant conditions and for any funds improperly expended.

(d) Program Agents and employing agencies may use funds allotted to them for contracts to purchase administrative services with public or private organizations: *Provided*, That any such contract with a private organization may not be for employment of participants: *And provided further*, That any such contract in excess of \$10,000 shall be effective only if approved by the Secretary.

(e) Participants may perform work for a Federal agency only if (1) the employing agency deems it in the best interest of its constituency to detail them for such work and (2) the host agency has authority to accept voluntary services or other legal authority to accept such work.

§ 55.35 Selection of participants.

(a) Paragraphs (a) through (e) inclusive and paragraph (g) of § 55.7 are applicable to grants made pursuant to section 6 of the Act.

(b) Participants shall be selected from among the residents of eligible areas within a city or county to which the

funds have been allocated in accordance with § 55.33. Wherever possible, employment opportunities shall be selected at job sites within the geographical boundaries of the area to be assisted, and the public services resulting from the public employment created shall be provided to residents of such area. If jobs are established outside the area, they must be within reasonable commuting distance

§ 55.36 Action upon applications.

(a) An application for a grant pursuant to section 6 of the Act will be approved if (1) the Program Agent or, when the Program Agent is the State, the eligible applicants receiving grant funds directly through it, have the legal capacity to operate the program proposed, (2) the application meets the requirements of the statute and of the regulations in this subpart, and (3) the Secretary finds in his discretion that the amount requested and the plan for its allocation within the area will best serve to reduce unemployment in areas of substantial unemployment.

(b) The Program Agent will be notified of action taken on an application; if approved the grant will be completed as provided in § 55.11(b). If the application is denied, a notice of denial will be sent to the Program Agent, accompanied by a brief statement of the reason for denial.

(c) In the event an acceptable application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial of termination, to be used by one or more alternative eligible applicants in furtherance of the purposes of section 6 of the Act.

§ 55.37 Adjustments in payments; termination of grants.

(a) If any funds are expended by a Program Agent, or an eligible applicant receiving through the State as Program Agent, in violation of the Act, the regulations, or grant conditions, the Secretary may make necessary or appropriate adjustments in payments to the Program Agent or may terminate the grant. If the violation is by an eligible applicant receiving grant funds directly from the State acting as Program Agent, the Secretary may seek recourse against such eligible applicant.

(b) The methods, provisions and procedures for adjustments in payments or termination of grants which are set forth in §§ 55.25 and 55.26 shall apply with respect to grants made pursuant to section 6 of the Act.

§ 55.38 Manpower and supportive services.

Federal funds made available under section 6 of the Act may not be expended for manpower, supportive services or health care.

8. Subpart C is revised to read as follows:

Subpart C—Grants to Indian Tribes on Federal or State Reservations

§ 55.40 Purpose and scope.

This subpart contains the policies, rules, and regulations to the Department of Labor with respect to grants to Indian tribes on Federal and State reservations under the Emergency Employment Act of 1971 (Public Law 92-54, 85 Stat. 146).

§ 55.41 Definitions.

As used in this Subpart C and in grant instruments entered into pursuant to this subpart.

(a) The definitions of "the Act", "compensation", "eligible applicant", "professional work", "public service", "Secretary", "special veteran", "subagent or subgrantee", "supportive or manpower services", "State", "unemployed person", "underemployed person" and "veteran of Vietnam Era" set forth in § 55.1 are hereby incorporated in this subpart.

(b) "Eligible applicant" means any unit of Federal, State, or general local government, or any public agency or institution which is a subdivision or consortium of Federal, State, or general local government, or the governing body of an Indian tribe on a Federal or State reservation. For purposes of this definition, a public agency or institution is deemed to be a subdivision of State or local government even if it is not directly responsible to such unit of government.

(c) "Eligible reservation" means the governing body of the Indian tribe or tribes on a Federal or State reservation. For purposes of this subpart an eligible reservation is deemed an eligible applicant.

(d) "Indian tribe on a Federal reservation" means a tribe located on land set aside for Indians and for which the United States is a trustee.

(e) "Indian tribe on a State reservation" means a tribe located on a reservation recognized by the State in which it is located.

(f) "Program Agent" means an intertribal council, an organization of Indians, or an eligible applicant which has been designated by the Secretary for requesting, receiving and administering funds intended for use in the employment of Indians residing on Federal and State reservations.

§ 55.42 Incorporation of sections from other subparts.

Sections 55.10, except for paragraph (a)(1), §§ 55.17, 55.18, and 55.19 are hereby incorporated in this Subpart C.

§ 55.43 Applications for grants.

(a) An application for a grant for funds may be submitted by a Program Agent acting through its highest authorized official. The application shall contain all the information and assurances required by §§ 55.3 and 55.6.

(b) The Program Agent shall assure all affected eligible reservations an opportunity for participation in all activities and decisions related to the administration of the program.

§ 55.45 Employing agencies.

(a) Either an eligible reservation or an eligible applicant which has been designated by an eligible reservation may be an employing agency.

(b) Grant expenditures pursuant to this subpart must be administered by or under the supervision of a Program Agent.

(c) If the Program Agent is not an eligible applicant, both the Program Agent and any eligible applicant receiving funds directly from the Program Agent shall be responsible to the Secretary for compliance with the Act, the regulations, and the grant conditions, and for any funds improperly expended.

(d) Program Agents may use their funds to purchase administrative and supportive services from public or private organizations: *Provided*, That Program Agents may not contract with private organizations for the employment of participants: *And provided further*, That any contract with a private organization in excess of \$10,000 shall be effective only if approved by the Secretary.

(b) Grant applications must be accompanied by a statement that a copy of the application, including the proposed distribution of funds, has been furnished to the Governor, and that a summary of the application has been published in two newspapers of general circulation in the area for the benefit of units of general local government which may be interested. Notice to the Governor may be given in accordance with the procedures established under the Intergovernmental Cooperation Act of 1968. The published notice shall specify where the application may be examined in full, and invite comment to the Program Agent and/or the Secretary. Both individual and published notice shall state that consideration will be given only to comments received within the time periods specified in § 55.10(c).

§ 55.44 Distribution and use of funds.

(a) The Secretary will allocate the funds to Program Agents for distribution to designated eligible reservations in proportion to the best estimate available of the comparative unemployment on each such reservation.

§ 55.46 Selection of participants.

(a) Paragraphs (a), (b), (c), (e), and (g) of § 55.7 are applicable to grants pursuant to this subpart.

(b) Participants shall be selected from persons living on or near the eligible reservation to which funds have been allotted. Wherever possible, employment opportunities shall be provided at jobsites within the geographical boundaries of the reservation, and the public services resulting from the public employment thereby created shall be provided to residents of the reservation. If jobs are established outside the areas they must be within reasonable commuting distance.

§ 55.47 Action on applications.

(a) An application for a grant for an Indian tribe under this subpart will be approved if (1) the Program Agent, or when the Program Agent is not an eligi-

ble applicant, the eligible applicant receiving funds directly through it, has the legal capacity to operate the program proposed, (2) the application meets the requirements of the statute and of the regulations in this subpart, and (3) the Secretary finds in his discretion that the amount requested and the plan for allocation will best serve to reduce unemployment on the eligible reservation or reservations.

(b) The Program Agent will be notified of action taken on an application in accordance with § 55.11(b). If approved, the grant will be completed as provided in said § 55.11(b); if the application is denied, a notice of denial will be sent to the Program Agent, accompanied by a brief statement of the reason for denial.

(c) In the event an acceptable application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial or termination, to be used by one or more alternative eligible applicants.

§ 55.48 Adjustments in payments; termination of grants.

(a) If any funds are expended by a Program Agent, or an eligible applicant receiving funds directly through a Program Agent which is not an eligible applicant, in violation of the Act, the regulations, or grant conditions, the Secretary may make necessary or appropriate adjustments in payments to the Program Agent or may terminate the grant in whole or in part. If the violation is by an eligible applicant receiving grant funds from a Program Agent which is not an eligible applicant, the Secretary may seek recourse against such eligible applicant.

(b) The methods, provisions, and procedures for adjustments in payments or termination of grants which are set forth in §§ 55.25 and 55.26 shall apply with respect to grants pursuant to this subpart.

§ 55.49 Funding.

(a) Paragraphs (d), (e), and (f) of § 55.15 are incorporated herein.

(b) Federal funds will be granted on the basis of program applications, and only for purposes (1) permitted under the provisions of Subpart 1-15.7 of Title 41 of the Code of Federal Regulations, entitled "Principles for Determining Costs Applicable to Grants and Contracts with State and Local Government," and (2) not barred under the remaining provisions of this part.

(c) Not less than 85 percent of the funds granted to a Program Agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants.

(d) It is hereby determined that the requirement for non-Federal share would cause a serious hardship for eligible reservations and therefore that requirement is waived with respect to grants under this subpart.

9. Subpart D is revised to read as follows:

Subpart D—Grants Under the Secretary's Discretionary Authority

§ 55.50 Purpose and scope.

This subpart contains the policies, rules, and regulations of the Department of Labor with respect to grants, except grants to Indian tribes which are covered by Subpart C of this part, pursuant to the Secretary's discretionary authority under the Emergency Employment Act of 1971 (Public Law 92-54, 85 Stat. 146).

§ 55.51 Incorporation of sections from Subpart A.

Sections 55.1, 55.3, 55.5, 55.10, 55.16, 55.17, 55.18, 55.19, 55.20, 55.25, and 55.26 are hereby incorporated in this Subpart D.

§ 55.52 Distribution and use of funds.

(a) The Secretary will designate the areas in which the discretionary funds shall be expended. These areas will not necessarily be identical with the respective jurisdictions of Program Agents under other subparts. Only eligible applicants serving such designated areas may receive funds.

(b) Funds granted for demonstration programs shall be allocated equitably by Program Agents, among the county and city levels of government, including public agencies which are independent of supervision by such level of government, in the designated areas covered in its application, subject to any directions of the Secretary.

(1) When selecting employing agencies, Program Agents shall give due consideration to the ability of each employing agency to employ participants belonging to the population segments specified by the Secretary in jobs meeting the Secretary's criteria, if any, and as appropriate, to the size and severity of unemployment in the particular area, and the number of public service jobs at each level of government.

(2) Where appropriate, Federal and State agencies may be made employing agencies. When a Federal or State agency is the employing agency, the jobs it creates must be located in the jurisdiction of the Program Agent from which it receives funds.

§ 55.53 Assurances.

(a) Section 55.6, except for paragraph (d), is hereby incorporated in this Subpart D.

(b) The grant application shall include a commitment by the Program Agent that it and the employing agencies responsible to it will utilize half the vacancies occurring in suitable occupations in their permanent work force, not financed from funds granted pursuant to the Act, for the purpose of providing participants permanent employment, except where this is prohibited by hiring practices required by law, regulation, or collective bargaining agreement and the Program Agent or employing agency has submitted a statement explaining the prohibition. Failure to abide by this commitment may lead to the withholding or denial of grant funds.

§ 55.54 Selection of participants.

(a) Paragraphs (a) through (c) and (g) of § 55.7 are incorporated herein.

(b) Paragraph (f) of § 55.7 is incorporated herein except as to participants in high impact demonstration programs in a Standard Metropolitan Statistical Area who may live anywhere in such area.

(c) Whenever, in order to facilitate a demonstration program, the Secretary decides to expend discretionary funds for the employment of specified categories of welfare recipients, or for any other limited category of participants, Program Agents and employing agencies shall select participants from the specified category in accordance with the Secretary's instructions, giving due regard to the requirements of § 55.7(c) (incorporated herein by paragraph (a) of this section) with regard to selection of members of all significant segments.

§ 55.55 Action upon application.

(a) An application for a grant from funds made available under section 9(a) (2) of the Act will be approved if (1) the Program Agent has the legal capacity to operate the program proposed, (2) the application meets the requirements of the statute and of the regulations in this

subpart, and (3) the Secretary has determined that the project is appropriate in accordance with section 9(a) (2) of the Act.

(b) The Program Agent will be notified of action taken on an application. If approved the grant will be completed as provided in § 55.11(b); if the application is denied, a notice of denial will be sent to the Program Agent, accompanied by a brief statement of the reason for denial.

(c) In the event an acceptable application is not filed within the time prescribed by the Secretary or is denied, or a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds released by such failure to file, denial or termination, to be used by one or more alternative eligible applicants in furtherance of the purposes of this subpart.

§ 55.56 Use of Federal funds.

(a) Paragraphs (a), (b), (d), (e), and (f) of § 55.15 are hereby incorporated in this subpart.

(b) Not less than 85 percent of the funds granted to a Program Agent, or the percent specified by the Secretary, shall be used for compensation and benefits to participants.

§ 55.57 Maximum compensation.

Where the Secretary sets a maximum on the compensation payable for a percentage of the jobs in a demonstration project, at least that percentage of jobs shall pay no more than the specified maximum.

§ 55.58 Waiver of requirements by Secretary.

The Secretary may waive any requirement under this subpart that is not specifically required by the Act if he finds it might impede the conduct of any demonstration program.

Signed at Washington, D.C., this 27th day of September 1972.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc. 72-16979 Filed 10-5-72; 8:52 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1032, 1050, 1062, 1064, 1065]

[Docket No. AO-313-A23 etc.]

MILK IN SOUTHERN ILLINOIS AND CERTAIN OTHER MARKETING AREAS

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

7 CFR Part	Marketing area	Docket No.
1032	Southern Illinois.....	AO-313-A23.
1050	Central Illinois.....	AO-355-A12.
1062	St. Louis-Ozarks.....	AO-10-A45.
1064	Greater Kansas City.....	AO-23-A44.
1065	Nebraska-Western Iowa.....	AO-86-A28.

Notice is hereby given of a public hearing to be held at the Holiday Inn-West, Interstate 270 at St. Charles Rock Road, Bridgeton, MO 63044 (near the St. Louis Municipal Airport), beginning at 10 a.m., local time, on October 18, 1972, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the aforesaid marketing areas.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions in each of the aforesaid marketing areas which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Associated Milk Producers, Inc., Champaign County Milk Producers Association, Mid-America Dairymen, Inc., Mid-West Dairymen's Company, Mississippi Valley Milk Producers Association, Prairie Farms Dairy, Inc., and Wisconsin Dairies Cooperative:

Proposal No. 1. Make such changes and additions to the Southern Illinois Order 32 as are necessary to establish an advertising, research, education and promotion program for milk and milk products in accordance with Public Law 91-670, including the following:

A. In § 1032.62, revise paragraph (b) (5) as follows:

§ 1032.62 Obligations of handler operating a partially regulated distributing plant.

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location plus 5 cents, or the Class II price, whichever is higher; and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant less the value of such skim milk at the Class II price.

B. In § 1032.71, add a new paragraph (c-1) as follows:

§ 1032.71 Computation of the uniform price.

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

C. In § 1032.84, revise paragraph (b) (2) as follows:

§ 1032.84 Payments to the producer-settlement fund.

(b) * * *

(2) The value at the weighted average price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1032.70(f).

D. Immediately following § 1032.89, add a new centerhead and new § 1032.100 through 1032.112 as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1032.100 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1032.111(b) (1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1032.101 Composition of the Agency.

Each cooperative association or combination of cooperative associations as

provided for under § 1032.103(b) with 1 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency representative plus one additional Agency representative for each additional full 15 percent of the participating member producers it represents. Cooperative associations with less than 1 percent of the total participating producers that have elected not to combine pursuant to § 1032.103(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency representative for the first full 1 percent plus one additional Agency representative for each additional full 15 percent that such producers constitute of the total participating producers. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

§ 1032.102 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1032.103 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 1 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1032.101 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than the required 1 percent of the producers participating in the advertising and promotion programs and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order, and annually

thereafter, the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives, as the case may be, and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1032.104 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting, unless the Agency determines that more than a simple majority shall be required.

§ 1032.105 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1032.100;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1032.100 and 1032.107.

§ 1032.106 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1032.100 and 1032.107;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) When desirable, establish an advisory committee(s) of persons other than Agency members;

(f) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(g) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(h) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1032.107 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1032.108 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1032.111(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1032.109 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1032.110 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the 1st day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1032.111 Duties of the market administrator.

Except as specified in § 1032.106 the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation of the Agency pursuant to § 1032.103(c);

(b) Set aside the amounts subtracted under § 1032.71(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1032.71(c-1).

(3) After the end of each calendar quarter, make a refund to each producer

who has made application for such refund pursuant to § 1032.110. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1032.71(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1032.100 through 1032.112).

(d) Audit the Agency's records of receipts and disbursements.

§ 1032.112 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1032.83.

Proposal No. 2. Amend the Central Illinois, St. Louis-Ozarks, Greater Kansas City and Nebraska-Western Iowa orders to provide for an advertising, research, education, and promotion program for milk and milk products in the same manner as set forth in Proposal 1 for the Southern Illinois order but including a procedure for the application of the "program" deductions to the uniform prices for base and excess milk in the case of the Greater Kansas City order.

Proposed by the Dairy Division, Agricultural Marketing Service.

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from the Market Administrators of the respective orders, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C. on October 3, 1972.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc. 72-17167 Filed 10-5-72; 8:52 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determinations To Be Made Regarding Marketing Quotas, National, State, and County Acreage Allotments, County Normal Yields; Referendum on Marketing Quotas for 1973 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1973 crop of rice; to determine and proclaim the national acreage allotment for the 1973 crop of rice; to apportion among States and counties the national acreage allotment for the 1973 crop of rice; to establish county normal yields for the 1973 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1973 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1972 the Secretary determines that the total supply of rice for the 1972-73 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1972, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1973. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1973 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1968 through 1972, produce an amount of rice adequate, together with the estimated carryover from the 1972-73 marketing year, to make available a supply for the 1973-74 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1972.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1973 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1973 will be not less than 1,652,596 acres.

As defined in section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 percent of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1-July 31.

Section 353 (a) and (c) (6) of the act requires that the national acreage allotment of rice for the 1973 crop, less a reserve of not to exceed 1 percent thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1973 crop would be apportioned to producers in "producer States" and to farmers in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice (§§ 730.61 to 730.87, 33 F.R. 14520, 17764; 34 F.R. 3733, 5629; 35 F.R. 5995, 11454; 36 F.R. 1465, 3253, 11849).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1973 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1968 through 1972 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year year are not available, or there is no actual yield, an appraised yield for such year data are not available, or there with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1968 through 1972 is less than 75 percent of the average, 75 percent of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1968 through 1972 is in excess of 125 percent of the average, 125 percent of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1973 crop of rice, including national, State, and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER to be sure

of consideration. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 2, 1972.

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

[FR Doc.72-17168 Filed 10-5-72; 8:52 am]

Commodity Credit Corporation

[7 CFR Part 1421]

SOYBEAN

1973 Crop Loan and Purchase Program; 1972 Crop and Reseal Loan Program

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303 and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; 7 U.S.C. 1447, 1449, and 1421), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; 15 U.S.C. 714b and 714c), is considering a loan and purchase program for the 1973 crop of soybeans. Such consideration includes determinations relative to (a) the national average loan and purchase rate for the 1973 crop of soybeans; (b) the manner of making loans and purchases available to producers; (c) county loan rates; (d) the extension of the maturity date for loans secured by 1972 crop soybeans; and (e) other soybean program matters.

The determinations specified above are to be based on the following:

(a) *The national average loan and purchase rate for the 1973-crop of soybeans.* The Agricultural Act of 1949 authorizes the Secretary to make loans and purchases available to producers of soybeans at a level not in excess of 90 percent of the parity price for the commodity. The Act requires that, in determining the level of such rate, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In determining the loan and purchase rate, particular consideration is required to be given to the levels at which the prices of competing agricultural commodities are being supported.

(b) *The manner of making loans and purchases available to producers.* The Act authorizes the Secretary to make a program available to producers through loans, purchases or other op-

erations. Consideration is being given to making the program available through farm and warehouse storage loans to, and purchases from, producers. County loan rates and detailed operating provisions will also be reviewed. Program provisions for the 1972 crop of soybeans may be found in 7 CFR Part 1421. County loan rates and additional provisions for the 1972 crop of soybeans may be found in 37 F.R. 10718, May 27, 1972.

(c) *Extension of maturity date for loans secured by 1972-crop soybeans.* Consideration is also being given to extending the maturity date of outstanding loans secured by 1972-crop soybeans. Provisions of prior extended loan program may be found in 7 CFR Part 1421.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Oilseeds and Special Crops Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 30 days after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) (7 CFR 1.27(b)).

Signed at Washington, D.C., on October 2, 1972.

GLEN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.72-17170 Filed 10-5-72; 8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

USE OF CERTAIN TERMS IN LABELING OF PRODUCTS FOR USE IN ANIMALS

Proposed Statement of Policy

The Food and Drug Administration, for a number of years, has expressed the opinion that the unqualified use of terms such as "tonic," "toner," "tone," or "conditioner" in the labeling of products intended for use in animals, tends to imply a therapeutic effect which the products involved may be incapable of achieving and thus misbrand the products. The Commissioner of Food and Drugs has determined that a policy statement should be issued to insure that all manufacturers and distributors of such products are aware of the position of the Food and Drug Administration.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 502(f), 512, 701(a), 52 Stat. 1046, 1051, 1055, 82 Stat. 343-351; 21 U.S.C. 342, 343, 352(f), 360b, 371 (a)) and under authority delegated to

the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended by adding the following new section:

§ 135.112 Use of terms such as tonic, tone, toner or conditioner in the labeling of preparations intended for use in animals.

The unqualified use of words such as "tonic," "tone," "toner," "conditioner" and similar terms in the labeling of products intended for use in animals imply therapeutic efficacy without listing the specific benefit or ailment involved. Thus, such labeling implies a drug status but fails to provide adequate directions and indications for use as required by the Federal Food, Drug, and Cosmetic Act, and are misbranded under the act. Such representations may be used only when appropriately qualified so as to fully inform the user of the products regarding their function and provided adequate data are available to support the claim.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments 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 29, 1972.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.72-17101 Filed 10-5-72; 8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-RM-19]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the description of the Watertown, S. Dak. control zone and transition area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, Post Office Box 7213, Denver, CO 80207. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing

is contemplated at this time, but 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, 10455 East 25th Avenue, Aurora, CO 80010.

Three new instrument approaches are being developed for the Watertown Municipal Airport. Alteration of the control zone and transition area is necessary to provide controlled airspace protection for aircraft executing these procedures.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.171 (37 F.R. 2056) the description of the Watertown, S. Dak., control zone is amended to read as follows:

WATERTOWN, S. DAK.

Within a 5-mile radius of Watertown Municipal Airport (latitude 44°54'51" N., longitude 97°09'16" W.); within 1.5 miles each side of the Watertown VORTAC 001° radial, extending from the 5-mile radius zone to 2.5 miles north of the VORTAC; and within 1 mile each side of the Watertown VORTAC 181° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC.

In § 71.181 (37 F.R. 2143) the description of the Watertown, D. Dak., transition area is amended to read as follows:

WATERTOWN, S. DAK.

That airspace extending upward from 700 feet above the surface within a 14.5-mile radius of the Watertown VORTAC extending clockwise from the 238° radial to the 086° radial; within a 26-mile radius of the Watertown VORTAC extending clockwise from the 086° radial to a line located parallel to and 4.5 miles west of the 181° radial; and within 6 miles east and 9.5 miles west of the Watertown VORTAC 001° radial extending from the VORTAC to 21 miles north; and that airspace extending upward from 1,200 feet above the surface within 9.5 miles east and 7 miles west of the 181° radial extending from the VORTAC to 31.5 miles south; and within a 26-mile radius of the Watertown VORTAC extending clockwise from a line 7 miles west of and parallel to the 181° radial to the 238° radial.

These amendments are proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., September 28, 1972.

M. M. MARTIN,

Director, Rocky Mountain Region.

[FR Doc. 72-17108 Filed 10-5-72; 8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 72-WE-39]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Las Vegas, Nev. transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but 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, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

The proposed airspace action to provide additional 1,200 foot transition area will permit Las Vegas Tower to control Nellis AFB traffic entering and leaving restricted area R-4806 and proceeding to other operating areas.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (37 F.R. 2143) the description of the Las Vegas, Nev. transition area is amended in part as follows: Beginning in line 6 delete " * * ", latitude 36°16'00" N., longitude 115°32'00" W., " * * " and substitute " * * ", latitude 36°16'00" N., longitude 115°55'00" N., to latitude 36°58'00" N., longitude 115°55'00" W., " * * " therefore.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on September 27, 1972.

ROBERT O. BLANCHARD,

Acting Director, Western Region.

[FR Doc. 72-17109 Filed 10-5-72; 8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[Economic Regs. Docket No. 24510; EDR-234]

FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Proposed Reporting Data

Notice is hereby given that the Civil Aeronautics Board has under consideration miscellaneous amendments of Part 239 of the Economic Regulations (reporting data pertaining to freight loss and damage claims by certain air carriers and foreign route air carriers).

The principal features of the proposed amendments are described below in the explanatory statement and the proposed amendments are set forth below. The amendments are proposed under the authority of sections 204(a), 402, and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; 49 U.S.C. 1324, 1372, 1377.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before November 7, 1972, will be considered by the Board before taking final action on the proposed amendments. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

Dated: September 29, 1972.

By the Civil Aeronautics Board.

[SEAL]

HARRY J. ZINK,
Secretary.

Explanatory statement. By ER-725, adopted March 15, 1972, effective April 1, 1972,¹ the Board adopted a new part to establish a system of reporting freight loss and damage claims by certain air carriers and foreign route air carriers. The system was designed to enable the Board and numerous other organizations, both public and private, to be informed of current trends or problems relating to air freight loss and damage and to provide data whereby the Board may take appropriate action. Subsequent to the issuance of the new part the Board stayed for an indefinite period the effectiveness of requiring the reporting of Item 21 of Schedule A, i.e., the total dollar amount of freight revenue received for each commodity reported on the schedule.²

¹ 37 F.R. 5932, Mar. 23, 1972.

² ER-746, 37 F.R. 12786, June 29, 1972.

Various certificated route air carriers, through Air Transport Association (ATA), filed a petition for rule making to amend the part in certain respects.³ They seek, among other things, modification of the definitions of the following terms: "delay," "pilferage," "shortage," and "theft." In addition, the petition asks that if the Board adopts one or more of the above requests, such amendment should be made applicable to the first and subsequent reports due under the part.⁴

Flying Tiger, which alone filed an answer to the petition, supports the petition with respect to the requested revision of the term "delay." However, Flying Tiger opposes ATA's petition with respect to the requested revision of the definitions of "theft," "shortage," and "pilferage," proposes different definitions for these terms and suggests affirmance of the existing definition of "shortage" in case the Board does not adopt its own alternate proposal.

Part 239 now defines "delay" as "monetary loss resulting from the lack of timely movement. This includes, but is not limited to, consequential or special damages; it does not include physical damage to the property." The ATA carriers' revised definition would read "Delay means the lack of timely movement," with a footnote placed in the regulation or on the report form referenced to "delay" and reading as follows:

The amount shown is the monetary loss resulting from delay. This figure shall include consequential or special damages and physical damage to items subject to deterioration resulting from delay en route.

They assert that since delay is a cause, not a result, it should not be defined as "monetary loss."

We believe that the existing definition of "delay" is ambiguous. Therefore we propose to define delay as the lack of timely movement of cargo resulting in loss, with a footnote added in the rule as well as on the report form to indicate that, where a claim involves both delay

and physical damage, it should be reported under whichever category ("damage" or "delay") contributes most to the settlement of the claim. This definition would make clear that claims reported under the category "delay" would not include those based solely or principally on deterioration or other physical damage to the cargo. See § 239.1, *infra*.

SHORTAGE, THEFT, AND PILFERAGE

The terms "shortage," "theft," and "pilferage" are defined in the existing regulation as follows:

"Shortage" means failure to deliver all or part of shipment to consignees for unknown reasons. It includes loss for unknown reasons.

"Theft" means all known stealing, without use of force or threat of force, of any whole shipping unit or units of freight (not necessarily a complete shipment).

"Pilferage" means all known stealing, without use of force or threat of force, of a partial freight shipping unit.

The ATA carriers would modify all of the above terms. They maintain that, under the Board's definitions of theft and pilferage, few, if any, incidents of what the carriers regard as theft or pilferage under their reporting of freight loss and damage claims to ATA, would be considered theft or pilferage under the Board's definitions since the Board's "known stealing" would require the "culprit" to be apprehended, tried, and convicted before applicable claims-paid data could be classified as theft or pilferage. The ATA carriers request the following definitions of shortage, theft, and pilferage as substitutes for the current definitions:

"Shortage" shall be defined as any instance in which cargo manifested by one station to another is not deliverable by the destination station.

"Theft" is defined as the disappearance of any whole unit of air cargo (not necessarily a complete shipment) or units from the custody of the airlines terminal or station when it is known that such freight was in their custody.

"Pilferage" is the known loss of a partial air freight shipment through observable damage to the shipping container.

Flying Tiger opposes the ATA carriers' definitions. It states that the above definition of theft is too broad in that it would include instances where cargo is misrouted and not subsequently recovered due to a loss of documentation or deterioration of property. As between ATA's and the Board's definitions of "theft," Flying Tiger prefers the latter.

Flying Tiger asks also for the same definitions for these terms that it requested in comments filed in response to EDR-197, the Board's proposed rule which was the predecessor to Part 239. This carrier would have the column "shortage" in Schedule A deleted and would add a new principal classification called "loss" made up of the following four sub-classifications: Known theft, pilferage, apparent theft, and unknown cause. "Known theft" it would define as cases in which robbery or theft of a shipping

container and contents is positively known to have occurred; "pilferage," as cases where a shipping container was broken into and all or part of the contents taken; "apparent theft," as instances where the facts indicate probable theft; and "unknown cause," as all other cases of failure to deliver all or part of a shipment to a consignee. According to Flying Tiger, if the Board does not adopt the above proposal, the Board should retain the present definition of "shortage" in preference to ATA carriers' proposed definition of that term.⁵

In light of the comments filed, we are proposing certain redefinitions and reclassifications of data submitted. It is apparent that under the present rule the determination of whether loss is classified as theft or pilferage (both of which are defined in part as "known stealing") or as shortage (failure to deliver for "unknown reasons") is largely a matter of subjective judgment. Thus, the carriers will vary as to the extent of the factual showing needed in order to classify a particular loss as involving known stealing. The definitions and classifications in the existing rule will thereby create a lack of uniformity in the reporting and may involve an undue burden on the carriers in making judgments as to classifications. The same is true of Flying Tiger's suggested revisions which would necessitate the making of subjective determinations by carriers. While the revised definitions proposed by the ATA carriers are not open to the criticism of subjectivity, their definitions of "shortage" and "theft" are so framed as to encompass claims data not generally regarded as falling within such terms.⁶

Our proposed revised classifications should eliminate to a large extent the above problems faced by the carriers. This will be accomplished by redefining the term "shortage" so as to encompass all failure to deliver and employing the following subclassifications of shortage: Robbery, pilferage, and theft or other shortage. In this manner, theft would be reported along with all shortages that are neither pilferage nor robbery under the heading "theft or other shortage." This last term in turn will be defined as "the disappearance without use of force or threat of force, of any whole shipping unit or units of air cargo (not necessarily a complete shipment)." In addition, the term "pilferage" will be redefined to eliminate the present subjective element as follows: "The known loss of a partial air freight shipment through observable damage to the shipping container."

The Board proposes to amend Part 239 of the Economic Regulations as follows:

³ Flying Tiger argues that the ATA carriers' definition of "shortage" is too broad in that it would include damage due to deterioration of perishable cargo.

⁴ The ATA carriers' definition of "pilferage" is included in the Board's proposed rule.

⁵ For example, misrouting and subsequent loss of documentation would be classified by the ATA carriers as "theft," while damage due to deterioration of perishable products would be classified as "shortage."

⁶ The petition was filed on behalf of: Air Canada; Alaska Airlines, Inc.; Allegheny Airlines, Inc.; Aloha Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Delta Air Lines, Inc.; Eastern Air Lines, Inc.; Frontier Airlines, Inc.; National Airlines, Inc.; North Central Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Ozark Air Lines, Inc.; Pan American World Airways, Inc.; Piedmont Aviation, Inc.; Southern Airways, Inc.; Texas International Airlines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; Airlift International, Inc.

⁷ The petition also requests (1) a longer period of time after the end of the reporting period for the filing of reports; and (2) permission for Air Cargo, Inc., which performs pickup and delivery service for the certificated route air carriers, to file claims paid data with respect to surface movements on behalf of such carriers. These matters are being disposed of in a final rule issued contemporaneously herewith, ER-771.

⁸ The first report covered the calendar quarter ended June 30, 1972, and was due at the Board on July 30, 1972.

1. Amend the table of contents of Part 239 to read in part as follows:

Sec.
239.7 Schedule B—Analysis of shortage.

2. Amend § 239.1 in the following respects:

§ 239.1 Definitions.

As used in this part, unless the context otherwise requires—

"Delay" means lack of timely movement of cargo resulting in loss. This includes, but is not limited to, consequential or special damages; it does not include deterioration or physical damage to the property.

NOTE: Claims involving both delay and physical damage will be reported under the category contributing most to the settlement of the claim, e.g., if over half is attributable to actual physical damage, enter the data under Visible (or Concealed) Damage; if less than half, enter the data under "Delay."

"Pilferage" is the known loss of a partial air freight shipment through observable damage to the shipping container.

"Shortage" means failure to deliver all or part of shipment to consignees.

"Theft or other shortage" means the disappearance, without use of force or threat of force, of any whole shipping unit or units of air cargo (not necessarily a complete shipment).

3. Amend § 239.2(b) to read in part as follows:

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

(b) CAB Form 239 entitled "Report of Freight Loss and Damage Claims," consisting of the certification and the following schedules, shall be filed by some or all of the classes of carriers designated in paragraph (a) of this section in accordance with the filing frequency specified below:

(3) Schedule B—Analysis of Shortage	Quarterly.
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4. Amend § 239.6(h), (i), (j), (k), and (l) to read in part as follows:

§ 239.6 Schedule A—Report of Freight Loss and Damage Claims Paid.

(h) Columns (4) through (15)—For each line reported in column (3), show the number of claims paid and related whole-dollar amounts, broken down among the various causal reasons which resulted in the payments.

(i) Column (16)—For each commodity reported in column (2), show the whole-dollar amounts of the actual losses incurred by the shipper.

(j) Columns (17) and (18)—For each line listed in column (3) show in column (17) the total number of claims paid reported in columns (4), (6), (8), (10), (12), and (14), and in column (18) show the total whole-dollar amounts reported in columns (5), (7), (9), (11), (13), and (15).

(k) Column (19)—For each line reported in column (3), show the gross revenue received during the reporting quarter.

(l) Following the last entry made on this schedule, show the grand totals for each of columns (4) through (19). Also, immediately below the grand totals, insert data for the two lines reading: "Claims presented to direct air carrier by forwarder(s)" and "claims presented by other than forwarders." The second of these two lines will apply only to a report of a direct air carrier. Complete columns (4) through (19) for each of these lines, as applicable.

5. Amend the title and provisions of § 239.7. As amended, § 239.7 will read in part as follows:

§ 239.7 Schedule B—Analysis of Shortage.

(d) Columns (3), (4), and (5)—For each claim reported in column (2), show the dollar amounts borne by the reporting carrier which are attributable to "Pilferage," "Robbery," and "Theft or other shortage," respectively.

6. Amend Schedules A and B of CAB Form 239.

[FR Doc. 72-17173 Filed 10-5-72; 8:52 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 331]

CONTRACT COVERAGE

Proposed Exemptions and Waivers

The Cost Accounting Standards Board has been requested by letter dated May 12, 1972, from the Assistant Secretary of Defense (I&L) to exclude certain contracts from Cost Accounting Standards Board requirements. Contracts for which exclusion was sought are contracts for the set-aside portion made pursuant to labor surplus area set-aside programs, and contracts with contracting agencies of foreign governments, or more specifically, the Canadian Commercial Corp. (CCC). The Canadian Department of Industry, Trade and Commerce in a letter of September 13, 1972, requested an exemption from Board requirements for Canadian companies located in Canada. Finally, the Western Electric Co. has requested an exemption for sales of its Bell System items to the Government.

In considering the Assistant Secretary's request, the Board has reviewed

* Filed as part of the original document.

the nature and purpose of the special procurement techniques involved in making labor surplus area set-aside contracts, as well as the probable consequences of applying Cost Accounting Standards Board requirements to the contracts for the set-aside portion.

The price of such contracts under ASPR 1-804 and FPR 1-1.804 is determined by actions which are completely independent of the set-aside contractor's proposal. That price is the price at which the non-set-aside portion of the procurement has been awarded. Set-aside offerors who satisfy certain criteria are offered the opportunity to accept a contract for the set-aside portion at that specified fixed price. The set-aside offeror may accept the contract or not, but both he and the Government are bound by the specific rules by which the contract price is fixed. Neither party may vary that price. The Board, therefore, proposes that such contracts be excluded from operation of Cost Accounting Standards Board Standards, rules, and regulations.

With respect to the request concerning contracts awarded to the CCC, the Board has considered the circumstances and conditions surrounding the proposals leading to contracts of the type described as well as the methods of administering and settling such contracts. The probable consequences of applying Cost Accounting Standards Board requirements to those contracts have been evaluated in the light of that consideration.

The contracts proposed to be excluded by this action are contracts which are entered into pursuant to a general agreement between the Government agencies involved which establishes the rights and responsibilities of each. The agreement provides that the CCC will perform most of the administrative services involved in contract and subcontract performance. This includes inspection, audit, and renegotiation as well as other functions which are an integral part of contract administration. The Board, therefore, proposes that such contracts, because the bulk of their administration is carried on without direct participation by U.S. contract administrators, be excluded from operation of the Cost Accounting Standards Board Standards, rules, and regulations.

The Western Electric Co., a wholly owned subsidiary of the American Telephone & Telegraph Co., has petitioned the Cost Accounting Standards Board for an exemption of certain contracts for the sale of Bell System items. These items are sold in substantial quantities to Bell affiliated companies and in very small quantities to the Government and to other commercial purchasers. The Department of Defense has indicated that Bell System items are needed to replace, repair, or interface with a system already in place to insure compatibility. The Department has stated that the consequences of not having these items available could very well be the complete inoperation of the system. Weapon system and other special contracts that

Western Electric has with Government agencies for non-Bell System items are not involved in the petition.

Officials of the Department of Defense have entered into a Class Determination and Findings (JCD&F No. 6) waiving until June 30, 1973, the requirement for submission and certification of cost or pricing data for those materials, supplies and services which are standard Bell System items for the class of contracts consisting of prime contracts between Department of Defense procuring activities and the Western Electric Co.

The Federal Communications Commission (FCC), and the various State utility commissions, in their reviews of requests for rate changes, are normally responsible for determining the reasonableness of the costs included in the rate base by the petitioning utility companies. Requests for rate changes from Bell System affiliated companies include as part of each company's rate base any costs to the company for Bell System items purchased from Western Electric Co. At the present time, the FCC is in the process of examining into the interstate telephone service of A.T. & T. and the associated Bell System companies. In connection with the pending case, popularly referred to as Phase II, FCC proposes, among other things, to examine in depth the accounting practices of Western Electric Co. as part of a detailed study of the prices Western Electric charges to the Bell System. To assist it in this study, the FCC has awarded a contract to a national public accounting firm to analyze Western Electric's operations.

The Board recognizes a possibility that imposition of Standards as to the items sold to the Government could have an impact on the accounting practices of Western Electric with respect to items sold to the Bell System. Such impact, were it to occur, could affect the review being undertaken by FCC and impede the progress of that Commission's Phase II case.

In view of the assertion by the Department of Defense as to the essentiality of Bell System items, and particularly because the FCC action may directly deal with Western Electric cost and pricing practices on an overall basis, it appears to the Board appropriate to suspend application of Cost Accounting Standards Board requirements while the FCC action is in progress. Upon conclusion of Phase II, the Board will be in a position to evaluate the impact of the FCC action and to determine then how the application of Cost Accounting Standards Board requirements to this segment of Western Electric Co. operations should be treated.

For the foregoing reasons, it is proposed to suspend the requirement for inclusion of the Cost Accounting Standards Board Clause to contracts of the type described with Western Electric Co. until June 30, 1973.

The Defense Security Assistance Agency has indicated that inclusion of the Cost Accounting Standards clause may increase significantly the difficulties connected with implementing offset arrangements. Similarly, the Assistant Sec-

retary of Defense (I&L) believes that application of Standards to foreign contracts could adversely affect the U.S. trade balance. In recognition of such possibilities and of other problems which could arise abroad, the Board proposes to establish a mechanism by which waivers, when justified, can be granted for a contract or subcontract or class of contracts or subcontracts to be performed outside the United States by a foreign government or a foreign concern.

In the interest of assisting users of its regulations, the Board also proposes to recaption § 331.3 to reflect more completely the substance of that section. Also, in the interest of clarity, the waiver provision in § 331.6(c) is deleted from that section and transferred to § 331.3.

Interested parties are invited to submit written views concerning these proposals to the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548, to arrive no later than November 6, 1972. All written submissions made pursuant to this notice will be made available for public inspection at the Board's offices during regular business hours.

The following modifications to Part 331 of the Board's regulations are proposed to reflect the foregoing views:

PART 331—CONTRACT COVERAGE

In the table of contents, revise § 331.3 to read as follows:

Sec.

331.3 Applicability, exemption, and waiver.

Section 331.3, *Applicability*, is modified by adding subparagraphs (4), (5), and (6) to paragraph (b) and by adding a new paragraph (c) to read as follows:

§ 331.3 Applicability, exemption, and waiver.

* * *

(b) * * *

(4) Any contract made with a labor surplus area concern pursuant to procedures providing for a partial set-aside for such concern as set out in ASPR 1-804, 32 CFR 1.804; and FPR 1-1.804, 41 CFR 1-1.804.

(5) Any contract awarded to the Canadian Commercial Corp. in accordance with the terms of the Agreement of July 27, 1956, as amended, between the Department of Defense Production (Canada) and the U.S. Departments of the Army, the Navy, the Air Force, and the Defense Supply Agency.

(6) Any contract awarded to Western Electric Co. for materials, supplies or services which are standard items of the Bell System. This paragraph 6 expires on June 30, 1973.

(c) (1) Upon request by an agency head, the Cost Accounting Standards Board may waive the requirements of paragraph (a) of this section with respect to a contract, subcontract, or class of contracts or subcontracts to be performed outside the United States by a foreign government or a foreign concern, as defined in ASPR 6.001(f), 32 CFR 6.001(f). Any such waiver will be issued

only upon a clear showing by the agency head that inclusion of the Cost Accounting Standards Clause is impractical. Any request for a waiver shall describe the specific contract(s) or subcontract(s) for which waiver is sought and shall contain a complete statement of (i) the reasons why inclusion of the requirements is deemed impractical, (ii) the urgency of the project or program involved, (iii) any alternative methods of fulfilling the project or program needs and the reasons for rejecting such alternatives, (iv) the estimated dollar value of the contract(s) or subcontract(s) for which waiver is sought, and (v) any other information which may aid the Board in evaluating the requested waiver.

(2) In the event the agency head determines that it is impractical to secure a required Disclosure Statement in accordance with the contract clause and § 331.6, he may authorize award of such contract or subcontract. He shall within 30 days thereafter submit a report to the Cost Accounting Standards Board, setting forth all material facts. The authority in this § 331.3(c) (2) shall not be delegated.

§ 331.6 [Amended]

Section 331.6 *Post award disclosure* is modified by deleting paragraph (c).

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 72-17171 Filed 10-5-72; 8:52 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 72-1142]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Issuance of Obligations by Federal Savings and Loan Associations

SEPTEMBER 26, 1972.

Section 5(b) (2) of the Home Owners' Loan Act of 1933, as amended effective August 1, 1968, authorizes the Federal Home Loan Bank Board to permit Federal savings and loan associations to issue "notes, bonds, debentures, or other obligations, or other securities (except capital stock)." The Board now considers it advisable to propose regulations which will permit all Federal associations and all State-chartered associations insured by the Federal Savings and Loan Insurance Corporation to issue certain subordinated debt securities, subject to the prior written approval of the Corporation. In this connection, it is necessary to amend § 545.24 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.24) to permit Federal associations to issue such securities in compliance with the provisions of § 563.8-1 of the rules and regulations for Insurance of Accounts (12 CFR 563.8-1), which the Board has proposed together with this amendment. Accordingly, it is hereby proposed to

amend said § 545.24 by revising it to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by November 10, 1972, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.24 Borrowing, issuance of obligations, and giving of security.

An association may borrow to such extent as is authorized by the terms of its charter or by the Board by advice in writing. An association may issue such notes, bonds, debentures, or other obligations, or other securities, as are not inconsistent with the terms of paragraph (2) of subsection (b) of section 5 of the Home Owners' Loan Act of 1933, as amended, (a) to the extent that such issuance is in compliance with the provisions of § 563.8-1 of this chapter or (b) to such extent as is otherwise authorized by the Board by advice in writing. To such extent as is authorized by the terms of its charter or by the Board by advice in writing, an association may give security, but an association shall not give security for any of its shares or share accounts or for any of its savings accounts representing share interests in the association.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc. 72-17149 Filed 10-5-72; 8:50 am]

[No. 72-1143]

[12 CFR Parts 561, 563]

**FEDERAL SAVINGS AND LOAN
INSURANCE CORPORATION**

**Proposed Issuance of Subordinated
Debt Securities by Insured Institutions**

SEPTEMBER 26, 1972.

Under section 403(b) of the National Housing Act, as amended, no institution insured by the Federal Savings and Loan Insurance Corporation may "issue securities which guarantee a definite return or which have a definite maturity except with the specific approval of the Corporation." A number of insured institutions have applied for approval of the issuance of various types of subordinated debt securities as a means for augmenting their "net worth" to provide a broad-based capital base for expanded operations. The Federal Home Loan Bank Board con-

siders it advisable to provide uniform requirements for the issuance of such securities by insured institutions and has determined that it should propose amendments to Parts 561 and 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 561, 563) for that purpose. Accordingly, it is proposed to amend such Parts 561 and 563 as set forth below.

The amendments of §§ 561.2 and 561.3 would make it clear that the account insurance provided by the Corporation does not apply with respect to subordinated debt securities.

The amendment of the definition of "net worth" in § 561.13 would permit subordinated debt securities to be counted as net worth, subject to certain limits, in an amount not exceeding 20 percent of total net worth (including subordinated debt). A new definition of "subordinated debt security" would be added as § 561.24.

New § 563.7-2 would make it clear that no insured institution could issue any securities which guarantee a definite return or which have a definite maturity except for (1) certificate accounts issued under § 563.3-1, (2) securities issued in borrowings made under § 563.8, (3) subordinated debt securities issued pursuant to § 563.8-1, and (4) securities issued with the specific prior written approval of the Corporation.

Section 563.8, governing borrowing by insured institutions, would be amended by adding two provisions. The first would have the effect of including the issuance of subordinated debt securities within the limit on borrowing from a source other than a Federal Home Loan Bank. The second would require, in computing the amount of subordinated debt securities available for net worth purposes, the deduction, from the face amount of such outstanding securities, of the amount of any related sinking fund or specific reserve account.

New § 563.8-1 would provide for the issuance of subordinated debt securities by insured institutions and would require submission of an application for approval of each issuance, except in supervisory cases. Paragraph (b) would impose certain "eligibility requirements" which the applicant institution would have to meet at the time of application. Paragraph (d) would set forth certain requirements relating to the form of the securities, require that the securities have a minimum term of 7 years, and prohibit any public offering or public advertising in connection with the issuance of the securities.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by November 10, 1972, as to whether these proposals should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Fed-

eral Home Loan Bank Board (12 CFR 505.6).

1. It is proposed to amend Part 561 by revising §§ 561.2, 561.3 and 561.13, and by adding a new § 561.24 thereto, to read as follows:

§ 561.2 Insured member.

The term "insured member" means the holder of an account or accounts in an institution insured by the Corporation. Such holder is a separate insured member in each of the capacities and to the extent provided in Part 564 of this subchapter. The term does not include the holder of any subordinated debt security issued by an insured institution.

§ 561.3 Insured account.

An "insured account" is a withdrawable or repurchasable share, investment certificate, deposit, or savings account held by an insured member in an institution insured by the Corporation. Accounts which by the terms of the contract of the holder with the institution or by provisions of State law cannot be withdrawn or the value thereof paid to the holder until all of the liabilities, including other classes of share liabilities, of the institution have been fully liquidated and paid upon the winding up of the institution are not insurable, and are hereinafter referred to as "nonwithdrawable accounts." Subordinated debt securities issued by an insured institution are deemed not to be "accounts," and such securities are not insurable.

§ 561.13 Net worth.

The term "net worth" means the sum of all reserve accounts (except specific or valuation reserves), surplus, capital stock, and any other nonwithdrawable accounts of an insured institution; the term also includes, up to a limit of 20 percent of total net worth, any subordinated debt securities (the amount of which shall be calculated as provided in § 563.8 of this subchapter) issued with the prior written approval of the Corporation as provided in § 563.8-1 as long as the remaining period to maturity (or time of any required sinking fund or other prepayment or reserve allocation, with respect to the amount of such prepayment or reserve) is not less than 1 year.

§ 561.24 Subordinated debt security.

The term "subordinated debt security" means any unsecured note, debenture, or other debt security issued by an insured institution and subordinated on liquidation to all claims having the same priority as savings account holders or any higher priority.

* 2. It is proposed to amend Part 563 by revising § 563.8 and by adding new §§ 563.7-2 and 563.8-1 thereto, to read as follows:

§ 563.7-2 Issuance of securities with definite return or definite maturity.

Except as provided in §§ 563.3-1, 563.8, and 563.8-1, or except with the specific prior written approval of the Corporation, no insured institution may issue any

securities which guarantee a definite return or which have a definite maturity.

§ 563.8 Limitation upon borrowing.

No insured institution shall borrow in excess of the aggregate amount authorized by the law under which such insured institution operates. No insured institution shall borrow an aggregate amount exceeding one-half the amount paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates; nor, within such borrowing limit, an amount aggregating more than one-fifth thereof from sources other than a Federal Home Loan Bank or a State-chartered central reserve institution; except that with prior approval of the Board, any such institution may borrow from a Federal Home Loan Bank or from any Federal agency or instrumentality without limitation upon such terms and conditions as may be required by such bank or agency. No action of an insured institution in obtaining funds through borrowing, in accordance with the provisions of this section, shall be deemed a violation hereof should its aggregate borrowings exceed the limitation of this section because of a subsequent reduction in the amounts paid in and credited on shares, share accounts, savings accounts, stock, certificates of deposit, and investment certificates. For the purposes of this section, the issuance of subordinated debt securities by an insured institution shall be considered borrowing. For the purposes of this section, § 561.13 of this subchapter, and § 563.8-1, the amount of such subordinated debt securities shall be calculated as the difference between the face amount of such securities and the amount of any related sinking fund or specific reserve account.

§ 563.8-1 Issuance of subordinated debt securities.

(a) *General.* No insured institution shall issue subordinated debt securities unless it has obtained the prior written approval of the Corporation pursuant to this section. If the issuance of such securities is requested in writing by the Corporation, such issuance shall be effected in accordance with such request. In all other cases, an application for such approval must be submitted to the Corporation in accordance with the provisions of this section.

(b) *Eligibility requirements.* The Corporation will consider and process an application by an insured institution for approval of the issuance of subordinated debt securities only if the applicant meets all of the following eligibility requirements, unless one or more of such requirements are waived by the Corporation upon specific request in the case of a particular application:

(1) The issuance of such securities by the applicant is authorized by applicable law and regulation and is not inconsistent with any provision of the applicant's charter, constitution, or bylaws;

(2) Applicant's net worth, without regard to the amount of any subordinated debt securities included or to be included

in such net worth, meets the requirements of § 563.13;

(3) Applicant's scheduled items do not exceed 2.5 percent of its specified assets;

(4) All appraised losses have been offset by specific loss reserves to the extent required by the Corporation under § 563.17-2;

(5) Applicant's income from operations before income taxes, in each of its last 3 fiscal years (after distribution of earnings to the holders of savings accounts and payment of interest on, and amortization of, nonsubordinated debt) is at least three times the aggregate of the interest, debt discount amortization (if any), and amortization of the related expenses of issuance on all outstanding and proposed subordinated debt securities (excluding any debt securities to be refunded out of the proceeds of the proposed subordinated debt securities); and

(6) The aggregate amount of all outstanding and proposed subordinated debt securities (excluding any debt securities to be refunded out of the proceeds of the proposed subordinated debt securities) does not exceed 50 percent of applicant's net worth, not including any such outstanding and proposed subordinated debt securities.

(c) *Application form; supporting information.* An application for approval of the issuance of subordinated debt securities by an insured institution shall be in form prescribed by the Corporation. Such application and instructions may be obtained from the Supervisory Agent. Information and exhibits shall be furnished in support of the application in accordance with such instructions, setting forth all of the terms and provisions relating to the proposed issue and showing that all of the requirements of this section have been or will be met.

(d) *Requirements as to securities.*—(1) *Form of certificate.* Each certificate evidencing subordinated debt issued by an insured institution pursuant to this section shall—

(i) Bear on its face, in bold-face type, the following legend: "This security is not a savings account or deposit and it is not insured by the Federal Savings and Loan Insurance Corporation";

(ii) Clearly state that the security (a) is subordinated on liquidation to all claims against the institution having the same priority as savings account holders or any higher priority; (b) is unsecured; and (c) is not eligible as collateral for any loan by the issuing institution;

(iii) Clearly state the terms under which the issuing institution may prepay the obligation, which shall include at least the right to prepay within 15 months of the maturity date;

(iv) Clearly state that no sinking fund or other prepayment or reserve allocation, if any, shall be required to be made, and no payment of principal shall be accelerated without the approval of the Corporation, if after giving effect to such prepayment, allocation, or accelerated payment the institution would fail to meet the net worth and Federal insurance reserve requirements of § 563.13; and

(v) Be in a minimum amount of at least \$100,000.

(2) *Limitation as to term.* No subordinated debt security issued by an insured institution pursuant to this section shall have an original period to maturity of less than 7 years.

(3) *Prohibitions on public offering and advertising.* (i) No sale or issuance of subordinated debt securities by an insured institution may be made by means of a public offering of such securities (within the meaning of the term "public offering" as used in section 4(2) of the Securities Act of 1933, as now or hereafter in effect). (ii) No insured institution may use any public advertising in connection with the offer, sale, or issuance of any subordinated debt securities.

(4) *Limitations on sale to certain institutions.* No insured institution may sell any subordinated debt securities to a Federal Home Loan Bank or, except with the prior written approval of the Board in a supervisory situation, to the Corporation.

(5) *False or misleading statements.* No insured institution shall, directly or indirectly, in connection with the offer, sale, or issuance of any subordinated debt securities, make any statement (i) that is false or misleading with respect to any material fact or (ii) that omits to state any material fact (a) necessary in order to make the statements made, in the light of the circumstances in which they were made, not false or misleading or (b) necessary to correct any earlier statement that has subsequently become false or misleading.

(e) *Filing of application.* The application for approval of the issuance of subordinated debt securities is filed with the Corporation by transmitting the original and three copies of the application and all supporting documents to the Supervisory Agent. As used in this section, the term "Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant is located or any other officer or employee of such bank designated by the Board as agent of the Corporation, as provided by §§ 501.10 and 501.11 of this chapter.

(f) *Supervisory objection.* No application for approval of the issuance of subordinated debt securities shall be approved if, in the opinion of the Corporation, the policies, condition, or operation of the applicant afford a basis for supervisory objection to the application.

(g) *Disclosure and other requirements.* In approving an application for approval of the issuance of subordinated debt securities, the Corporation will require, as a condition to be met by the applicant prior to the issuance of such securities, such disclosure of information as it may deem necessary or desirable for the protection of the prospective purchasers of such securities. As a minimum, such disclosure shall include the applicant's latest audited annual statement of condition and audited statement of operations for each of its last 3 years. In addition, the Corporation may impose on the

applicant such other requirements or conditions with regard to the securities or the issuance thereof as it may deem necessary or desirable for the protection of such purchasers, the applicant, or the Corporation.

(h) *Limitation on offering period.* Following the date of the approval of the application by the Corporation, the institution shall have an offering period of not more than 1 year in which to complete the sale of the subordinated debt securities. The Corporation may in its discretion extend such offering period if a written request showing good cause for such extension is filed with it not later than 30 days before the expiration of such offering period or any previous extension thereof.

(i) *Reports.* Upon completion of the sale of the securities, the institution shall transmit a written report to the Supervisory Agent stating the number and amount of securities sold and the amount of net proceeds received by the institution.

(Secs. 402, 403, Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc. 72-17160 Filed 10-5-72; 8:51 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. R-405]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Order Updating Nationwide Investigation; Notice of Extension of Time

OCTOBER 2, 1972.

On September 25, 1972, Texaco Inc., et al., filed a motion for an extension of time within which to respond to the Order Updating Nationwide Investigation issued September 12, 1972 (37 F.R. 20042), in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including October 13, 1972, within which natural gas companies shall submit responses.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-17111 Filed 10-5-72; 8:47 am]

[18 CFR Parts 101, 104, 201, 204]

[Docket No. R-456]

UNIFORM SYSTEM OF ACCOUNTS Specialized Training Costs

OCTOBER 2, 1972.

Pursuant to 5 U.S.C. 553, sections 301, 302, 303, and 309 of the Federal Power Act (49 Stat. 854, 855, 858-859; 16 U.S.C. 825, 825a, 825b, 825h), and sections 8, 9, and 16 of the Natural Gas Act (52 Stat.

825, 826, 830; 15 U.S.C. 717g, 717h, 717o), the Commission gives notice it proposes to amend:

A. Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. Uniform System of Accounts for Class C Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

D. Uniform System of Accounts for Class C Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

The purpose of this rulemaking is to establish uniform accounting procedures for the costs of training employees to operate or maintain new and unique facilities. Training costs of this type are becoming increasingly significant in amount and the existing Uniform Systems of Accounts do not clearly specify whether such costs are to be capitalized or charged to expense currently. The new facilities referred to are those which are constructed under a new technology where new training is required for company operation and maintenance employees and include such items as nuclear power, coal gasification, gas liquefaction, or new type generating facilities.

The Commission recognizes that during the construction of such facilities it is necessary that company employees be trained to a degree of competence so as to be able to operate and maintain the facilities when they are ready for service. It is also recognized that the training required under such circumstances usually involves the investment of a considerable amount of time and money.

We are proposing to clarify the accounting by one of two proposed methods referred to hereinafter as proposal A and proposal B. Proposal A would expense all training costs as a current operational expense item, with the exception of those large significant amounts associated with unique type facilities that are not now conventional in nature which would be capitalized. This capitalized expense would be amortized over the period of its expected benefit, not to exceed 5 years. Proposal B would treat all training costs, regardless of their relationship to new type facilities as current operational expense items.

Proposal A envisions that the cost invested in employee training associated with nonconventional facilities which is new to the companies operations is akin to other costs invested in plant which are subject to recovery after the plant is placed in service. To match the recovery of the training costs, under proposal A, the costs would be spread over the period during which the benefits from such training will be realized. This proposal is based on the belief that such training costs should be capitalized as an intangible asset includible in the rate base just like any other element of plant in service, and amortized to expense over the period of expected benefit from the

training received by the related employees. However, unlike other plant elements, training costs are related to human resources and trained personnel are subject to reassignment or replacement during the service life of a new type facility. Therefore, training costs capitalized under proposal A would be recovered by amortization charges to operating expenses over a reasonable period not to exceed 5 years.

Proposal B envisions expensing all training cost as a current operational expense. This proposal is based on the premise such training costs will be common in companies' operations from now on and that for the foreseeable future there will be increasing changes in technology that will cause continued training for new type plants. Under this premise, therefore, such costs should be expensed currently since they cannot be deemed to be nonrecurring or unusual.

The language of the accounts involved in the rulemaking will, of necessity, be further conformed to that which ultimately emanates from final Commission action as a result of Docket No. R-412 (36 F.R. 2803, February 10, 1971) as the docket, in part, relates to "Consolidation of Certain Depreciation Accounts."

The proposed amendments to the Commission's Uniform System of Accounts for Classes A, B, and C Public Utilities and Licensees would be issued under authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 302, 303, 309 (49 Stat. 854, 855, 858-859; 16 U.S.C. 825, 825a, 825b, 825h).

The proposed amendments to the Commission's Uniform System of Accounts for Classes A, B, and C Natural Gas Companies would be issued under authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 9, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717o).

PROPOSAL A

A. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the electric plant instructions by:

a. Adding a new item 19 entitled, "(19) Training," to instruction 3. *Components of Construction Cost.*

b. Adding a new instruction 17 entitled, "17. Training Costs."

As so amended, the electric plant instructions will read:

Electric Plant Instructions

3. *Components of construction cost.*

(19) "Training." (See Electric Plant Instruction 17).

17. *Training costs.* When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are

not conventional in nature, or are new to the company's operations, and the costs or portions thereof exceed normal training costs, these excess costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized should be amortized over the anticipated period of benefit from the training received by the related employees but not to exceed a 5-year period from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease. (See Operating Expense Instructions 4.)

2. Amend the operating expense instructions by:

- a. Amending item 7 of the instruction 1.
- b. Adding a new instruction 4. *Training Costs*.

As so amended the operation expense instructions will read:

Operating Expense Instructions

1. Supervision and engineering.

ITEMS

LABOR

7. * * * (See Electric Plant Instructions 17.)

4. *Training costs*. When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, and the costs or portions thereof exceed normal training expenses, then see Electric Plant Instructions 17, for accounting.

3. Amend account "303 Miscellaneous intangible plant" of the Electric Plant Accounts by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As so amended account 303 will read:

Electric Plant Accounts

1. INTANGIBLE PLANT

303 Miscellaneous intangible plant.

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 111, Accumulated Provision for Amortization of Electric Plant in Service, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required.

(These new facilities shall include such items as nuclear power, gas liquefaction, coal gasification or new type generating facilities.) Amortization from this account shall be debited to account 404, Amortization of Limited-Term Electric Plant, and account 111, Accumulated Provision for Amortization of Electric Plant in Service, shall be credited. (See Electric Plant Instructions 17.)

D. [Recodified from "C" without change in text]

4. Amend account "404 Amortization of limited-term electric plant" of the Income Accounts by revising the first sentence. As so amended the text of account 404 will read:

Income Accounts

1. UTILITY OPERATING INCOME

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

B. The following are proposed amendments to the Uniform System of Accounts for Class C Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Electric Plant Instructions by adding a new plant instruction titled "14. *Training Costs*." As so amended the amended portion of the Electric Plant Instructions will read:

Electric Plant Instructions

14. *Training costs*. When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to the company's operations and the costs or portions thereof exceed normal training costs, these excess costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized should be amortized over the anticipated period of benefit from the training received by the related employees but not to exceed a 5-year period from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease. (See Operating Expense Instructions 3.)

2. Amend the Operation Expense Instructions by adding a new instruction 3 entitled, "3. *Training Costs*." As so amended the Operating Expense Instructions will read:

Operating Expense Instructions

3. *Training costs*. When it is necessary that employees be trained specifically to

operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, and the costs or portions thereof exceed normal training expenses, then see Electric Plant Instructions 14, for accounting.

2. Amend account "303 Miscellaneous intangible plant" of the Electric Plant Accounts by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As so amended account 303 will read:

Electric Plant Accounts

1. INTANGIBLE PLANT

303 Miscellaneous intangible plant.

B. When any item included in paragraph A above in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant in Service, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. (These new facilities shall include such items as nuclear power, gas liquefaction, coal gasification or new type generating facilities.) Amortization from this account shall be debited to account 404, Amortization of Limited-Term Electric Plant, and account 110, Accumulated Provision for Depreciation and Amortization of Electric Plant in Service, shall be credited. (See Electric Plant Instruction 14.)

D. [Recodified from "C" without change in text]

4. Amend account "404 Amortization of limited-term electric plant" of the Income Accounts by revising the first sentence. As so amended the text of account 404 will read:

Income Accounts

1. UTILITY OPERATING INCOME

404 Amortization of limited-term electric plant.

This account shall include amortization charges applicable to amounts included in the electric plant accounts for limited-term franchises, licenses, patent rights, limited-term interest in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

C. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Gas Plant Instructions by:

a. Adding a new item 19 entitled "(19) Training" to instruction 3. *Components of Construction Cost*.

b. Adding a new instruction 16 entitled "16. Training Costs."

As so amended, the Gas Plant Instructions will read:

Gas Plant Instructions

3. Components of construction cost.

(19) "Training." (See Gas Plant Instruction 16.)

16. *Training costs.* When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to the company's operations and the costs or portions thereof exceed normal training costs, these excess costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized should be amortized over the anticipated period of benefit from the training received by the related employees but not to exceed a 5-year period from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease. (See Operating Expense Instruction 4.)

2. Amend the Operation Expense Instruction by:

a. Amending item 7 of the Instruction 1.

b. Adding a new instruction 4. *Training Costs*.

As so amended the Operation Expense Instructions will read:

Operating Expense Instructions

1. Supervision and engineering.

ITEMS

Labor:

7. (See Gas Plant Instructions 16.)

4. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, and the costs or portions thereof exceed normal training expenses, then see Gas Plant Instructions 16, for accounting.

3. Amend account "303 Miscellaneous intangible plant" of the Gas Plant Accounts by amending the text of paragraph "B", by adding a new paragraph "C", and by recodifying the present paragraph "C" as "D". As so amended account 303 will read:

Gas Plant Accounts

1. INTANGIBLE PLANT

303 Miscellaneous intangible plant.

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other Deductions, or account 111.1, Accumulated Provision for Amortization of Other Gas Plant in Service, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. (These new facilities shall include such items as nuclear power, gas liquefaction, coal gasification or new type generating facilities.)

Amortization from this account shall be debited to account 404.3, Amortization of Other Limited-term Gas Plant, and account 111.3, Accumulated Provision for Amortization of Other Gas Plant in Service, shall be credited. (See Gas Plant Instruction 17.)

D. [Recodified from "C" without change in text.]

4. Amend account "404.3 Amortization of other limited-term gas plant" of the income accounts by revising the first sentence. As so amended the text of account 404 will read:

Income Accounts

1. UTILITY OPERATING INCOME

404.3 Amortization of other limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land, expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs.

D. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. The gas plant instructions are amended by adding a new plant instruction numbered and titled "15. Training costs." As so amended the gas plant instructions will read:

Gas Plant Instructions

15. *Training costs.* When it is necessary that employees be trained to operate or maintain plant facilities that are being constructed and such facilities are not conventional in nature or are new to a company's operations and the costs or portions thereof exceed normal training costs, these excess costs may be capitalized as an item of intangible plant and recorded in account 303, Miscellaneous Intangible Plant. The amount so capitalized should be amortized over the anticipated period of benefit from the training received by the related employees but not to exceed a 5-year period from the time the related plant is placed in or ready for service. Once plant is placed in service, the capitalization of training costs shall cease. (See Operating Expense Instruction 3.)

2. Amend the operating expense instructions by adding a new instruction 3 entitled, "3. Training costs." As so amended the operating expense instruction will read:

Operating Expense Instructions

3. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred. However, when the training costs involved relate to facilities which are not conventional in nature, or are new to the company's operations, and the costs or portions thereof exceed normal training expenses, then see Gas Plant Instructions 15, for accounting.

3. Amend account "303 Miscellaneous intangible plant" of the gas plant accounts by amending the text of paragraph "B," by adding a new paragraph "C," and by recodifying the present paragraph "C" as "D." As so amended the amended portions of account 303 will read:

Gas Plant Accounts

1. INTANGIBLE PLANT

303 Miscellaneous intangible plant.

B. When any item included in paragraph A above of this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, Other deductions, or account 110, Accumulated provision for depreciation, depletion and amortization of gas plant in service, as appropriate.

C. This account shall also include the cost of training employees who will be directly responsible for the operation or maintenance of plant facilities constructed under a new technology where new special type training is required. (These new facilities shall include such items as nuclear power, gas liquefaction, coal gasification of new type generating

facilities.) Amortization from this account shall be debited to account 404, Amortization of limited-term electric plant, and account 110, Accumulated provision for depreciation, depletion and Amortization of gas plant in service, shall be credited. (See Gas Plant Instructions 12.)

D. [Recodified from "C" without change in text.]

4. Amend account "404 Amortization of limited-term gas plant" of the income accounts by revising the first sentence. As so amended the text of account 404 will read:

Income Accounts

1. UTILITY OPERATING INCOME

404 Amortization of limited-term gas plant.

This account shall include amortization charges applicable to amounts included in the gas plant accounts for limited-term franchises, licenses, patent rights, limited-term interests in land other than land rights held for the production of natural gas expenditures on leased property where the service life of the improvements is terminable by action of the lease, and training costs. * * *

PROPOSAL B

A. The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Operating Expense Instructions by adding a new instruction 4 entitled, "4. Training Costs." As so amended the amended portion of the Operating Expense Instructions will read:

Operating Expense Instructions

4. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred.

B. The following are proposed amendments to the Uniform System of Accounts for Class C Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Operating Instructions by adding a new instruction 3 entitled, "3. Training Costs." As so amended the amended portion of the Operating Expense Instructions will read:

Operating Expense Instructions

3. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred.

C. The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Operating Expense Instructions by adding a new instruction 4 entitled, "4. Training Costs." As so amended the amended portion of the Operating Expense Instructions will read:

Operating Expense Instructions

4. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred.

D. The following are proposed amendments to the Uniform System of Accounts for Class C Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

1. Amend the Operating Instructions by adding a new instruction 3 entitled, "3. Training Costs." As so amended the amended portion of the Operating Expense Instructions will read:

Operating Expense Instructions

3. *Training costs.* When it is necessary that employees be trained specifically to operate or maintain plant facilities that are being constructed, the related cost shall be accounted for as a current operating and maintenance expense. These expenses shall be charged to the appropriate functional accounts currently as they are incurred.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than Novem-

ber 16, 1972, data, views, comments, or suggestions in writing concerning the amendments to the Systems of Accounts proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed amendments. The staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the **FEDERAL REGISTER**.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17110 Filed 10-5-72; 8:46 am]

FEDERAL MARITIME COMMISSION

[46 CFR Ch. IV]

[No. 72-41]

TRUCK DETENTION AT THE PORT OF NEW YORK

Revision of Filing Schedule

Upon request of interested parties, and good cause appearing, the schedule for filing comments by participants in this proceeding is revised as follows:

Initial views and arguments pertaining to the proposed rules shall be filed by participants on or before October 31, 1972. All participants may file replies to the initial views and arguments on or before November 15, 1972. Hearing Counsel shall reply to initial comments and replies on or before November 30, 1972. Participants may file replies to Hearing Counsel on or before December 15, 1972.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17145 Filed 10-5-72; 8:50 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

IMPORT DOCUMENT FORM

Request for Comments

Notice is hereby given that the Bureau of Customs is considering a new Customs entry form which would be used for most of the formal Customs entries.

It is contemplated that a new Customs entry form entitled Import Document would replace the forms presently used for making the following types of entry:

1. Consumption—Dutiable.
2. Appraisement.
3. Warehouse or Rewarehouse.
4. Bonded Aircraft Fuel (Warehouse).
5. Consumption—Free.
6. Temporary Importation Bond.
7. Bonded Manufacturing Warehouse.
8. Combined Rewarehouse and Immediate Withdrawal for Consumption.
9. Permanent Exhibition.
10. Trade Fair.

It should be noted that the proposed Import Document would not be used to make vessel repair or drawback entries.

This new form (the Import Document) would be designated Customs Form 0001 (Illustrations A through J) and would include a continuation sheet designated as Customs Form 0001-A (Illustration K). The proposed design of the form would be multi-purpose, carbon inter-leaved, snap-out type form which would facilitate preparation by typewriter or computer equipment. Also, the format of the form would permit the simultaneous preparation of data required for the Customs automated accounting system. This information is presently provided by the preparation of a separate document, Customs Form 5101. Illustration L explains the proposed requirements for completing the Import Document.

Interested persons are invited to submit suggestions or comments on the proposed change to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20226. In order to receive consideration, comments should be received not later than 60 days after the date of publication of this notice in the FEDERAL REGISTER. All submissions will be given careful consideration. Thereafter a notice of proposed rule making will be published in the FEDERAL REGISTER, which will set forth for comment specific revisions of the Customs Regulations relating to the use of the Import Document, if such changes are deemed advisable.

Since this general review of the Import Document is likely to require extensive study, extending over an appreciable period of time, the Bureau of Customs serves notice that it expressly reserves the right to proceed at any time during this period with specific changes in the regulations which it may deem appropriate and proper. In all cases where such changes encompass matters of substance they will be made effective only after

publishing in the FEDERAL REGISTER a notice of proposed rule making. Thus, all affected persons will have full opportunity to comment before such changes are put into effect.

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

Approved: September 25, 1972.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

ILLUSTRATION A
ADP CARD SIZE FORM

1. IMPORTER OF RECORD (Name, Address, Zip Code)		2. ENTER NUMERICAL CODE FOR TYPE OF ENTRY (List of Codes on Reverse)		ENTRY	BOND
3. NUMBER (See Reverse)		DATE (CUSTOMS USE ONLY) ENTRY NUMBER			
4. FOR ACCOUNT OF (Name, Address, Zip Code, Omit if same as #1.)		NAME OF PORT OF ENTRY		DISTRICT & PORT CODE	
5. NUMBER (See Reverse)		6. LIQUIDATOR CODE		7. (a) DUTY \$	
8. REFERENCE NO. (See Reverse)		9. SURETY CODE		(b) I.R. TAX \$	
10. CUSTOMHOUSE BROKER (Name, Address, Zip Code, Omit if same as #1.)					
11. MISSING DOCUMENTS <input type="checkbox"/> CF-3211 <input type="checkbox"/> Comm. Inv. <input type="checkbox"/> CF-9515 List Others					
Customs Form 0001					

ORIGINAL - COLOR: WHITE

1. IMPORTER OF RECORD (Name, Address, Zip Code)		2. ENTER NUMERICAL CODE FOR TYPE OF ENTRY (List of Codes on Reverse)		ENTRY	BOND
3. NUMBER (See Reverse)		DATE (CUSTOMS USE ONLY) ENTRY NUMBER			
4. FOR ACCOUNT OF (Name, Address, Zip Code, Omit if same as #1.)		NAME OF PORT OF ENTRY		DISTRICT & PORT CODE	
5. NUMBER (See Reverse)		6. LIQUIDATOR CODE		7. (a) DUTY \$	
8. REFERENCE NO. (See Reverse)		9. SURETY CODE		(b) I.R. TAX \$	
10. CUSTOMHOUSE BROKER (Name, Address, Zip Code, Omit if same as #1.)					
11. MISSING DOCUMENTS <input type="checkbox"/> CF-3211 <input type="checkbox"/> Comm. Inv. <input type="checkbox"/> CF-9515 List Others					
Customs Form 0001					

DUPLICATE - COLOR: PINK

ILLUSTRATION C

1. ENTER NUMERICAL CODE FOR TYPE OF <input type="checkbox"/> ENTRY <input type="checkbox"/> BOND <i>(List of Schedules in Remarks)</i>		2. ENTRY NUMBER DATE (CUSTOMS USE ONLY) ENTRY NUMBER	
3. IMPORTER OF RECORD (Name, Address, Zip Code)		DISTRICT & PORT CODE	
4. FOR ACCOUNT OF (Name, Address, Zip Code, Office (Name & #))		NAME OF PORT OF ENTRY	
5. NUMBER		6. LIQUIDATOR CODE	
7. REFERENCE NO.		7. IN DUTY	
8. NUMBER		8. SURETY CODE	
9. CUSTOMS BROKER (Name, Address, Zip Code, Office (Name & #))		9. U.S. TAX	
10. MISSING DOCUMENTS <input type="checkbox"/> CP-531T <input type="checkbox"/> Customs Inv. <input type="checkbox"/> CP-931S <input type="checkbox"/> US OTHERS		11. CHANGE LIQUIDATIONS ONLY <input type="checkbox"/> 11a Est. Act. Pile <input type="checkbox"/> 11b Amended Duty <input type="checkbox"/> 11c Amended U.S. Tax	
12. MODE OF TRANSPORTATION (IMPORTING CARRIER: <input type="checkbox"/> Vessel <input type="checkbox"/> Air <input type="checkbox"/> Truck <input type="checkbox"/> Rail <input type="checkbox"/> Other		13. ITTCA/MDOT NO. & DATE	
13. NAME (IMP. VESSEL & FLAG) (AIRLINE, OTHER CARRIER)		FROM (IND)	
14. FOREIGN PORT OF LADING		15. ID. NO.	
15. FIRST U.S. PORT OF UNLADING		20. BOND NO. & EXPI. DATE	
16. DATE OF EXPORTATION		21. DATE OF IMPORTATION	
17. DATE OF EXPORTATION		22. COUNTRY OF EXPORTATION	
18. DATE OF EXPORTATION		23. COUNTRY OF EXPORTATION	

CARRIER (Driver)

1. TARIFF FOR I.M.C. RATE	20. DUTY & I.M. TAX	
	Dollars	Cents

25. (a) MARKS & NUMBERS (b) COUNTRY OF ORIGIN	26. DESCRIPTION - U.S.A.: NO. AND KIND OF PACKAGES (a) Gross Weight (Lbs.) (b) Net U.S.A. Weight (Lbs.)	27. ENTERED VALUE (U.S. \$)	28. TARIFF & NO.	29. TARIFF FOR L.A.C. RATE	30. DUTY & L.R. TAX CENTS

ADV ☐ RED ☐

[illegible]

ILLUSTRATION D

37. ENTRY DECLARATION (Sign & check applicable block(s))		1. Principal 2. Member of the Firm 3. Agent of the Corporation 4. Authorized Agent
(Signature) _____	(Date) _____	
<input type="checkbox"/> ENTRY DECLARATION FOR CONSUMPTION (Free & Dutiable); WAREHOUSE INCLUDING ENTRY FOR BONDED MANUFACTURING WAREHOUSE; PERMANENT EXHIBITION AND TEMPORARY IMPORTATION BOND: I declare that I am the <input type="checkbox"/> nominal consignee and that the actual owner for Customs purposes is as shown on reverse, or I am consignee or agent to the consignee. I further declare that the merchandise <input type="checkbox"/> was or <input type="checkbox"/> was not obtained in pursuance of a purchase or agreement to purchase. I also declare that to the best of my knowledge and belief, all statements appearing in this entry and in the invoice or invoices and other documents presented herewith and in accordance with which the entry is made, are true and correct in every respect, the entry and invoices set forth the true prices, values, quantities, and all information as required by the laws and the regulations made in pursuance thereof; the invoices and other documents are in the same state as when received; I have not received and do not know of any other invoice, power, letter, document, or information showing a different currency price, value, quantity, or description of the said merchandise, and if at any time hereafter I discover any information showing a different state of facts I will immediately make the same known to the District Director of Customs at the port of entry. If the merchandise is entered by means of a seller's or shipper's invoice, no Customs invoice for any of the merchandise covered by the said seller's or shipper's invoice can be produced due to causes beyond my control. If the merchandise is entered by means of a statement of the value of the price paid in the form of an invoice, it is because neither seller's or shipper's, nor Customs invoice can be produced at this time.		
<input type="checkbox"/> DECLARATION - ENTRY BY APPRAISEMENT: I hereby request appraisement under Section 498(a) [1. Tariff Act of 1930, for the reasons given above. I declare, to the best of my knowledge and belief, that this entry and the documents presented therewith set forth all the information in my possession, or in the possession of the owner of the merchandise described herein, as to the cost of such merchandise, that I am unable to obtain any further information as to the value of the said merchandise or to determine its value for the purpose of making formal entry thereof; that the information contained in this entry and in the accompanying documents is true and correct, and that the person(s) named on reverse is the owner of the said merchandise.		
<input type="checkbox"/> DECLARATION - REWAREHOUSE ENTRY OR COMBINED REWAREHOUSE ENTRY & WITHDRAWAL FOR CONSUMPTION: I declare that all statements hereon are true & correct.		
<input type="checkbox"/> TRADE FAIR (T.D.# _____)		
<input type="checkbox"/> I HEREBY MAKE APPLICATION TO MAKE ENTRY PRIOR TO PRODUCTION OF MISSING DOCUMENTS NAMED IN BLOCK # 12.		
38. BLOCK 31, 32 & 35 CONTINUED		
REMARKS AND REPORT OF EXAMINING OFFICER: OR OF WEIGHT, GAUGE OR MEASURE; OR OTHER PERTINENT INFORMATION (Here & Sign Each Article)		
39. CARRIER'S CERTIFICATE AND RELEASE ORDER The undersigned carrier, to whom or upon whose order the articles described herein or in the attached document must be released, hereby certifies that the consignee named in this document is the owner or consignee of such articles within the purview of section 484(b), Tariff Act of 1930. In accordance with the provisions of section 484(g), Tariff Act of 1930, authority is hereby given to release the articles covered by the aforementioned statement to such consignee.		
DATE _____	NAME OF CARRIER _____	AGENT _____
40. EXPLANATORY NOTES		
BLOCK #2 - ENTRY CODES 1. Consumption - Dutiable 2. Vessel Repair 3. Appraisement 4. Warehouse or Rewarehouse 5. Drawback* 6. Bonded A/C Fuel (Warehouse) *Not applicable on CF-0001	BLOCK #2 - BOND CODES 1. Single Entry Bond (Any type) 2. CF-7553 (Cons. Term Bond) 3. CF-7563-A (Temp. Imp.) 4. CF-7569 (Vessel Term) 5. CF-7595 (Gen. Term) 7. Consumption - Free 8. Temporary Importation Bond 9. Bonded Manufacturing Warehouse 10. Combined Rewarehouse & Immediate Withdrawal for Consumption 11. Permanent Exhibition 12. Trade Fair	NOTE: OFFICIAL DATE OF ENTRY The official date of acceptance of entries subject to duty and/or tax is validation date in block #36.
COLUMN #30 - DUTY AND I.R. TAX *Show separately amount of duty, internal revenue tax, and/or tax inspection fee on each item listed. Internal revenue tax assessments should be preceded by the letters "IR". The inspection assessments should be preceded by the letters "TI" if the entry represents more than one dutiable item, the amounts of duty, internal revenue tax, and tax inspection fee should be totaled and labeled separately "Total I.R. Tax," and/or "Total T.I. Fee" and recorded together with an appropriate total labeled "Total Collections" in the extreme lower portion of column #30.		

REVERSE OF ORIGINAL

ILLUSTRATION E
DUPLICATE - ACCOUNTING

ONE APPROVAL NO. _____		IMPORTER OF RECORD (Name, Address, Zip Code)		DATE (CUSTOMER USE ONLY) ENTRY NUMBER		BOND	
THE DEPARTMENT OF THE TREASURY BUREAU OF CUSTOMS		NAME OF PORT OF ENTRY		DISTRICT & PORT CODE			
1. NUMBER		2. LIQUIDATOR CODE		3. DUTY CODE		4. DUTY	
5. REFERENCE NO.		6. LIQUIDATOR CODE		7. DUTY CODE		8. DUTY	
10. CUSTOMER BROKER (Name, Address, Zip Code, Omit if same as #1)		11. CHARGE LIQUIDATORS ONLY		12. DUTY CODE		13. DUTY	
12. MISSING DOCUMENTS <input type="checkbox"/> CPA-311 <input type="checkbox"/> Comm. Inv. <input type="checkbox"/> CF-4315		14. FOREIGN PORT OF LADING		15. BILL OF LADING OR MANIFEST NO.		16. 177ACM/NOT NO. & DATE	
17. NAME (IMP. VESSEL & FLAG, AIRLINE, OTHER CARRIER)		18. FIRST U.S. PORT OF UNLOADING		19. 10. NO.		FROM (Port)	
20. DATE OF EXPORTATION		21. DATE OF IMPORTATION		22. BOND NO. & EXP. DATE		CARRIER (Philippines)	
24. LOCATION OF GOODS, G.O. NO. (If Any), WAREHOUSE, PIEN, TERMINAL		25. DESCRIPTION - T.S.U.S.A. NO. AND KIND OF PACKAGES (a) Gross Weight (b) T.S.U.S.A. Units		26. T.S.U.S.A. NO.		27. DUTY & L.R. TAX	
28. (a) MARKS & NUMBERS (b) COUNTRY OF ORIGIN		29. ENTERED VALUE (U.S. \$)		30. DUTY & L.R. TAX		31. DUTY & L.R. TAX	
32. EXAMINATION/DESIGNATION: <input type="checkbox"/> 1/3 Examine <input type="checkbox"/> 1/3 Examine <input type="checkbox"/> 1/3 Examine		33. REPORT OF EXAMINING OFFICER: <input type="checkbox"/> L&V <input type="checkbox"/> D&V <input type="checkbox"/> OIRP		34. FINAL ACTION: <input type="checkbox"/> ADV <input type="checkbox"/> RED <input type="checkbox"/> RE <input type="checkbox"/> RE		35. LIQUIDATED: <input type="checkbox"/> A1 Exempt <input type="checkbox"/> A2 Exempt <input type="checkbox"/> A3 Exempt	
36. DATE, DUTIES AND/OR TAXES DEPOSITED (Validation)		37. REMARKS		38. REMARKS		39. REMARKS	
IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)	

DUPLICATE - COLOR: LIGHT GREEN

ILLUSTRATION F
TRIPLICATE - IMPORTER/AGENT

ONE APPROVAL NO. _____		IMPORTER OF RECORD (Name, Address, Zip Code)		DATE (CUSTOMER USE ONLY) ENTRY NUMBER		BOND	
THE DEPARTMENT OF THE TREASURY BUREAU OF CUSTOMS		NAME OF PORT OF ENTRY		DISTRICT & PORT CODE			
1. NUMBER		2. LIQUIDATOR CODE		3. DUTY CODE		4. DUTY	
5. REFERENCE NO.		6. LIQUIDATOR CODE		7. DUTY CODE		8. DUTY	
10. CUSTOMER BROKER (Name, Address, Zip Code, Omit if same as #1)		11. CHARGE LIQUIDATORS ONLY		12. DUTY CODE		13. DUTY	
12. MISSING DOCUMENTS <input type="checkbox"/> CPA-311 <input type="checkbox"/> Comm. Inv. <input type="checkbox"/> CF-4315		14. FOREIGN PORT OF LADING		15. BILL OF LADING OR MANIFEST NO.		16. 177ACM/NOT NO. & DATE	
17. NAME (IMP. VESSEL & FLAG, AIRLINE, OTHER CARRIER)		18. FIRST U.S. PORT OF UNLOADING		19. 10. NO.		FROM (Port)	
20. DATE OF EXPORTATION		21. DATE OF IMPORTATION		22. BOND NO. & EXP. DATE		CARRIER (Philippines)	
24. LOCATION OF GOODS, G.O. NO. (If Any), WAREHOUSE, PIEN, TERMINAL		25. DESCRIPTION - T.S.U.S.A. NO. AND KIND OF PACKAGES (a) Gross Weight (b) T.S.U.S.A. Units		26. T.S.U.S.A. NO.		27. DUTY & L.R. TAX	
28. (a) MARKS & NUMBERS (b) COUNTRY OF ORIGIN		29. ENTERED VALUE (U.S. \$)		30. DUTY & L.R. TAX		31. DUTY & L.R. TAX	
32. EXAMINATION/DESIGNATION: <input type="checkbox"/> 1/3 Examine <input type="checkbox"/> 1/3 Examine <input type="checkbox"/> 1/3 Examine		33. REPORT OF EXAMINING OFFICER: <input type="checkbox"/> L&V <input type="checkbox"/> D&V <input type="checkbox"/> OIRP		34. FINAL ACTION: <input type="checkbox"/> ADV <input type="checkbox"/> RED <input type="checkbox"/> RE <input type="checkbox"/> RE		35. LIQUIDATED: <input type="checkbox"/> A1 Exempt <input type="checkbox"/> A2 Exempt <input type="checkbox"/> A3 Exempt	
36. DATE, DUTIES AND/OR TAXES DEPOSITED (Validation)		37. REMARKS		38. REMARKS		39. REMARKS	
IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)		IMPORT DOCUMENT Customs Form 9991 (E)	

TRIPLICATE - COLOR: LIGHT YELLOW

EXPLANATORY NOTES	
<p><u>BLOCK #2: ENTRY CODES</u></p> <p>1. Consumption - Dutiable 2. Vessel Repair* 3. Appraisalment 4. Warehouse or Rewarehouse 5. Drawback* 6. Bonded A/C Fuel (Warehouse)</p>	<p><u>BLOCK #2: BOND CODES</u></p> <p>1. Single Entry Bond (any type) 2. CF-7553 (Consump. Term Bond) 3. CF-7563-A (Temporary Imp.) 4. CF-7569 (Vessel Term) 5. CF-7595 (Gen. Term)</p>
<p>*Not applicable on CF-0001</p>	
<p>¹NOTE — OFFICIAL DATE OF ENTRY: The official date of acceptance of entries subject to duty and/or tax is validation date in Block #36.</p>	

ILLUSTRATION H
QUADRUPPLICATE STATISTICAL

CENSUS USE ONLY BLOCK AND FILE NO.		1. IMPORTER OF RECORD (Name, Address, Zip Code)		2. ENTER NUMERICAL CODE FOR TYPE OF ENTRY (List of Codes Printed Below)		ENTRY		BOND	
		3. NUMBER		DATE (CUSTOMS USE ONLY) ENTRY NUMBER					
M.O.T.		4. FOR ACCOUNT OF (Name, Address, Zip Code, Street if same as #1.)		NAME OF PORT OF ENTRY		DISTRICT & PORT CODE			
FLAG				5. LIQUIDATOR CODE					
MANIFEST NO.		5. NUMBER		6. SURETY CODE					
FOREIGN PORT OF LADING		6. REFERENCE NO.		7. CUSTOMHOUSE BROKER (Name, Address, Zip Code, Street if same as #1.)					
U.S. PORT—UNLADING		12. MISSING DOCUMENTS <input type="checkbox"/> CF 2311 <input type="checkbox"/> Comm. Inv. <input type="checkbox"/> CF 5515 <input type="checkbox"/> LIO Others							
13. MODE OF TRANSPORTATION/IMPORTING CARRIER: <input type="checkbox"/> VESSEL <input type="checkbox"/> AIR <input type="checkbox"/> RAIL <input type="checkbox"/> TRUCK <input type="checkbox"/> MAIL <input type="checkbox"/> OTHER		14. FOREIGN PORT OF LADING		15. B/L, AWB OR MANIFEST NO.		16. IT/TACM/NOT NO. & DATE			
17. NAME IMP. VESSEL & LAG; AIRLINE; OTHER CARRIER		18. FIRST U.S. PORT OF UNLADING		19. I.O. NO.		FROM (F-11)			
20. DATE OF EXPORTATION		21. DATE OF IMPORTATION		22. COUNTRY OF EXPORTATION		23. BOND NO. & EXP. DATE			
24. LOCATION OF GOODS, G.O. NO. (If Any); WAREHOUSE, FIRM, TERMINAL						CARRIER (D-2, 10-2)			
25. (a) MARKS & NUMBERS (b) COUNTRY OF ORIGIN		26. DESCRIPTION - T.S.U.S.A. NO. AND KIND OF PACKAGES (a) Gross Weight (lbs.) (b) Net Quantity in T.S.U.S.A. Units		27. ENTERED VALUE (F.O.B.)		28. T.S.U.S.A. NO.		29. TARIFF OR I.R.C. RATE	
								30. DUTY & I.R. TAX Dollars Cents	

1. Consumption - Durable
2. Vessel Repair*
3. Appraisal
4. Warehouse or Rewarehouse
5. Drawback*
6. Bonded A/C Fuel (Warehouse)
7. Consumption - Free
8. Temporary Importation Bond
9. Bonded Manufacturing Warehouse
10. Combined Rewarehouse & Immediate Withdrawal for Consumption
11. Permanent Exhibition

IMPORT DOCUMENT Customs Form 4991

THE DEPARTMENT OF THE TREASURY—BUREAU OF CUSTOMS

OMB Approval
No. 0704-0188

STATISTICAL

QUADRUPLICATE - COLOR: SALMON

NOTICES

ILLUSTRATION I
 - QUINTUPLICATE - DRAVAGE/OPTIONAL -

OMB Approval No. 1545-0047

THE DEPARTMENT OF THE TREASURY
BUREAU OF CUSTOMS

1. IMPORTER OF RECORD (Name, Address, Zip Code)

2. ENTER NUMERICAL CODE FOR TYPE OF ENTRY (List of Codes on Receipt)

DATE (CUSTOMS USE ONLY) ENTRY NUMBER

3. NUMBER

4. FOR ACCOUNT OF (Name, Address, Zip Code, Unit if same as #1)

NAME OF PORT OF ENTRY DISTRICT & PORT CODE

5. NUMBER

6. LIQUIDATOR CODE

7. REFERENCE NO.

8. SURETY CODE

9. CUSTOMHOUSE BROKER (Name, Address, Zip Code, Unit if same as #1)

10. MISSING DOCUMENTS ☐ CF-311 ☐ Comm. Inv. ☐ CF-915 List Others

11. MODE OF TRANSPORTATION/IMPORTING CARRIER:
☐ Vessel ☐ Air ☐ Rail ☐ Truck ☐ Mail ☐ Other

12. FOREIGN PORT OF LADING

13. B/L AND/OR MANIFEST NO.

14. LT/ACM/NOT NO. & DATE

15. NAME IMP. VESSEL & FLAG; AIRLINE; OTHER CARRIER

16. FIRST U.S. PORT OF UNLADING

17. I.D. NO.

FROM (Port)

18. DATE OF EXPORTATION

19. DATE OF IMPORTATION

20. COUNTRY OF EXPORTATION

21. BOND NO. & EXP. DATE

CARRIER (Vessel/Truck)

22. LOCATION OF GOODS; G.O. NO. (If App.) WAREHOUSE, PIER, TERMINAL

23. (a) MARKS & NUMBERS (b) COUNTRY OF ORIGIN

24. DESCRIPTION - T.S.U.S.A. NO. AND KIND OF PACKAGES
 (a) Gross Weight (lbs.) (b) Net Quantity in T.S.U.S.A. Units

25. ENTERED VALUE (U.S. \$)

26. T.S.U.S.A. NO.

27. TARIFF OR I.R.C. RATE

28. DUTY & I.R. TAX
 Dollars Cents

CUSTOMS USE ONLY

RECORD OF CARTAGE OR LIGHTERAGE
 Delivered to Cartman or Lighterman in apparent good condition except as noted

CONVEYANCE	QUANTITY	RECEIVED	RECEIVED
	(Date) (Inspector)	(Cartman or Lighterman)	(Date) (Warehouse Prop.)
	(Date) (Inspector)	(Cartman or Lighterman)	(Date) (Warehouse Prop.)
	(Date) (Inspector)	(Cartman or Lighterman)	(Date) (Warehouse Prop.)
TOTAL			

IMPORT DOCUMENT Customs Form 0991

QUINTUPLICATE - COLOR: LIGHT BLUE

ILLUSTRATION J
 REVERSE OF QUINTUPLICATE

BLOCK #2: ENTRY CODES

- | | |
|--------------------------------|---|
| 1. Consumption - Dutiable | 7. Consumption - Free |
| 2. Vessel Repair* | 8. Temporary Importation Bond |
| 3. Appraisal | 9. Bonded Manufacturing Warehouse |
| 4. Warehouse or Rewarehouse | 10. Combined Rewarehouse & Immediate Withdrawal for Consumption |
| 5. Drawback* | 11. Permanent Exhibition |
| 6. Bonded A/C Fuel (Warehouse) | 12. Trade Fair |

*Not applicable on CF-0001

Block No.	Title	Information required
1	Importer of Record (name, address, and ZIP Code)	Insert name, address, and ZIP Code of consignee, owner or agent of the consignee.
2	Numerical Code for Type of Entry and Bond	Insert applicable entry and bond code numbers as shown on reverse of form.
3	For Account of (name, address, ZIP Code)	Insert I.R.S., social security, or customs assigned number of the individual or firm whose name appears in block No. 1.
4	Liquidator Code	Insert required information of the actual owner or ultimate consignee. Omit if same as block No. 1.
5	I.R. Tax	Insert I.R.S., social security, or customs assigned number of the individual or firm whose name appears in block No. 4. If more than one owner or ultimate consignee enter the word "consolidated."
6	Reference Number	Customs use only.
7	Surety Code	Total amount of estimated duty and/or I.R. tax calculated on the entry. If no duty and/or tax due, leave blank.
8	Name, Address, ZIP Code of Customhouse Broker	Identification number of individual or firm to whom refunds and bills are to be sent if other than importer of record.
9	Change Liquidations Only	Insert 3-digit code number of surety company issuing entry.
10	Total Estimated Amount Paid	Insert if surety or bond not required, leave blank.
11	Ascertained I.R. Tax	Self-explanatory. Information may be prepared on privately printed forms. (Omit this block if same as block No. 1.)
12	Missing Documents	Customs use only.
13	Mode of Transportation/Importing Carrier	Check applicable block(s) and/or describe document required by customs regulations that cannot be produced at time of entry.
14	Foreign Port of Lading	Check appropriate block for mode of transportation of initial carrier transporting the merchandise to the first U.S. port of unloading.
15	B/L: AWB or Manifest Number	For vessel or air shipments—Insert name of foreign port and country at which shipment was loaded on importing carrier. For merchandise transhipped enter last foreign port of lading. If merchandise laden at more than one port, show each port of lading next to the item (or group of items) in body of form.
16	IT/TACM/WDT Number and Date	Enter number of ocean bill of lading, air waybill, or manifest number covering the movement of the merchandise to the United States.
17	From (Port)	For merchandise shipped from first U.S. port of unloading for clearance at a subsequent port enter number and date of immediate transportation entry, transit air cargo manifest, or warehouse withdrawal for transportation entry. Cross out inapplicable entry designations.
18	Carrier (Delivering)	Enter name of customs port of entry in which shipment originated.
19	Name Imp. Vessel and Flag; Airline; Other Carrier	Insert name of carrier delivering shipment to customs port of destination.
20	First U.S. Port of Unloading	Enter name of vessel and flag, airline, or other carrier by which the merchandise arrived in the first U.S. port of unloading. Examples of other carriers are: Parcel post, registered mail, pipeline.
21	I.D. Number	Insert the name of the U.S. port, as listed in schedule D, at which the merchandise was unloaded from the importing carrier, whether or not such port is a customs port of entry. E.g., entry filed at the Port of Los Angeles for merchandise unloaded at Long Beach, Calif., show Long Beach as the port of unloading.
22	Date of Exportation	If shipment was released under immediate delivery procedures, insert number assigned to the immediate delivery transaction. Otherwise, leave blank.
23	Date of Importation	Enter month, day, and year on which merchandise was exported from the foreign country.
24	Country of Exportation	Note month, day, and year on which carrier arrived within the limits of the U.S. port of unloading or the limits of the United States if other than vessel.
25	Bond Number and Expiration Date	Name of country from which merchandise was exported.
26		Enter number of entry bond, if any and expiration date (month, day, and year).

IMPORT DOCUMENT CONTINUATION SHEET		ENTRY NUMBER		DISTRICT & POST CODE	
DATE		NAME OF PORT OF ENTRY		DATE	
27. INTERESTED PARTIES (List #)	28. T.S.U.S.A. NO.	29. TARIFF OR INC. RATE	30. DUTY & I.R. TAX		
31. DESCRIPTION—CLASS, NO. AND KIND OF PACKAGES (N) IN QUANTITY (M) T.S.U.S.A. UNIT	32. Gross Weight (M)	33. Net Weight (M)	34. Duty & I.R. Tax		
35. NAME & ADDRESS OF COUNTRY OF ORIGIN	36. Country of Origin	37. Country of Origin	38. Country of Origin		

Color of copies are same as CF-0001.

Block No.	Title	Information required
24.....	Location of Goods; G.O. Number (if any); Warehouse; Pier; Terminal.	Insert appropriate information that will clearly indicate where merchandise can be located at the port of entry. In the case of warehouse transactions, show location where shipment first arrived and designated warehouse. Show exact marks and numbers of outer containers of the shipment.
25(a).....	Marks and Numbers.....	Enter name of country in which merchandise being entered was mined, grown, or manufactured. When a single customs entry covers merchandise from more than one country, indicate the country of origin separately against each item (or group of items).
(b).....	Country of Origin.....	Describe the merchandise in terms of the Tariff Act in accordance with the Tariff Schedules of the United States Annotated for Statistical Reporting (TSUSA). Enter number and kinds of packages making up the shipment; e.g., 1 container containing 300 cartons, 100 crates, 300 bags, etc.
26.....	Description Y.S.U.S.A.; Number and Kinds of Packages.	Supply separate gross weight information for the merchandise covered by each TSUSA reporting number indicated in block No. 28. Show estimate if necessary. Exclude weight of substantial outer containers such as lift vans, cargo vans, etc.
(a).....	Gross Weight (lbs.).....	Enter net quantity in unit(s) specified in the Tariff Schedules of the U.S. Annotated for each reporting number. If no unit of quantity is specified enter an "X" in this column. Give quantities in whole units unless fractions are required for duty purposes. If quantity specified is tons, figure long tons of 2,240 lbs. unless short tons (2,000 lbs.) are specified.
(b).....	Net Quantity in T.S.U.S.A. Units.....	State the U.S. dollar value in accordance with the definition in sec. 402 or 402a of the T.A. 1930, as amended, for all merchandise free of duty or dutiable at specific rates.
27.....	Entered Value (U.S.\$).....	Enter the appropriate reporting number(s) as provided for in the Tariff Schedules of the U.S. Annotated applicable to each item of merchandise described in block No. 26.
28.....	T.S.U.S.A. Number.....	Insert Tariff Rate(s) of duty and/or I.R.C. Rate as provided for in the Tariff Schedules of the U.S. and I.R. Code. If merchandise is free of duty enter the word "Free."
29.....	Tariff or I.R.C. Rate.....	Calculate and enter applicable duty and I.R. tax amounts separately. Also, show separately amount of tea inspection fee, if any. For entries covering more than one dutiable item, the amounts of duty, Internal Revenue Tax and Tea Inspection Fee should be totaled and labeled separately—"Total Duties," "Total I.R. Tax," and/or "Total T.I. Fee" and recorded together with an aggregate total labeled "Total Collections" in the extreme lower portion of col. No. 30.
30.....	Duty and I.R. Tax.....	Customs use only.
31 to 36.....	Various.....	Affix signature of importer, consignee or agent and date in all cases. Check blocks applicable to the type of entry being filed.
37 (reverse of original).....	Entry Declaration.....	For customs use only.
38.....	Remarks and Report of Examining Officer, etc.	Optional. This block may be executed by carrier in lieu of separate CF 7529 or presentation of other documents supporting the right of individual to make entry.
39.....	Carrier's Certificate and Release Order.	

The following list of customs forms will be replaced by the Import Document Form CF-0001 and CF-0001-A (Continuation Sheet):

Form no.	Title	References
1. CF 4333.....	Bulletin Notice of Entries Liquidated.....	Secs. 16.2 C.R., 16.2 C.M.
2. CF 4333-A.....	Notice of Entries Liquidated.....	Sec. 16.2 C.R.
3. CF 4335.....	Bulletin Notice of Liquidation (free entries and permanent exhibition entries).	Secs. 16.2-16.12 C.R., 16.2-16.12 C.M.
4. CF 6417.....	Summary of Entered Values.....	Secs. 8.8, 8.16, 8.22, 8.30, 14.1, 14.16, 19.31 C.R.; 8.22, 14.2, 14.10, 16.2 C.M.
5. CF 6417-A.....	Summary of Entered Values (continuation sheet).	Secs. 8.50, 16.12 C.R., 8.60 C.M.
6. CF 7500.....	Appraisalment Entry.....	Secs. 8.27, 8.51, 10.31, 10.91, C.R.
7. CF 7501.....	Consumption Entry.....	Secs. 8.28 C.R.; 8.59 C.M.
8. CF 7501-A.....	Consumption Entry Permit.....	Secs. 8.18, 8.30, 8.33, 10.91, 19.11, 19.31 C.R.
9. CF 7501-B.....	Consumption Entry (continuation sheet).	Secs. 8.33 C.R.; 8.31 C.M.
10. CF 7501-C.....	Consumption Entry Permit (continuation sheet).	Secs. 8.35, 10.81 C.R., 8.35 C.M.
11. CF 7502.....	Warehouse or Rarehouse Entry.....	Secs. 19.14 C.R., 19.14 C.M.
12. CF 7502-A.....	Warehouse or Rarehouse Entry (permit).	Sec. 147.11 C.R.
13. CF 7502-B.....	Warehouse or Rarehouse Entry (continuation sheet).	
14. CF 7502-C.....	Warehouse or Rarehouse Permit (continuation sheet).	
15. CF 7519.....	Combined Rarehouse Entry and Withdrawal for Consumption, and Permit.	
16. CF 7521.....	Entry for Bonded Manufacturing Warehouse, and Permit.	
17. None.....	Entry for Exhibition (trade fair)	

[FR Doc.72-16826 Filed 10-5-72; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 22574]

MONTANA

Order Providing for the Opening of Public Lands

SEPTEMBER 28, 1972.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 5 N., R. 30 E.,
Sec. 35, All.

The area described contains 640 acres.

2. The land is situated in Yellowstone County, approximately 14 miles northeast of Pompeys Pillar's landmark by a county road. The land is being used for domestic livestock grazing in conjunction with other public and private lands that join the tract. The tract is also valuable for wildlife habitat providing native vegetation.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby open to application, petition, location, and selection. All valid applications received at or prior to 10 a.m. on November 4, 1972, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, MT.

KENNETH J. SIRE,

Acting Chief,

Lands and Minerals Operations.

[FR Doc.72-17100 Filed 10-5-72; 8:46 am]

[Oregon 016753]

OREGON

Notice of Termination of Proposed Withdrawal and Reservation of Land

SEPTEMBER 29, 1972.

Notice of an application serial No. Oregon 016753, for withdrawal and reservation of lands was published as FEDERAL REGISTER Document No. 65-9866 on page 11926 of the issue for September 17, 1965. The applicant agency has canceled

its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR, Group 2300, such lands will be at 10 a.m. on November 4, 1972, relieved of the segregative effect of the above-mentioned application.

OREGON

WILLAMETTE MERIDIAN

Revested Oregon and California Railroad Grant Lands

- T. 32 S., R. 1 E., W.M.,
 Sec. 27, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 29, SE $\frac{1}{4}$;
 Sec. 33, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 33 S., R. 1 E., W.M.,
 Sec. 5, SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
 Government Lots 3 and 4;
 Sec. 7, E $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Govern-
 ment Lot 4;
 Sec. 9, E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 19, W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 E $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
 Government Lots 1, 2, 3, and 4;
 Sec. 21, E $\frac{1}{2}$, SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,
 E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 29, E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Government Lots 1
 and 2.
 Total area—2,930.86 acres.

Public Domain Lands

- T. 33 S., R. 1 E., W.M.,
 Sec. 4, Government Lot 2;
 Sec. 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$;
 Sec. 20, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$.
 Total area—199.94 acres.

The areas described aggregate 3,130.80 acres.

IRVING W. ANDERSON,
 Chief, Branch of Lands
 and Minerals Operations.

[FR Doc.72-17125 Filed 10-5-72;8:48 am]

National Park Service

GUADALUPE MOUNTAINS NATIONAL PARK, TEX.

Notice of Establishment

The Act of October 15, 1966 (80 Stat. 920, 16 U.S.C. 283), provides for establishment of the Guadalupe Mountains National Park, consisting of land and interests in land within the area shown on the drawing entitled "Proposed Guadalupe Mountains National Park, Tex." numbered SA-GM-7100C and dated February 1965, which is on file and available for public inspection in the administrative office of the Guadalupe National Park and in the offices of the National Park Service, Department of the Interior.

The aforesaid act required, however, that the Secretary omit from the park sections 7 and 17, P.S.L. Block 121, in Hudspeth County and revise the park boundaries accordingly if the owner of these sections agreed, on behalf of himself, his heirs, and assigns that no structure would be erected thereon which, in the judgment of the Secretary of the Interior adversely affects the public use and enjoyment of the park. A scenic easement fulfilling the requirements of this provision was obtained by the United States from the owner of these lands and, thereupon, the Secretary omitted them from the park and revised the

boundaries thereof by notice of August 7, 1970, appearing in the FEDERAL REGISTER of August 19, 1970 at page 13222. The boundaries of the park, as so revised, are shown on "Boundary Map, Guadalupe Mountains National Park, Tex.," Drawing No. 166-20,000, 3/70, EPD-WSC.

Section 3(a) of the said act provides that notice of the establishment of Guadalupe Mountains National Park shall be published in the FEDERAL REGISTER when title to all privately-owned land within the park boundary, subject to such outstanding interests, rights, and easements as are not objectionable, with the exception of approximately 4,574 acres which are planned to be acquired by exchange, is vested in the United States, and after the State of Texas has donated or agreed to donate the same to the United States.

Title to all privately-owned land within the boundary of the park is vested in the United States, subject to outstanding interests, rights, and easements which are not objectionable. Moreover, the State of Texas and other owners have donated or agreed to donate the rights and interests it or they may have in minerals underlying lands within the boundaries of the park.

Therefore, notice is hereby given that the Guadalupe Mountains National Park is established.

Dated: September 30, 1972.

NATHANIEL REED,
 Assistant Secretary of the Interior.

[FR Doc.72-17099 Filed 10-5-72;8:46 am]

Office of the Secretary

[DES 72-97]

PROPOSED WILDERNESS CLASSIFICATION FOR GRAND CANYON COMPLEX, ARIZONA

Notice of Availability of Draft Environmental Statement

Correction

NOTE: F.R. Doc. 72-16787 should read as set forth below instead of as it appeared on page 20735 of the issue for Tuesday, October 3, 1972:

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for Proposed Wilderness Classification for Grand Canyon Complex, Ariz., and invites written comment within forty-five (45) days of this notice. Written comment should be addressed to the Director, Western Region or to the Superintendent, Grand Canyon National Park at the addresses given below.

The draft environmental statement considers the designation of 512,870 acres of Marble Canyon and Grand Canyon National Monuments, and Grand Canyon National Park as wilderness.

Copies are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102.

Grand Canyon National Park, Post Office Box 129, Grand Canyon, AZ 86023.

Dated: September 28, 1972.

W. W. LYONS,
 Deputy Assistant
 Secretary of the Interior.

DEPARTMENT OF AGRICULTURE

Forest Service

GILA WILDERNESS

Public Hearing

Notice is hereby given in accordance with the provisions of the Wilderness Act of September 3, 1964 (78 Stat. 890-892; 16 U.S.C. 1131-1132) that public hearings will be held, beginning at 9 a.m. on December 15, 1972, in the Fine Arts Auditorium on campus of Western New Mexico University, Silver City, N. Mex., and at 9 a.m. on December 16, 1972, in the Convention Center, Acoma and Zuni Rooms, Albuquerque, N. Mex., on a proposal for a recommendation to be made by the Secretary of Agriculture to the President of the United States for a recommendation to the Congress of a proposed Gila Wilderness. This results from a review of the Gila Primitive Area and adjustments of the boundaries of the Gila Wilderness. The new Wilderness proposal covers 514,678 acres. The proposed Gila Wilderness is located on the Gila National Forest in the counties of Catron and Grant, State of New Mexico.

A brochure containing a map and information about the proposed wilderness may be obtained from the Forest Supervisor, Gila National Forest, 301 West College Avenue, Silver City, NM 88061; or the Regional Forester, 517 Gold Avenue SW., Albuquerque, NM 87101.

Individuals and organizations may express their views by appearing at these hearings or may submit written comments for inclusion in the official record to the Regional Forester, 517 Gold Avenue SW., Albuquerque, NM 87101, until January 16, 1973.

REXFORD A. RESLER,
 Associate Chief,
 Forest Service.

OCTOBER 3, 1972.

[FR Doc.72-17166 Filed 10-5-72;8:52 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 435 (CP-21)]

ROMPHIL INTERNATIONAL CORP.
AND ROMAN GUNZ

Order Denying Validated License Export Privileges and Imposing Civil Penalty

In the matter of Romphil International Corp. and Roman Gunz, 1200 Sixth Avenue, New York, NY 10003, respondents, Case No. 435 (CP-21).

By letter dated April 12, 1972, the Director, Compliance Division, Office of Export Control, charged the above respondents with violations of the Export Control Act of 1949, as amended, and regulations thereunder.¹ The charging letter was duly served and the respondents appeared by counsel.

There are two charges. Charge I alleges in substance that respondents acted in concert with a party who was in the United States from West Germany and sold and delivered to her certain transistors which respondents knew she intended to take from the United States to West Germany; that respondents had not obtained the requisite validated export license for said commodities and they knew that the party did not intend to obtain the requisite license. Charge II alleges in substance that in the course of an investigation by the Office of Export Control regarding the end-use of the transistors the respondents falsely stated that they still had the transistors when in fact they had already sold and delivered them to the party from West Germany.

Pursuant to the provisions of § 388.10 of the Export Control Regulations with agreement of the Director of the Compliance Division, the respondents submitted to the Hearing Commissioner a proposal for the issuance of a consent order against them.

The respondents in the consent proposal, for the purpose of this compliance proceeding only, do not contest the charges set forth in the charging letter. They waived all right to an oral hearing before the Hearing Commissioner and consented to the issuance of an order against them substantially in the form hereinafter set forth. They also waived all rights of administrative appeal from and judicial review of such order.

The Hearing Commissioner reviewed the facts in the case and the consent proposal. He approved the consent proposal and recommended that it be accepted. He also made Findings of Fact, which, after considering the record in the case I adopt as my own.

FINDINGS OF FACT

1. The respondent Romphil International Corp. has a place of business in New York City and is a jobber and exporter of general merchandise. The respondent Roman Gunz is the president and chief executive officer of the corporation. In the transactions hereinafter described Gunz acted for and on behalf of the corporation. References herein to the conduct of Gunz shall also apply to Romphil.

2. On September 12, 1967, the respondent Gunz submitted to OEC an applica-

tion for a license to export 180 transistors valued at \$2,500 to a party in West Germany. OEC undertook a preclearing investigation to ascertain whether the ultimate disposition would be to a proper destination. Before this investigation was completed and before there was final action on the application, Gunz, on September 27, 1967, filed a second application for a license to export the same commodities to the same party in West Germany.

3. On October 19, 1967, before OEC had acted on either of the applications referred to in the previous finding, an agent of Gunz' customer from West Germany came to Gunz' office in New York for the purpose of taking delivery of the transistors. The said agent paid for the transistors and Gunz delivered them to her. The agent took the transistors from the United States and carried them to West Germany without applying for and obtaining the requisite validated export license.

4. At the time that Gunz sold and delivered the transistors to the agent he knew that she intended to take them to West Germany without applying for and obtaining the requisite validated export license which Gunz knew was required.

5. On January 25, 1968, in the course of a preclearing investigation under authority of the Export Control Act of 1949, to ascertain the end-use of the transistors in question, the respondent Gunz was interviewed by a special agent of OEC. On this occasion Gunz told the special agent that the transistors were still in his office and he pointed out to the agent a box which he said contained the transistors. The statement and representation by Gunz that he still had the transistors was false since he had delivered them to an agent of his customer from West Germany on October 19, 1967, knowing that she intended to take them to West Germany.

Based on the foregoing, I have concluded that the respondents violated § 387.3(b) of the Export Control Regulations in that they acted in concert with the agent of respondents' customer to bring about a violation of § 387.4 of said regulations in that they sold and delivered commodities with knowledge that a violation of said regulations was intended to occur in respect to said transaction. I have also concluded that respondents violated § 387.5 of said regulations in that they made false and misleading statements and representations to an agent of OEC in the course of an investigation instituted under authority of the Export Control Act of 1949.

I have considered the record in the case and the recommendation of the Hearing Commissioner. The consent proposal is hereby accepted and being of the view that the following order is calculated to achieve effective enforcement of the law and the purposes thereof: *It is hereby ordered.*

I. All outstanding validated licenses in which the respondents appear or participate in any manner are hereby revoked and shall be returned forthwith to

the Bureau of International Commerce for cancellation.

II. Except as qualified in Part IV hereof of the respondents for a period of 30 months from the effective date of this order are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported or which are otherwise subject to the U.S. Export Control Regulations, but only when such participation would under said regulations, applicable at the time, require a validated export license, as set forth in the Export Control Regulations. Without limitation of the generality of the foregoing participation prohibited in any such transaction either in the United States or abroad shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any validated export license application or reexportation authorization, or documents to be submitted therewith; (c) in the obtaining or using of any validated export license; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data where such transaction under said regulations, applicable at the time, require a validated export license; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data where such transaction would under said regulations, applicable at the time, require a validated export license.

This order does not affect the participation by respondents in transactions for which validated export licenses are not required.

III. The foregoing denial of validated license export privileges shall extend not only to respondents but also as to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. Six months after the effective date of this order, without further order of the Bureau of International Commerce, the export privileges denied under this order shall be restored conditionally and respondents shall be on probation for the remainder of the denial period. No validated licenses which have been revoked under this order shall be restored. The conditions of probation are that respondents shall fully comply with all requirements of the Export Administration Act of 1969, as amended, and all regulations, licenses, and orders issued thereunder.

V. Upon a finding, based on evidence, by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that the respondents have knowingly failed to comply with the requirements and conditions of this order or with any

¹ This Act has been succeeded by the Export Administration Act of 1969, 50 U.S.C. App. 2401 et seq. Sec. 13(b) of the new Act provides, "All outstanding delegations, rules, regulations, orders, licenses, or other forms of administrative action under the Export Control Act of 1949 * * * shall, until amended or revoked, remain in full force and effect, the same as if promulgated under this Act."

of the conditions of probation, said official without notice, when national security or foreign policy considerations are involved, or with notice if such considerations are not involved, by supplemental order may revoke the probation of said respondents, revoke all outstanding validated export licenses to which said respondents may be a party and deny to said respondents all export privileges for the balance of the probation period. Such supplemental order shall not preclude the Bureau of International Commerce from taking such further action for any violation as it shall deem warranted. On the entry of a supplemental order revoking respondents' probation without notice respondents may file objections and request an oral hearing as provided in Section 388.16 of the Export Control Regulations, but pending such further proceedings the order of revocation shall remain in effect.

VI. During the time when respondents are subject to the restrictions of this order (which affect only validated license export privileges) no person with knowledge that respondents are subject to said restrictions, without prior disclosure of the facts to and specific authorization from the Bureau of International Commerce: (a) May, with respect to commodities or technical data requiring validated export licenses, apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation or reexportation of such commodities or technical data by, to, or for respondents; or (b) may, with respect to such commodities or technical data requiring validated export licenses, order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any transaction which may involve any such commodity or technical data exported or to be exported from the United States whereby respondent may obtain any benefit therefrom or have an interest therein, directly or indirectly.

VII. In addition to the sanction above set forth a civil penalty of \$500 is hereby imposed on the respondents jointly.

This order shall become effective on October 6, 1972.

Dated: October 2, 1972.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.72-17155 Filed 10-5-72;8:51 am]

**Office of Import Programs
UNIVERSITY OF CALIFORNIA—
LOS ANGELES**

**Notice of Decision on Application for
Duty-Free Entry of Scientific Article**

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub-

lic Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 72-00572-33-46500. Applicant: University of California-Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for making ultrathin sections for use in electron microscopy of a variety of biological specimens, almost wholly in connection with research in neuropathology where artifacts induced by less than superior sectioning are intolerable. A large interest is in study of degenerative processes involved in the myelin and other membranes which are affected in multiple sclerosis. In addition to routine sectioning, the article will be used to provide serial sections for three-dimensional reconstructions. The material to be sectioned includes soft tissue, brain, membranes, bone and adjacent soft tissue and membranes in studies of the blood-brain and blood-cerebrospinal fluid barrier systems, the fine structure of arachnoid villi and dural sinuses, and relationship of arachnoid villi and dural membranes to the calvarium.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar

foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm./sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm./sec. We are advised by HEW in its memorandum of September 8, 1972, that cutting speeds in the excess of 4 mm./sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

SETH M. BODNER,
Director,

Office of Import Programs.

[FR Doc.72-17154 Filed 10-5-72;8:51 am]

**Social and Economic Statistics
Administration**

**SURVEY OF DISTRIBUTORS' STOCKS
OF CANNED FOODS**

Notice of Consideration

Notice is hereby given that the Bureau of the Census is planning to conduct its annual survey of inventories covering 30 canned and bottled products, including vegetables, fruits, juices, and fish as of December 31, 1972, under the provisions of title 13, United States Code, sections 181, 224, and 225. This survey, together with the previous surveys provides the only continuing source of information on stocks of the specified canned foods held by wholesalers and in warehouses of retail multiunit organizations.

On the basis of information received by the Bureau of the Census, these data will have significant application to the needs of the public, industry, and the distributive trades, and governmental agencies and are not publicly available from nongovernmental or other governmental sources.

Such survey, if conducted, shall begin not earlier than 30 days after publication of this notice in the FEDERAL REGISTER.

Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for

"all sizes smaller than No. 10" and for "sizes No. 10 or larger." (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census within 30 days after the date of this publication and will receive consideration.

Dated: October 3, 1972.

HAROLD C. PASSER,
Administrator, Social and
Economic Statistics Administration.

[FR Doc. 72-17174 Filed 10-5-72; 8:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

COMMUNITY MENTAL HEALTH FACILITIES

Federal Percentages for Construction Grants

Notice of proposed rule making, public rule making procedures and delay of effective date have been omitted as unnecessary in the following issuance which relates solely to grants for the construction of community mental health facilities.

Pursuant to section 401 (i) and (j) of title IV of the Mental Retardation Facilities and Community Mental Health Centers Act, as amended, the following Federal percentages are hereby promulgated for the fiscal year beginning July 1, 1973, and the succeeding fiscal year. It is also determined that the Federal percentages for construction grants for alcoholism, narcotic addiction, and drug abuse, and children's facilities shall be the same as provided for community mental health facilities.

These percentages have been determined in the manner specified by the Act and are based on the per capita income of the several States and the United States for 1969, 1970, and 1971 the three most recent consecutive years for which satisfactory data is available from the Department of Commerce.

Alabama	63.43	Illinois	42.61
Alaska	42.00	Indiana	51.13
Arizona	54.01	Iowa	52.70
Arkansas	63.72	Kansas	50.20
California	43.63	Kentucky	60.64
Colorado	51.25	Louisiana	61.13
Connecticut	38.89	Maine	59.19
Delaware	43.92	Maryland	45.74
Florida	53.42	Massachu-	
Georgia	57.16	setts	45.05
Hawaii	43.23	Michigan	46.43
Idaho	58.84	Minnesota	51.34

Mississippi	66.66	Tennessee	60.76
Missouri	52.82	Texas	54.98
Montana	56.59	Utah	59.14
Nebraska	51.61	Vermont	56.14
Nevada	42.19	Virginia	53.80
New Hamp-		Washington	48.97
shire	54.08	West	
New Jersey	42.03	Virginia	61.65
New Mexico	60.57	Wisconsin	52.87
New York	39.80	Wyoming	53.45
North		District of	
Carolina	59.18	Columbia	31.14
North Dakota	59.26	Trust Terri-	
Ohio	49.22	tory of the	
Oklahoma	57.88	Pacific	66.66
Oregon	52.51	American	
Pennsyl-		Samoa	66.66
vania	50.08	Guam	66.66
Rhode		Puerto Rico	66.66
Island	50.20	Virgin	
South		Islands	66.66
Carolina	62.73		
South			
Dakota	59.35		

VERNON E. WILSON,
Administrator, Health Services
and Mental Health Admin-
istration.

SEPTEMBER 29, 1972.

[FR Doc. 72-17151 Filed 10-5-72; 8:50 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 72-192N]

TOWING INDUSTRY ADVISORY COM- MITTEE TO MARINE SAFETY COUNCIL

Notice of Open Meeting

This is to give notice pursuant to Executive Order 11671, sec. 13(a), dated June 5, 1972, that the Towing Industry Advisory Committee to the Marine Safety Council, U.S. Coast Guard, will conduct an open meeting on Wednesday, October 11, 1972, at the Mayflower Hotel, Washington, D.C., beginning at 9 a.m. in the East Room.

Members of the committee and their industry positions are as follows:

Mr. Braxton B. Carr, Chairman, President, American Waterways Operators, Inc.
Mr. F. T. Ainsworth, Manager, U.S. Area Marine Distribution & Traffic, The Dow Chemical Co.
Mr. Lester C. Bedient, General Manager, Harbor Carriers, Inc.
Mr. Jesse E. Brent, President, Brent Towing Co., Inc.
Mr. Peter J. Brix, President, Knappton Towboat Co.
Mr. Francis B. Bushey, President, Spentonbush Transport Service, Inc.
Mr. Leo L. Collar, Chairman of the Board, Alaska Hydro-Train.
Mr. W. A. Creelman, Vice President, National Marine Service, Inc.
Mr. Stanley J. Fairhurst, Vice President, Administration, Dillingham Corp.
Mr. Louis R. Flore, President, The Ohio River Co.
Capt. S. V. Gardner, Manager, Baton Rouge Branch, Humble Oil and Refining Co.
Mr. T. E. Garside, Vice President, Pacific Inland Navigation Co., Inc.

Mr. Thomas L. Gladders, Vice President, G. W. Gladders Towing Co., Inc.
Mr. Robert L. Gray, Manager, River Operations, Ashland Oil and Refining Co., Inc.
Mr. W. F. Hagestad, Executive Vice President, Canal Barge Co., Inc.
Mr. Robert J. Hasler, Vice President, Marine Services Group, Willamette-Western Corp.
Mr. Adrian S. Hooper, President, Interstate Oil Transport Co.
Mr. Gresham Hougland, President, Crounse Corp.
Capt. Frank J. Hughes, President, Curtis Bay Towing Co.
Mr. John W. Lambert, President, Twin City Barge and Towing Co.
Mr. William E. Law, President, Allied Towing Corp.
Mr. Melvin E. Lemmerhirt, Vice President, Great Lakes Dredge and Dock Co.
Mr. William C. McNeal, Vice President, Oil Transport Co., Inc.
Mr. Alvan D. Osbourne, Vice President, Operations, Union Barge Line Corp.
Mr. Frank P. Silliman, President, Hillman Transportation Co.
Mr. Arnold Sobel, Chairman of the Board of Directors, Great Lakes Towing Co.
Capt. William S. Streckfus, Vice President, Streckfus Steamers, Inc.
Mr. A. J. Tordella, Vice President, Sheridan Transportation Co.
Mr. Walter D. Verner, Vice President, Operations, Ingram Barge Co.
Mr. J. W. Von Herbulis, President, Pittston Marine Corp.

The agenda for the 11 October meeting consists of the following:

1. Operators' Licenses for Uninspected Towing Vessels.
2. Uninspected Towing Vessel Engineer Study.
3. Oil Spill Prevention Regulations.
4. Vessel Traffic Systems.
5. Radiotelephone Regulations.
6. Status of Occupational Safety and Health Act.
7. Revision of Licensing Procedures for Towing Vessel Engineers.
8. Pollution Control Enforcement.
9. Study of Navigation Safety on Western Rivers.
10. Flashing Navigation Lights on Log Rafts.
11. International Convention on the Tonnage Measurements of Ships.
12. Miscellaneous Matters.

The Treasury Department first established the Western Rivers Panel on March 12, 1943, "to act as an advisory body concerned with the safe operation of vessels on the Western rivers." The Secretary of Transportation on June 11, 1971, (1) revised the title of the Western Rivers Panel to read Towing Industry Advisory Committee, (2) expanded the scope of the committee to include "the safe operation of towing vessels and barges on the rivers, inland waters, along the coasts and upon the oceans, and (3) established the committee for the 2-year period ending June 30, 1973. The Secretary of Transportation approved members for the committee and the Commandant, U.S. Coast Guard, sent letters of appointment on November 18, 1971. Members of the committee serve without compensation from the Federal Government, either travel or per diem. The committee has met twice in the past year, December 4, 1971, in Washington, D.C., and April 3-4, 1972, in Portland, Oreg.

Interested persons may request additional information concerning the October 11 meeting and other matters relating to the Towing Industry Advisory Committee (including minutes of the previous meetings) by writing Capt. D. H. Clifton, Executive Secretary, Marine Safety Council, U.S. Coast Guard Headquarters (GCMC/82), 400 Seventh Street SW., Washington, DC 20590 or by calling 202-426-1477.

Dated: October 2, 1972.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.72-17128 Filed 10-5-72; 8:48 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-373, 50-374]

COMMONWEALTH EDISON CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held, at a time and place to be set in the future by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Commonwealth Edison Co. (the applicant), for construction permits for two boiling water nuclear reactors designated as the La Salle County Nuclear Power Station, Units 1 and 2 (the facilities), each of which is designed for initial operation at approximately 3293 thermal megawatts with a net electrical output of approximately 1078 megawatts. The proposed facilities are to be located at the applicant's site in Brookfield Township, La Salle County, Ill. The proposed site is located approximately 5 miles south-southwest of Seneca, Ill. The hearing will be scheduled to begin in the vicinity of the site of the proposed facilities.

The Board will be designated by the Atomic Energy Commission (Commission). Notice as to its membership will be published in the FEDERAL REGISTER.

Upon receipt of a report by the Advisory Committee on Reactor Safeguards and upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities.

3. Whether the applicant is financially qualified to design and construct the proposed facilities.

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine (1) without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, and the review of the application by the Commission's regulatory staff has been adequate to support the findings proposed to be made by the Director of Regulation on Items 1-4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) determine whether the review conducted by the Commission pursuant to NEPA has been adequate. In the event that this proceeding is not contested, the Board will convene a prehearing conference of the parties within sixty (60) days after this notice of hearing or such time as may be appropriate, at a time and place to be set by the

Board. It will also set the schedule for the evidentiary hearing. Notice of the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1-5 above as a basis for determining whether the construction permits should be issued to the applicant.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days from the date of publication of this notice in the FEDERAL REGISTER, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any special prehearing conference and within sixty (60) days after discovery has been completed, or within such other time as may be appropriate, at a place to be set by the Board for the purpose of dealing with the matters specified in 10 CFR 2.752.

Notices of the dates and places of the special prehearing conference, the prehearing conference and the hearing will be published in the FEDERAL REGISTER.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50, (1) determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

For further details, see the application for construction permits dated November 3, 1970, and amendments thereto, and the applicant's Environmental Report dated November 4, 1971, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents will also be made available at the Reddicks Public Library, 100 West Lafayette Street, Ottawa, IL 61350, for inspection by members of the public between the hours of 8:30 a.m. and 9 p.m. Monday through Thursday and 8:30 a.m. and 5:30 p.m. on Friday and Saturday. As they become available, a copy of the report of the Advisory Committee on Reactor Safeguards (ACRS), the safety evaluation by the Commission's Directorate of Licensing, the Commission's draft and final detailed statements on

[Docket No. 50-368]

**ARKANSAS POWER AND LIGHT CO.
Order Establishing the Time and Place
for Commencement of the Evidentiary
Hearing on Environmental
Issues**

In the matter of Arkansas Power and Light Co. (Arkansas Nuclear One—Unit 2).

Take notice, that the evidentiary hearing on environmental matters in the subject proceeding shall commence on October 27, 1972, at 9 a.m., local time, in Room 2503, U.S. Federal Building, 700 West Capital Street, Little Rock, AR 72203. The hearing will continue until the record for the reception of evidence on environmental matters is closed.

It is so ordered.

Issued at Washington, D.C. this 29th day of September 1972.

For the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc.72-17097 Filed 10-5-72;8:45 am]

[Docket No. 50-367]

**NORTHERN INDIANA PUBLIC SERVICE
CO.**

Notice and Order for Prehearing Conference on Environmental Matters

In the matter of Northern Indiana Public Service Co. (Bailey Generating Station, Nuclear 1).

Take notice, that a prehearing conference will be held in the subject proceeding on November 1, 1972, at 10 a.m., local time, in Holiday Inn, O'Hare, 3801 North Mannheim Road, Ballroom B, Schiller Park, IL 60176.

hearing Conference is to:

The primary purpose of the prehearing conference is to:

1. Hear oral arguments regarding the environmental contentions of joint intervenors as set out in their further specification of contentions, dated August 28, 1972;
2. Establish the ground rules for discovery in connection with environmental issues;
3. Establish the date for the commencement of the evidentiary hearing with respect to environmental matters; and
4. Discuss such other matters as may aid in the disposition of environmental issues.

The attorneys for the respective parties are directed to:

1. Confer in advance of the Prehearing Conference and report to the Atomic Safety and Licensing Board at the time of the Conference on the prospect of stipulations of fact and law which would define and limit the scope of the environmental evidentiary hearing;

environmental considerations, the proposed construction permits, other relevant documents, and the transcripts of the prehearing conferences and of the hearing will also be available at the above locations. Copies of the proposed construction permits, the ACRS report, the Directorate of Licensing's safety evaluation and the Commission's draft and final detailed statement on environmental considerations may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who does not wish to, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may only make an oral or written statement on the record, and may not participate in the proceeding in any other way. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above.

Any person whose interest may be affected by the proceeding, who does not wish to make a limited appearance and who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714.

A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to inter-

vene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or the Commission's Public Document Room, 1717 H Street NW., Washington, DC, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A petition for leave to intervene which is not timely filed will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a).

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant not later than twenty (20) days from the date of publication of this notice in the FEDERAL REGISTER.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission will delegate to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission will establish the Appeal Board pursuant to 10 CFR 2.785 and will make the delegation pursuant to subparagraph (a) (1) of that section. The Appeal Board will be composed of a Chairman and two other members to be designated by the Commission. Notice of the membership of the Appeal Board will be published in the FEDERAL REGISTER.

Dated at Germantown, Md., this 29th day of September 1972.

UNITED STATES ATOMIC
ENERGY COMMISSION,
PAUL C. BENDER,

Secretary of the Commission.

[FR Doc.72-16975 Filed 10-5-72;8:45 am]

2. Confer in advance and make every effort to limit the documentary and oral evidence that will be offered at the evidentiary hearing; and

3. Confer and determine in advance the estimated time to be required by the parties for the actual presentation of their cases on environmental matters.

It is so ordered.

Dated at Washington, D.C., this 29th day of September 1972.

For the Atomic Safety and Licensing Board.

JEROME GARFINKEL,
Chairman.

[FR Doc. 72-17098 Filed 10-5-72; 8:45 am]

[Docket No. 50-16]

POWER REACTOR DEVELOPMENT CO. **Establishment of Atomic Safety and Licensing Board**

On August 30, 1972, the Commission published in the *FEDERAL REGISTER* (37 *F.R.* 17577) a notice of hearing concerning a show cause order entitled "Denial of Application Extension and Order Suspending Operation" with respect to the Enrico Fermi Atomic Power Plant No. 1. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date and that notice of its membership would be published in the *FEDERAL REGISTER*.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations in Title 10, Code of Federal Regulations, Part 2 (Rules of Practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Carl W. Schwarz, Esq., Mr. Robert L. Zanetel, and Charles A. Haskins, Esq., Chairman.

As provided in the notice of hearing, the date and place of a hearing will be published in the *FEDERAL REGISTER*.

Dated at Washington, D.C., this 27th day of September 1972.

JAMES R. YORE,
Executive Secretary, Atomic
Safety and Licensing Board
Panel.

[FR Doc. 72-17152 Filed 10-5-72; 8:50 am]

[Dockets Nos. 50-338, 50-339]

VIRGINIA ELECTRIC AND POWER CO. **Determination To Rescind Suspension of Certain Construction Activities Pending Completion of NEPA Environmental Review**

In the matter of Virginia Electric and Power Co. (North Anna Power Station Units 1 and 2).

Virginia Electric and Power Co. (the licensee) is the holder of Construction Permits Nos. CPPR-77 and CPPR-78 (the construction permits), issued by the Atomic Energy Commission on February 19, 1971. The construction permits au-

thorize the licensee to construct two pressurized water nuclear power reactors, designated as the North Anna Power Station Units 1 and 2, at a site in Louisa County, Va. These reactors are each designed for initial operation at approximately 2,785 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 *CFR* Part 50 (Appendix D), the licensee filed with the Commission a written statement of reasons, with a supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation considered the licensee's submission in light of the criteria set out in section E.2 of Appendix D, and, on November 29, 1971, initially determined, after considering and balancing the criteria in section E.2 of Appendix D, that activities involving off-site right-of-way clearing and construction of transmission lines for the North Anna Power Station should be suspended pending completion of the NEPA review of the environmental impact of these activities (36 *F.R.* 23265, December 7, 1971). On November 29, 1971, the Director of Regulation issued an order to show cause why these construction activities should not be so suspended. On December 27, 1971, the licensee filed a timely answer requesting modification of the order so as to permit continued construction to completion of the North Anna to Ladysmith 500 kv. transmission line. The latter is one of four transmission lines proposed for the North Anna Power Station. On February 4, 1972, the Director of Regulation, after consideration of the licensee's response and determination that cause had not been shown to warrant modification of the order to show cause, issued an order suspending these construction activities at the North Anna Power Station.

The Director of Regulation has reconsidered that determination in light of information developed by the AEC regulatory staff's ongoing environmental review and has now determined, after considering and balancing the factors in section E.2 of Appendix D, along with the factor dealt with by the U.S. Court of Appeals for the District of Columbia Circuit in *Coalition for Safe Nuclear Power v. AEC*, No. 71-1396 (April 7, 1972),¹ that activities involving off-site right-of-way clearing and construction of the North Anna to Ladysmith 500 kv. transmission line should no longer be suspended pending completion of the full NEPA environmental review. Accordingly, the Director of Regulation has served upon the licensee an order partially rescinding the suspension which will become effective 30 days following

¹ This factor concerns the degree to which additional irretrievable commitments of financial resources, associated with the requested activities during the NEPA review period, might affect the decision based upon the full NEPA review.

publication of this determination in the *FEDERAL REGISTER*.

Further details of this determination are set forth in a document entitled "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for North Anna Power Station Units 1 and 2, Dockets Nos. 50-338 and 50-339," dated August 1972.

Pending completion of the full NEPA review, the holder of Construction Permits Nos. CPPR-77 and CPPR-78 proceeds with construction at its own risk. The determination herein and the discussion and findings hereinabove referred to, do not preclude the Commission, upon completion of its NEPA environmental review, from continuing, modifying, or terminating the construction permits or from appropriately conditioning the permits to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the *FEDERAL REGISTER*. Such request shall set forth the matters, with regard to the factors referenced hereinabove, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the *FEDERAL REGISTER*. If a request for a hearing is filed within the time specified, the effectiveness of the order partially rescinding the suspension will be stayed pending appropriate disposition of such request.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for the North Anna Power Station Units 1 & 2, Docket Nos. 50-338 and 50-339," and the document entitled "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for North Anna Power Station Units 1 & 2, Docket Nos. 50-338 and 50-339," as well as the determination, orders, and answer referred to above are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Board of Supervisors, Louisa County Courthouse, Louisa, Va. 23093. Copies of these documents 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.

Dated this 29th day of September 1972.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.72-17132 Filed 10-5-72;8:48 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Hearing on a Facility Operating License

In the matter of Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (Kewaunee Nuclear Power Plant).

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held at a time and place to be set in the future by an Atomic Safety and Licensing Board, to begin in or in the vicinity of Kewaunee County, Wis., to consider the application filed under section 104b. of the Act by the Wisconsin Public Service Corp., Wisconsin Power & Light Co., and Madison Gas & Electric Co. (applicants) for a facility operating license which would authorize the operation of the pressurized water reactor (the facility), identified as Kewaunee Nuclear Power Plant, at a steady-state power level up to a maximum of 1,650 megawatts (thermal), at the applicants' site in Kewaunee County, Wis.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of John B. Farmakides, Esq. (Chairman), Mr. Frederick J. Shon, and Dr. William E. Martin. Dr. Ernest O. Salo has been designated as a technically qualified alternate, and Hugh K. Clark, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permit No. CFP-50, issued by the Commission on August 6, 1968, following a public hearing.

A notice of consideration of issuance of an operating license for the facility was published on June 22, 1972 (37 F.R. 12337). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the issuance of a license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. A joint petition for leave to intervene was thereafter filed by Businessmen for the Public Interest and Protect Our Wisconsin Environmental Resources. Answers to these petitions were filed by the ap-

plicants and by the Atomic Energy Commission's regulatory staff.

As set forth in a memorandum and order on this matter dated September 29, 1972, the Commission has determined that a public hearing will be held and that petitioners Businessmen for the Public Interest and Protect Our Wisconsin Environmental Resources should be admitted as parties to the proceeding. The Commission further directed the Licensing Board to take whatever action it considered necessary to enable it to narrow the petitioners' contentions and specify the issues to be considered during the hearing.

A special prehearing conference will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice, 10 CFR Part 2. The date and place of any further prehearing conferences, and of the hearing itself, will be set by the Board at or after the special prehearing conference. Notices as to the dates and places of the special prehearing conference and the hearing will be published in the FEDERAL REGISTER.

Depending on the resolution of the issues specified by the Licensing Board, authorization for issuance of the license may be granted or denied, or the license may be authorized as appropriately conditioned. An operating license would be issued only after appropriate findings are made by the Director of Regulation on the matters set forth below which are not embraced by the Board's decision (and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50, dealt with hereinafter):

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission.

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission.

4. Whether the applicant is technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission.

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied.

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

The Commission has issued regulations for the implementation in its licensing proceedings of the National Environmental Policy Act of 1969 (NEPA),

Appendix D to 10 CFR Part 50. The instant proceeding is covered by section C of said Appendix D, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The application for the facility operating license and other documents pertinent to the matters under consideration, including the transcripts of the prehearing conference and of the hearing, have or will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, WI, for inspection by members of the public. Copies of the applicants' supplemental environmental report dated November 8, 1971; the Commission's draft detailed statement of environmental considerations pursuant to 10 CFR Part 50; the report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Kewaunee facility; the Commission's final detailed statement of environmental considerations pursuant to 10 CFR Part 50, Appendix D; the safety evaluation prepared by the Division of Reactor Licensing; and the proposed facility operating license, when available and to the extent of supply, may be obtained by request to the Director of the Division of Reactor Licensing, U.S. Atomic Energy Commission Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed either a petition for leave to intervene or a request for a hearing as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to the proceeding (other than the regulatory staff) not

later than twenty (20) days from the date of publication of this notice in the **FEDERAL REGISTER**. Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's rules of practice, an original and 20 copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission. The Commission has established the Appeal Board pursuant to 10 CFR 2.785 of the Commission's rules of practice, and has made the delegation pursuant to subparagraph (a)(1) of this section. The membership of the Appeal Board for this proceeding will be designated by the Commission in a subsequent notice to be published in the **FEDERAL REGISTER**.

Dated at Germantown, Md., this 29th day of September, 1972.

UNITED STATES ATOMIC
ENERGY COMMISSION,
PAUL C. BENDER,

Secretary of the Commission.

[FR Doc.72-17084 Filed 10-5-72;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

BERLIN COMMUNICATIONS, INC.

Standard Broadcast Application
Ready and Available for Processing

OCTOBER 2, 1972.

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on November 10, 1972, the following application by station WBRL for increase in daytime power of its class IV standard broadcast station, will be considered as ready and available for processing:

BP-19283 WBRL, Berlin, N.H., Berlin Communications, Inc., Has: 1400 kHz, 250 W., U., Req: 1400 kHz, 250 W., 1 kw.-LS, U.

The purpose of this notice is not to invite applications which may conflict with the listed application, but to apprise any party in interest who desires to file pleadings concerning the application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended,

of the necessity of complying with § 1.580 (1) of the Commission's rules governing the time of filing and other requirements relating to such pleadings.

Adopted: September 28, 1972.

Released: October 2, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17176 Filed 10-5-72;8:53 am]

CABLE TV GOVERNMENT ADVISORY GROUP SUBCOMMITTEE

Postponement of Meeting

OCTOBER 2, 1972.

The meeting of Subcommittee D, the Post Award Regulatory Phase, of the Cable Television Federal-State/Local Advisory Committee which was originally scheduled for October 3, 1972, at 10 a.m. (37 F.R. 20055), has been postponed. The meeting has been rescheduled for October 13, 1972, at 10 a.m. and will be held in Room 847S of the main FCC building at 1919 M Street NW., Washington, DC.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17175 Filed 10-5-72;8:53 am]

[Docket No. 19558]

OVERSEAS DATAPHONE SERVICE

Inquiry Regarding Future Authorization Policy; Order Extending Time

1. On September 25, 1972, ITT World Communications Inc. (ITT Worldcom) requested by letter dated September 22, 1972, a 60-day extension of time in which to file comments in the above-captioned inquiry. ITT Worldcom alleges that its request is reasonable in view of the extensive amount of information requested by the Notice of Inquiry (37 F.R. 16042), a substantial amount of which is of a highly technical nature. ITT Worldcom represents that the other parties requested to respond to the inquiry have indicated that they will not object to the ITT Worldcom request.

2. We find that ITT Worldcom has shown good cause for the requested extension of time.

3. Accordingly, it is ordered: Pursuant to § 0.303(c) of the Commission's rules pertaining to Delegations of Authority that the request of ITT World Communications Inc. is granted; and

(A) The time in which to file comments in Docket 19558 is extended until November 29, 1972; and

(B) The time in which to file reply comments is extended until December 29, 1972.

Adopted: September 26, 1972.

Released: September 27, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BERNARD STRASSBURG,
Chief,
Common Carrier Bureau.

[FR Doc.72-17177 Filed 10-5-72;8:53 am]

[Docket No. 19208; FCC 72-804]

REGINALDO ESPINOZA II

Memorandum Opinion and Order Setting Aside Hearing

In regard application of Reginaldo Espinoza II, for renewal of license of Station KRDD, Roswell, N. Mex.; Docket No. 19208, File No. BL-12873.

1. Under consideration are: (a) A letter dated September 3, 1971, received September 7, 1971, from Reginaldo Espinoza II (licensee), in which he requests reconsideration of the Order, FCC 71-404, released April 26, 1971 (29 FCC 2d 180), designating the above-captioned application for renewal of license for hearing; and (b) an opposition to such request filed September 22, 1971, by the Chief, Broadcast Bureau; (c) an order FCC 72-334, released April 7, 1972, directing that an inspection be made of Station KRDD, Roswell, N. Mex.; (d) a statement in response to such order, filed April 12, 1972, by the Chief, Broadcast Bureau; (Bureau); (e) an additional statement, filed May 3, 1972, by the Bureau; (f) an answer to the Bureau dated June 6, and filed June 12, 1972, by the licensee.

2. In the above-mentioned hearing order of April 26, 1971, the issues designated for hearing inquire into the circumstances respecting licensee's failure to file timely reports and applications and to respond to official correspondence, the nature and extent of violations of the rules cited in an Official Notice of Violation issued May 8, 1970, the efforts to ascertain community needs, and whether, in light of the evidence, applicant can be relied upon to fulfill his licensee responsibilities.

3. In a letter dated September 3, 1971, the licensee alleged that the deficiencies had been corrected and requested that the designation for hearing be reconsidered and the renewal application be granted. At about the same time he submitted such letter, the licensee appeared before the Hearing Examiner on September 10, 1971, at a prehearing conference, on his own behalf because he could not afford counsel. At the conference, he stated that much of his difficulties respecting station operation stemmed from a fire which occurred about a month and

a half prior to the time the station was inspected; that the fire at his office in Roswell destroyed most of his records; that nothing at the office was salvaged and the loss was not covered by insurance; that KRDD is a Spanish language station, and that he had experienced considerable difficulty in finding licensed operators who understood Spanish; that currently there were three on the staff who knew the language; and that, if he could obtain a renewal of license, he could expend some money on equipment and bring the station up to standard. The licensee was then informed by the Examiner that the prehearing conference was not for the purpose of taking testimony; that evidence in mitigation could be presented at the hearing or in a petition for reconsideration; and that if such a petition was filed, licensee should bring his renewal application up to date, making it full and complete in all particulars, supplying matter not previously submitted, including a community survey. Licensee indicated that he did propose to seek reconsideration and indicated that he would submit an updated application.

4. On November 5, 1971, licensee filed a petition for leave to amend, attaching a revised renewal application and community survey. By order, FCC 71M-1815, released November 22, 1971, the Hearing Examiner granted leave to amend and accepted the tendered amendment. Thereafter, to assist the Commission in evaluating the request for reconsideration on the merits, ascertain the current operational situation, and determine whether the station was currently in compliance with the rules, we directed the Bureau, by order released April 7, 1972, to have an inspection made of the station and to file a report of the results thereof in the record of this proceeding, serving a copy upon the licensee. The licensee was authorized to file comments on the report within 15 days after its filing, and action in this proceeding was ordered held in abeyance to provide an opportunity to consider such material.

5. Pursuant to the above-mentioned order of April 7, the Bureau submitted a statement containing a report of an inspection which had earlier been made of Station KRDD on February 23, 1972, as being a relatively current report on the status of the station's compliance with the Commission's rules. That report contained an Official Notice of Violation, dated March 8, 1972, and indicated some 18 rule violations, dealing mainly with failure to maintain program and maintenance logs properly, lack of a first class operator, and improper antenna tower lighting equipment.¹

¹ In the above listed further pleading of May 3, the Bureau requests that the pending hearing issues be "clarified" to include consideration of the current alleged violations and failure to respond timely to the notice. The Bureau notes, however, that by letter dated April 11, 1972, licensee acknowledged receipt of the notice and advised that Southwest Communications, a communications engineering-contracting service, had been hired to prepare and submit a formal report to be sent within 5 days, but that such report had not yet been submitted.

6. On May 4, 1972, a response was made to the Official Notice of Violation by Southwest Communications, the engineering firm retained by licensee. Because it failed to comply in certain respects with filing requirements, the letter was returned on May 19, 1972, by the Commission's Secretary with instructions as to proper filing. Thereafter, the licensee filed a proper response by letter dated June 6, 1972. The licensee submitted a response to each citation, setting forth the various steps it has taken to correct the violations shown in the notice, and stating that it has hired a first class radiotelephone operator, and that defective equipment has been or is in process of being repaired or replaced. In addition, the licensee states that the proof of performance for 1972 has been completed and will be forwarded to the Denver Office, and that a new staff and fulltime manager have been hired, with both an engineer and consulting engineer now employed.

7. In substance, the situation at present appears to be that some of the deficiencies in operation noted in the 1970 inspection still obtained or had recurred at the time of the February 1972 inspection, but they have now been corrected and a virtually new operation has been undertaken. Further, it appears from the pleadings and the record that certain mitigating circumstances exist which should be taken into consideration. We have reference to such matters as the fire that destroyed licensee's equipment and records, and the poor financial condition of the station. We are persuaded that a hearing at this time would not serve the public interest. It appears that applicant has, by its submission of a revised renewal application supplying data previously lacking, resolved questions relative to the adequacy of his survey of community needs and otherwise made his renewal application substantially complete. In these circumstances, taking into account the reasons underlying applicant's past difficulties and all other considerations, including licensee's current efforts to improve his operation, we believe that the public interest would be best served by termination of this proceeding and the issuance of a 1-year renewal of license, with the condition that the licensee demonstrate at the end of such term that he has modified his operating procedures to assure that he will make prompt response to Commission inquiries and will comply with all requirements in the future. At the end of such period we will be in a position, based upon licensee's performance in the intervening time and the renewal application he will then file, to make a determination as to his future status as a licensee.

8. Accordingly, it is ordered, That the request for reconsideration filed September 7, 1971, by Reginaldo Espinoza II is granted to the extent indicated herein, and is otherwise denied; and

9. It is further ordered, That the application of Reginaldo Espinoza II for

renewal of license of Station KRDD, Roswell, N. Mex. is granted for a period of 1 year, which period shall commence on the date of release of this Memorandum Opinion and Order; subject to the condition that the licensee demonstrate at the end of such term that he has modified his operating procedures to assure compliance with Commission requirements in the future; and

10. It is further ordered, That the Order FCC 71-404, released April 26, 1971, designating this proceeding for hearing is set aside; and that this proceeding is terminated.

Adopted: September 13, 1972.

Released: September 19, 1972.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.72-17178 Filed 10-5-72; 8:53 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. 137]

McNARY LUMBER CO. INC. AND FOREST PRODUCTS CO. INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Sandia Savings and Loan Association Through Acquisition of Control of Savings Financial Corp.

OCTOBER 3, 1972.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received applications from McNary Lumber Co. Inc., Albuquerque, N. Mex., and Forest Products Co. Inc., Albuquerque, N. Mex., for approval of the acquisition of control of Sandia Savings and Loan Association, Albuquerque, N. Mex., an insured institution through the acquisition of control of Savings Financial Corp. under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies. Said control was acquired by the purchase of 14.53 percent and 23.81 percent of the outstanding shares of the stock of Savings Financial Corp. by McNary Lumber Co. Inc., and Forest Products Co. Inc., respectively. Comments on the application should be submitted to the Director of the Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.72-17150 Filed 10-5-72; 8:50 am]

FEDERAL MARITIME COMMISSION

AMERICAN MAIL LINE LTD. AND EVERETT STEAMSHIP CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. W. H. Williams, Assistant to Vice President, 1625 I Street NW., Washington, DC 20006.

Agreement No. 10016 is a transshipment agreement between American Mail Line, Ltd., and Everett Steamship Corp. covering the movement of cargo under through bills of lading issued by AML in the trade between ports in the United States and ports in Korea with transshipment at ports in Japan.

Dated: October 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17135 Filed 10-5-72;8:49 am]

AMERICAN PRESIDENT LINES, LTD., AND EVERETT STEAMSHIP CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as

amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

E. T. Sommer, Vice President, American President Lines, 1625 I Street NW., Washington, DC 20006.

Agreement No. 10015 is a transshipment agreement between American President Lines and Everett Steamship Corp. covering the movement of cargo under through bills of lading issued by APL in the trade between ports in the United States and ports in Korea with transshipment at ports in Japan.

Dated: October 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17136 Filed 10-5-72;8:49 am]

AUSTRALIAN-PACIFIC COAST RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washing-

ton, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, Attorneys at Law, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 10012 is a rate agreement between Columbus Line, Karlander Kangaroo Line, Pacific Australia Direct Line, and Pacific Far East Line, Inc., to be known as the Australian-Pacific Coast Rate Agreement. The purpose of the agreement is for the named carriers to establish and quote freight rates from ports in Australia, and inland points via such ports, to ports on the Pacific Coast of the United States, and inland points via such ports.

Dated: October 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17137 Filed 10-5-72;8:49 am]

COORDINATED CARIBBEAN TRANSPORT, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If

a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Jeremy Chester, Chester, Blackburn & Roder, Inc., Post Office Box 1470, Miami, FL 33101.

Agreement No. 9999, among Coordinated Caribbean Transport, Inc., Motor-naves Florida, S.A., and Pan American Mail Line, Inc., common carriers by water operating in the trade between Florida ports and ports in the Republic of Panama and Costa Rica provides for the arrangement billed as a "discussion" agreement, whereby the members agree to undertake the exchange of information and to cooperate in developing information relating to:

1. Freight rates, handling charges, equipment demurrage charges and practices, warehousing and storage charges and related data bearing on the rate structure of common carriers steamship services required by shippers.

2. Cost of service and tariff rules.

3. Practices in connection with the receipt and delivery of cargo, pickup and delivery charges including interchange with connecting land carriers and all other procedures outlined in their respective tariffs.

The purpose of exchanging this information is to explore the possibility of establishing a rate agreement to be filed with the Federal Maritime Commission for approval at a later date. Nothing in the agreement authorizes the parties thereto to carry out any substantive agreement which may be reached except upon the prior approval of the Commission. The agreement shall remain in effect for 1 year; however, it may be extended for additional 6-month periods with the Commission's approval. It shall be canceled if a rate agreement is finally submitted and subsequently approved by the Commission.

Dated: September 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17138 Filed 10-5-72; 8:49 am]

FARRELL LINES INC. AND COMPAGNIE MARITIME DES CHARGEURS REUNIS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiesner, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., 1 Whitehall Street, New York, NY 10004.

Agreement No. 10014, between Farrell Lines Inc. and Compagnie Maritime Des Chargeurs Reunis, establishes a through billing arrangement for the transportation of all cargo in the trade between the Liberian Ports of Buchanan, Sinoe, and Lofa River and United States Atlantic and Great Lakes ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10014 will cancel and supersede Agreement No. 9974.

Dated: October 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17139 Filed 10-5-72; 8:49 am]

FARRELL LINES, INC., AND ELDER DEMPSTER LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San

Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Hans Unterwiesner, Manager, Freight Documentation and Inward Freight, Farrell Lines, Inc., 1 Whitehall Street, New York, NY 10004.

Agreement No. 10013, between Farrell Lines, Inc., and Elder Dempster Lines, Ltd., establishes a through billing arrangement for the transportation of all cargo in the trade between the Liberian ports of Buchanan, Sinoe, and Lofa River and U.S. Atlantic ports with transshipment at Monrovia, Liberia, under terms and conditions set forth in the agreement. Agreement No. 10013 will cancel and supersede Agreement No. 9540.

Dated: October 2, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17140 Filed 10-5-72; 8:49 am]

MARYLAND PORT ADMINISTRATION ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the

matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Philip G. Kraemer, Director of Transportation, Maryland Port Administration, 19 South Charles Street, Baltimore, MD 21201.

Agreement No. T-2439-1, between the Maryland Port Administration (MPA), Baltimore & Ohio Railroad Co. (B & O), and United Brands Co. (United), modifies the original agreement which provides for the 10-year lease to United of the "Fruit Pier" at Baltimore Harbor from the MPA after purchasing same from the B & O. The principal purpose of the modification is to: (1) Reflect United and MPA's new names; (2) change certain aspects of compensation under the agreement; and (3) provide that charges for cargo other than bananas and produce carried by United as well as nonagricultural cargoes handled by other carriers calling at the facility be established by the MPA and filed with the Federal Maritime Commission. These charges are to be equivalent to the prevailing charges assessed at the Port's Locust Point Marine Terminal.

Dated: September 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17141 Filed 10-5-72;8:49 am]

PORT OF SEATTLE AND FOSS ALASKA LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing

on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edward G. Lowry III, Esq., Bogle, Gates, Dobrin, Wakefield & Long, 14th Floor Norton Building, Seattle, Wash. 98104.

Agreement No. T-2697, between the Port of Seattle (Port) and Foss Alaska Line, Inc. (Foss), provides for the 5-year lease to Foss of 445,986 square feet of land and 78,016 square feet of water area located at the Port's Terminal 115 which is to be used for barge loading and unloading, van stuffing and unstuffing, container repair, and general offices. Foss is also granted the right of first refusal on an area of approximately 252,692 square feet. As compensation, the Port is to receive \$228,000 annually in lieu of tariff charges. Agreement No. T-2697 supersedes Agreement No. T-2489.

Dated: September 29, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17142 Filed 10-5-72;8:49 am]

SCINDIA STEAM NAVIGATION CO. LTD., AND SEATRAN LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with par-

ticularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Joseph Hodgson, Jr., General Traffic Manager, Seatrain Lines, Inc., Container Division, Port Seatrain, Weehawken, N.J. 07087.

Agreement No. 10011, between The Scindia Steam Navigation Co., Ltd., and Seatrain Lines, Inc., establishes a through billing arrangement for the transportation of general cargo in the trade from India and Bangladesh to ports in Puerto Rico with transshipment at the port of New York, N.Y., under terms and conditions set forth in the agreement. Agreement No. 10011 will cancel and supersede Agreement No. 9297.

Dated: September 28, 1972.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17143 Filed 10-5-72;8:49 am]

[Docket No. 72-52]

REDUCED RATES ON TUNA, PUERTO RICO TO U.S. ATLANTIC AND GULF PORTS; INVESTIGATION AND SUS- PENSION

Second Supplemental Order of Investigation and Suspension

On September 14, 1972, this Commission issued an order of investigation into the proposed reductions in rates on tuna fish and related commodities by Seatrain Lines, Inc., and Sea-Land Service, Inc., and suspended those reductions until January 13, 1973. Subsequent thereto, on September 21, 1972, the Commission added to this investigation the reduced minimum trailerload rates on canned tuna proposed by Transamerican Traller Transport, Inc. (TTT) and likewise suspended those reductions. Gulf Puerto Rico Lines, Inc. (GPRL), has now filed revisions to its tariff, effective October 6, 1972, by which it proposes to reduce its trailerload charges on canned tuna and cat and dog food by approximately 25 percent. Sea-Land Service, Inc., has filed a protest, asking the Commission to suspend GPRL's proposed reductions and to incorporate those items into the present investigation.

Upon consideration of the above matters, and in order to preserve stability in the trade, the Commission is of the opinion that GPRL's proposed reductions should be made part of the public investigation and hearing in this proceeding to determine whether they are unjust, unreasonable, or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act, 1916, and/or sections

3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said tariff matters for the purpose of making such findings and orders as the facts and circumstances warrant. In the event the matters hereby placed under investigation are further changed, amended or reissued, such changes will be included in this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 7th revised page 330 of GPRL's tariff FMC-F No. 1 is hereby suspended and the use thereof deferred to and including January 13, 1973, unless otherwise ordered by this Commission.

It is further ordered, That there shall be filed immediately with the Commission by GPRL a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until January 14, 1973, unless otherwise authorized by this Commission, and that the suspended matter may not be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by this Commission.

It is further ordered, That as part of this investigation, a determination shall be made as to whether GPRL's said reduced rates are violative of sections 16 First and/or 18(a) of the Shipping Act, 1916.

It is further ordered, That GPRL shall be named as a respondent in this proceeding.

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That this matter be joined with the matters previously set for investigation and hearing in Docket No. 72-52, that the title of that docket be changed to read "Reduced Rates On Tuna, Puerto Rico to U.S. Atlantic and Gulf Ports" and that the lawfulness of these rates be determined in the same proceeding, by the same administrative law judge of the Commission's Office of Hearing Examiners.

It is further ordered, That a copy of this order shall forthwith be served on respondent herein, and on all persons previously made parties in Docket No. 72-52 and published in the FEDERAL REGISTER.

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of

the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

By the Commission.

[SEAL]

FRANCIS C. HURNEY,
Secretary.

[FR Doc.72-17144 Filed 10-5-72;8:50 am]

FEDERAL POWER COMMISSION

[Project No. 2439-Vermont]

GREEN MOUNTAIN POWER CORP.

Notice of Availability of Environmental Statement for Inspection

OCTOBER 2, 1972.

Notice is hereby given that on October 2, 1972, as required by § 2.81(b) of Commission regulations under Order 415-B (36 F.R. 22738, November 30, 1971) a draft environmental statement containing information comparable to an agency draft statement pursuant to section 7 of the guidelines of the Council on Environmental Quality (36 F.R. 7724, April 23, 1971) was placed in the public files of the Federal Power Commission. This statement deals with an application for major license for constructed Molly's Falls Project No. 2439 located on Molly's Brook and Winooksi River in Washington and Caledonia Counties, Vt.

This statement is available for public inspection in the Commission's Office of Public Information, Room 2523, General Accounting Office, 441 G Street NW., Washington, DC. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Molly's Falls project consists of Peacham Storage Reservoir, Molly's Falls Reservoir, each formed by earth dams 26 feet and 48 feet high respectively, an 8,293 foot long penstock and a powerhouse on Winooksi River containing one 5,000 kw. generator. The lands adjacent to Peacham Pond are owned by the State and private individuals. Development of these lands includes summer camps and residences. Molly's Pond is used for boating and fishing with the adjacent lands being maintained in their natural state.

Any person desiring to present evidence regarding environmental matters in this proceeding must file with the Federal Power Commission a petition to intervene, and also file an explanation of their environmental position, specifying any difference with the environmental statement upon which the intervenor wishes to be heard, including therein a discussion of the factors enumerated in § 2.80 of Order 415-B. Written statement by persons not wishing to intervene may be filed for the Commission's consideration. The petitions to intervene or comments should be filed with the Com-

mission on or before 45 days from October 9, 1972. The Commission will consider all responses to the statement.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-17112 Filed 10-5-72;8:47 am]

[Project No. 2340]

INTERSTATE POWER CO.

Notice of Application for Surrender of Minor License

OCTOBER 2, 1972.

Public notice is hereby given that application for the surrender of a minor license was filed on June 12, 1972, pursuant to section 6 of the Federal Power Act (16 U.S.C. 799) by the Interstate Power Co., located at 1000 Main Street, Dubuque, IA 52001, for the constructed Delhi Hydroelectric Project No. 2340 located on the Maquoketa River in Delaware County, Iowa, near the town of Delhi.

The project consists of a dam which includes a concrete intake section 45.2 feet long, and a concrete spillway and earth-filled section. The project further comprises a fishway; a 538-acre reservoir; a two-story brick powerhouse on a concrete substructural integral with the dam containing one 880 horsepower turbine operating under an effective head of 35 feet connected to a generator with a total capacity of 750 kilowatts; a substation; and other appurtenant facilities.

The licensee, in its application, stated that it desires to cease project operations within 6 months, and that the project cannot effectively contribute significant support to its system operation, reliability, or economy. The licensee proposes to retire from operation the complete project covered by the license. It further proposes to remove or permanently disable the electrical generating equipment and convey all of its rights, title, and interest in the real estate and remaining facilities therein, subject to the reservation of certain rights, to L. J. Schlitz and J. G. Schlitz for the price of \$10,000.

The licensee's application further states that subject to Federal and State approvals, plans now include the operations of the dam as a control for elevation of the water level at Lake Delhi. Future development of the lake for recreational purposes would include the establishment of a corporation to operate and maintain the dam, and the improvement of lake facilities for residents.

Any person desiring to be heard or to make protest with reference to said application should on or before November 13, 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 the 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. 72-17113 Filed 10-5-72; 8:47 am]

[Docket No. E-7759]

PUBLIC SERVICE COMPANY OF COLORADO

Order Amending Suspension Order

SEPTEMBER 29, 1972.

On July 31, 1972, Public Service Company of Colorado (Colorado) filed proposed amendments to its various agreements for service to its five jurisdictional customers.¹ The Commission, in order issued August 30, 1972, said that the filing raises certain issues which may require development in an evidentiary hearing and suspended the increase until March 1, 1973.

Further analysis of Colorado's filing and accompanying cost of service indicates that the proposed increase is justified. The proposed increase, exclusive of fuel adjustment, would result in revenues from jurisdictional sales and service of \$4,292,646, annually or an increase of 6.1 percent. The proposed revisions to the fuel adjustment clause would result in a decrease in total fuel adjustment for the year following the proposed effective date.

For the foregoing reasons and because each of Colorado's jurisdictional customers has already agreed to the rate increase as filed we will amend the suspension order in this proceeding and permit the rates as filed to go into effect on October 1, 1972. (49 U.S.C.A., § 15(7), Municipal Light Boards of Reading and Wakefield v. F.P.C., 450 F. 2d 1341 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).)

The Commission finds: Since good cause exists and it is in the public interest to permit the rate increase as filed to go into effect, the suspension order in this proceeding should be amended and the rates permitted to go into effect as hereinafter ordered.

The Commission orders: The suspension order of August 30, 1972, in this proceeding is hereby amended and the rates filed on July 31, 1972, are permitted to go into effect on October 1, 1972.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

¹ Supplement No. 3 (Supersedes No. 2) to its FPC Rate Schedule No. 3; Supplement No. 3 (Supersedes Supplement No. 2) to its FPC Rate Schedule No. 6; Supplement No. 4 (Supersedes Supplements Nos. 2 and 3) to its FPC Rate Schedule No. 9; Supplement No. 2 (Supersedes Supplement No. 1) to its FPC Rate Schedule No. 1; Supplement No. 3 (Supersedes Supplement No. 2) to its FPC Rate Schedule No. 12.

PUBLIC SERVICE COMPANY OF COLORADO (COLORADO)

CERTIFICATION OF RATE INCREASE

With respect to the price increase granted in this instance under the Economic Stabilization Act of 1970, as amended, and revised § 300.16 of the rules and regulations of the Price Commission, 6 CFR 300 (1972), the Federal Power Commission certifies the following:

(1) The former price is set forth in Colorado's Rate Schedule FPC Nos. 3, 6, 9, 11, and 12. For the test year ending June 30, 1972, under the present rates the average revenues per kilowatt-hour for customers receiving full requirements service was 8.6 mills; for supplemental power service the average revenue per kilowatt per year was \$9.81. For the test year ending June 30, 1972, under the proposed rates the average of these revenues will increase to 9 mills per kw.-hr. and \$10.15 per kilowatt per year. This amounts to increases in average revenue per kw.-hr. and per kilowatt-year of 4.7 percent and 3.5 percent respectively.

(2) The proposed rates would provide an increase in revenue of \$179,589 on the basis of the test year ending June 30, 1972.

(3) The increased rates would produce an increase in the company's profits for test year of \$88,717. This represents 2.38 percent of sales under current rates and 0.66 percent of total sales for the test year.

(4) The increased rates would produce an increase in the company's return of \$88,717. This would represent an increase in the rate of return on capital allocable to the service under current rates of 0.61 percent and an increase in the rate of return on total capital of 0.018 percent.

(5) Sufficient evidence was taken in the course of this proceeding to determine that criteria set forth in paragraphs (d) (1) through (4) of § 300.16 of the rules and regulations of the Price Commission (as in effect on January 17, 1972) have been met. The rate increase granted herein meets the criteria set forth therein.

[FR Doc. 72-17115 Filed 10-5-72; 8:47 am]

[Docket No. RI73-3 etc.]

MOBIL OIL CORP. AND ATLANTIC RICHFIELD CO.

Order Amending Order; Correction

SEPTEMBER 27, 1972.

In the order amending order, issued August 23, 1972, and published in the FEDERAL REGISTER August 30, 1972, F.R. 37(17586): Docket No. "RI72-240" in the first paragraph should be changed to "RI72-250".

KENNETH F. PLUMB,
Secretary.

[FR Doc. 72-17114 Filed 10-5-72; 8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

IOWA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on September 26, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Iowa from severe storms and flooding, beginning about September 9, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Iowa. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Francis X. Tobin, Regional Director, OEP Region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Iowa to have been adversely affected by this declared major disaster:

THE COUNTIES OF

Adair.	Harrison.
Adams.	Madison.
Audubon.	Mills.
Cass.	Montgomery.
Clayton.	Page.
Crawford.	Pottawattamie.
Dubuque.	Shelby.
Fremont.	Union.

Dated: October 2, 1972.

G. A. LINCOLN,
Director.

Office of Emergency Preparedness.

[FR Doc. 72-17147 Filed 10-5-72; 8:50 am]

PENNSYLVANIA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92-209 (85 Stat. 742); notice is hereby given that on September 28, 1972, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Pennsylvania from heavy rains and flooding, beginning about September 11, 1972, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major dis-

aster exists in the State of Pennsylvania. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606, as amended), I hereby appoint Mr. Francis X. Carney, Regional Director, OEP Region 3, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following area in the State of Pennsylvania to have been adversely affected by this declared major disaster:

THE COUNTY OF

Indiana.

Dated: October 2, 1972.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.72-17148 Filed 10-5-72;8:50 am]

NATIONAL SCIENCE FOUNDATION ADVISORY PANEL FOR ASTRONOMY

Notice of Public Meeting

Notice is hereby given in accordance with Executive Order 11671, section 13(a) (1) and (2), dated June 5, 1972, that the Advisory Panel for Astronomy will meet at 9 a.m., on October 16 and 17, 1972, in Room 338, 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and counsel concerning support for research and research-related activities in astronomy.

The topic for the entire meeting will be: Potential response of the National Science Foundation to the recommendations of the Astronomy Survey Committee of the National Academy of Sciences, in its report, "Astronomy and Astrophysics for the 1970's." The October 16 session will be devoted to presentations by Directors of NSF-funded National Observatories and by program officers of the foundation. The October 17 session will be devoted to discussion by panel members and the preparation of suggestions to NSF. The meeting will be open to the public as observers only and attendance will be limited to 10 individuals. Those persons who desire to attend should apply to Mrs. Marvis M. Rush, Room 305, 1800 G Street NW., Washington, DC 20550, or telephone (202) 632-4196.

Summary minutes of this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director
for Administration.

OCTOBER 2, 1972.

[FR Doc.72-17201 Filed 10-5-72;8:53 am]

ADVISORY PANEL FOR CHEMISTRY

Notice of Meeting

Notice is hereby given in accordance with Executive Order 11671, section 13 (a) (1) and (2), dated June 5, 1972, that a meeting of the Advisory Panel for Chemistry will be held at 9 a.m. on October 12, 13, and 14, 1972, at 1800 G Street NW., Washington, DC 20550. The October 12 and 13 sessions will be in Room 642 and the October 14 session will be in Room 338. The purpose of this panel is to provide advice and recommendations (a) concerning support for research in chemistry; and (b) as part of the review and evaluation process for specific proposals and projects.

The agenda for this meeting is as follows:

OCTOBER 12 SESSION

1. Introductory remarks by the Head, Chemistry Section, Division of Mathematical and Physical Sciences.
2. Presentation on the NSF 1973 budget by the Division Director, Division of Mathematical and Physical Sciences.
3. Presentation on the R. & D. incentives program by the Director, Office of Experimental R. & D. Incentives.
4. Comments by the Deputy Assistant Director for Research on Executive Order 11671 and the role of advisory committees and panels.
5. Presentation on the Research Management Improvement program by the Deputy Assistant Director for National and International programs.
6. Presentation on trends in molecular biology by the Head, Molecular and Biology Section, Division of Biological and Medical Sciences.
7. Discussion under the leadership of the Head, Chemistry Section, Division of Mathematical and Physical Sciences, on: (a) the Instrument Program; (b) continuing grants; (c) grant size; (d) OST data; and (e) Delphi study.

OCTOBER 13 SESSION

1. Panel discussion with the Assistant Director for Research.
2. Remainder of this session will be devoted to the review and evaluation of pending proposals.

OCTOBER 14 SESSION

- This session will be devoted to the review and evaluation of pending proposals.
- The meeting will be open to the public as observers only for the entire October 12 session and extending through the period covered by agenda item 1 for the October 13 session. The remaining period of the October 13 session, as well as the entire October 14 session, will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated August 23, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director
for Administration.

OCTOBER 2, 1972.

[FR Doc.72-17200 Filed 10-5-72;8:53 am]

ADVISORY PANEL FOR REGULATORY BIOLOGY

Notice of Meeting

Pursuant to Executive Order 11671, notice is hereby given that a meeting of the Advisory Panel for Regulatory Biology will be held at 9 a.m. on October 13 and 14, 1972, in Room 321, 1800 G Street NW., Washington, DC 20550. The purpose of this panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

The agenda will be devoted to the review of research proposals or projects which have been assigned to the regulatory biology program to evaluate their scientific excellence, therefore, the meeting will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated August 23, 1972, pursuant to the provisions of Executive Order 11671, section 13(d).

Summary minutes relative to this meeting may be obtained by contacting the Management Analysis Office, Room 245, 1800 G Street NW., Washington, DC 20550.

T. E. JENKINS,
Assistant Director
for Administration.

OCTOBER 2, 1972.

[FR Doc.72-17202 Filed 10-5-72;8:53 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-4256 etc.]

CANADIAN OCCIDENTAL PETROLEUM LTD. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

SEPTEMBER 29, 1972.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Canadian Occidental Petroleum, Ltd.	7-4256
Cavanagh Communities Corp.	7-4257
Certified Corp.	7-4258
Combined Communications Corp.	7-4259
Commercial Alliance Corp.	7-4260
Genge Industries, Inc.	7-4261
Permaneer Corp.	7-4263

Upon receipt of a request, on or before from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17124 Filed 10-5-72;8:48 am]

[811-1787]

EXPRESS FUND**Notice of Filing of Application**

SEPTEMBER 29, 1972.

Notice is hereby given that The Express Fund (Applicant), 99 Wall Street, New York, NY 10005, registered under the Investment Company Act of 1940 (Act) as a management open-end diversified investment company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant registered under the Act by filing a notification of registration on Form N-8A on December 30, 1968. Applicant states, among other things, that on April 30, 1972, its shareholders unanimously consented to a plan of liquidation and dissolution; that Applicants outstanding securities are beneficially owned by less than 100 shareholders; that Applicant is not making and does not presently propose to make a public offering of its securities; and that on August 1, 1972, a certificate of dissolution of applicant was filed with the Secretary of State, State of Delaware.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a

registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than October 20, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address set forth above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17121 Filed 10-5-72;8:47 am]

[File No. 7-4262]

LARWIN REALTY AND MORTGAGE TRUST**Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing**

SEPTEMBER 29, 1972.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the shares of beneficial interest of the following company, which security is listed and registered on one or more other national securities exchanges:

Larwin Realty and Mortgage Trust, Shares of Beneficial Interest, \$1 par value, File No. 7-4262.

Upon receipt of a request, on or before October 15, 1972, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17123 Filed 10-5-72;8:48 am]

[812-3187]

SMC INVESTMENT CORP. AND SOUNDScriber CORP.**Notice of Filing of Application**

SEPTEMBER 29, 1972.

Notice is hereby given that SMC Investment Corp. (SMC), 1888 Century Park East, Century City, Los Angeles, CA 90067, a closed-end diversified management investment company registered under the Investment Company Act of 1940 (Act) and The SoundScriber Corp. (SoundScriber), Simm Lane, Newtown, Conn. 06470, a Connecticut corporation (hereinafter collectively called "Applicants"), have filed an application for an order pursuant to section 17(b) of the Act exempting from section 17(a) of the Act a proposed transaction whereby SoundScriber will acquire from SMC 200,000 shares of no par value Common Stock of SoundScriber (the Transaction Shares), and warrants (the Warrants), to purchase 150,000 authorized and unissued shares of Common Stock of SoundScriber at a warrant exercise price of \$4 per share, for an aggregate purchase price of \$320,000, plus fees and disbursements of special counsel of SMC.

All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants represent that pursuant to an agreement dated May 27, 1969 (Initial Agreement) between SoundScriber and SMC, SMC purchased the Transaction Shares and Warrants for an aggregate purchase price of \$801,500. The Initial Agreement granted to SMC the right to require SoundScriber to register the shares purchased, the Warrants, and any shares which would be acquired through exercise of the Warrants. Applicants further represent that the Transaction Shares represent approximately 7 percent of SoundScriber's

2,843,842 shares of Common Stock issued and outstanding. By reason of this stock ownership, SoundScriber and SMC are each affiliated persons of the other within the meaning of section 2(a)(3) of the Act. Apart from SMC's ownership of SoundScriber securities, there is no relationship between SoundScriber and SMC.

SMC has sought, since the spring of 1971, to have SoundScriber either repurchase its securities from SMC or register them for sale under the Securities Act of 1933. On December 20, 1971, SoundScriber filed a registration statement with the Commission covering the aforementioned Transaction Shares and Warrants and other of its issued and outstanding Common Stock. Subsequently, SMC sought to obtain an underwriter to market the securities, which were the subject of the registration statement, but did not conclude any satisfactory arrangements.

On May 5, 1972, SMC and SoundScriber entered into an agreement (the Repurchase Agreement) pursuant to which the proposed transaction is to be effected.

Applicants maintain that the proposed transaction is the result of arms-length negotiation, and is preferable to the public sale of the Transaction Shares. SoundScriber's management view the repurchase of the Transaction Shares and Warrants as in the best interests of SoundScriber and its shareholders because (1) SoundScriber would thereby avoid the substantial and continual expense and burden it would be contractually obligated to incur in keeping a registration statement current with respect to the Transaction Shares and the Warrants which are exercisable until May 27, 1976; (2) the proposed transaction would serve to avoid the disorderly impact in the over-the-counter market which sale of the Transaction Shares and Warrants, without an underwriting, might be expected to have; (3) the extinguishment of SMC's right to exercise the Warrants would facilitate SoundScriber's obtaining additional capital by a new offering of its securities on terms more favorable than those provided for by the Warrants; and (4) the current market price of SoundScriber's shares makes the repurchase of the Transaction Shares a sound business opportunity for SoundScriber.

SMC's management view the repurchase as in the best interests of SMC in that the purchase price of \$320,000 is approximately equal to the value that the Board of Directors of SMC ascribed to the Transaction Shares and the Warrants on March 21, 1972, i.e., \$300,000 and \$25,500 respectively. The high and low bid prices, as reported by the National Quotation Bureau, Inc., for shares of SoundScriber's common stock on September 14, 1972 were $2\frac{1}{16}$ and $1\frac{1}{2}$, respectively. There is no public market for the Warrants.

It is represented by Applicants that, in the absence of an underwriter, the sale of a substantial block of securities may not be feasible except over a pro-

tracted period of time and may involve a discount from market. The proposed transaction is represented, therefore, to be beneficial to SMC in that it will relieve SMC of the market risks that would exist if the Transaction Shares and Warrants were to be sold over an extended period of time pursuant to a registration statement without an underwriter. Applicants also represent that the proposed transaction is consistent with the investment policies and restrictions of SMC as set forth in SMC's prospectus dated October 24, 1968.

Section 17(a) of the Act prohibits, with certain exceptions, an affiliated person of a registered investment company, or an affiliated person of such affiliated person, from selling to, or purchasing from, such registered company any security, or other property. Section 17(b) of the Act provides that the Commission, upon application, may grant an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Notice is further given that any interested person may, not later than October 24, 1972, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after such date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Company Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.72-17122 Filed 10-5-72;8:48 am]

SMALL BUSINESS ADMINISTRATION

FOOTHILL VENTURE CORP.

Notice of Issuance of License To Operate as Small Business Investment Company

On July 14, 1972, a notice was published in the FEDERAL REGISTER (37 F.R. 13839) stating that an application had been filed with the Small Business Administration pursuant to § 107.102 of the regulations governing Small Business Investment Companies (13 CFR 107.102 (1972)) for a license to operate as a small business investment company by Foothill Venture Corp., 8383 Wilshire Boulevard, Beverly Hills, CA 90211.

Interested parties were invited to submit their written comments to SBA. No comments were received.

Notice is hereby given that pursuant to the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), after having considered the application and all other pertinent information and facts with regard thereto, SBA has issued License No. 09/09-0161 to Foothill Venture Corp. to operate as a small business investment company.

Dated: September 28, 1972.

CLAUDE ALEXANDER,
Associate Administrator
for Operations and Investment.
[FR Doc.72-17103 Filed 10-5-72;8:46 am]

TARIFF COMMISSION

[AA1921-105]

NORTHERN BLEACHED HARDWOOD KRAFT PULP FROM CANADA

Notice of Investigation and Hearing

Having received advice from the Treasury Department on September 28, 1972, that prime grade and off-grade northern bleached hardwood kraft pulp from Canada are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t. on November 20, 1972. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not

later than noon, Wednesday, November 16, 1972.

Issued: October 3, 1972.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.72-17146 Filed 10-5-72;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice 92]

ASSIGNMENT OF HEARINGS

OCTOBER 3, 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. No amendments will be entertained after the date of this publication.

MC 107295 Sub 560, Pre-Fab Transit Co., assigned October 30, 1972, MC 117940 Sub 68, Nationwide Carriers, Inc., Extension Champaign, Ill., assigned October 31, 1972, MC-F-11497 Pully Freight Lines—Purchase—Midwest Transport, assigned November 2, 1972, MC 116273 Sub 149, D & L Transport, Inc., assigned November 6, 1972, 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., assigned November 8, 1972, at Chicago, Ill., will be held in Room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street.

No. 35563, Abiti Corporation—V-Aberdeen and Rockfish Railroad Co., et al., now assigned December 4, 1972, at Washington, D.C., is canceled. The complaint has been withdrawn.

I & S No. 8707, Refrigeration Provisions, Florida East Coast Railway, and I & S No. 8720, Icing Services, U.S. Railroads, now assigned October 10, 1972, at Los Angeles, Calif., is postponed to November 27, 1972, at Los Angeles, Calif., in a hearing room to be later designated.

FD 26583, Detroit and Toledo Shore Line Railroad petition for joint use of terminal facilities at Trenton, Mich., assigned October 30, 1972, at Toledo, Ohio, will be held in Room 418, Federal Office Building, 234 Summit Street.

MC-107496 Sub 839, Ruan Transport Corp., MC-108449 Sub 337, Indianhead Truck Line, Inc., MC-124078 Sub 518, Schwerman Trucking Co., now assigned October 30, 1972, MC-113855 Sub 254, International Transport, Inc., now assigned November 2, 1972, MC-105501 Sub 6, Terminal Warehouse Co., a corporation, now assigned November 3, 1972, MC-118806 Sub 23,

Arnold Bros., Transport, LTD., now assigned November 6, 1972, MC-114211 Sub 168, Warren Transport, Inc., now assigned November 6, 1972, will be held in Judge Larsen's Courtroom No. 4, 730 Federal Court Building, 316 Robert Street, St. Paul, MN.

MC 113843 Sub 180, Refrigerated Food Express, Inc., assigned November 1, 1972, MC-F-11586, Aero Trucking, Inc.—Purchase (Portion)—Kenyon Motor Express, Inc., MC 60014 Sub 31, Aero Trucking, Inc., assigned November 6, 1972, at Columbus, Ohio, will be held in Room 2, State Office Building, 65 South Front Street, Columbus, OH.

MC 136109, Hetem Bros., Inc., now assigned continued hearing October 17, 1972, is postponed to January 16, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 60186 Sub 44, Nelson Freightways, Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17162 Filed 10-5-72;8:51 am]

[Notice 136]

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-73831. By order of September 22, 1972, the Motor Carrier Board approved the transfer to Harold's Garage, Inc., 19 Holyoke Street, Northampton, MA, of the operating rights in Certificate No. MC-117852 issued May 11, 1959, to Harold F. Willard, doing business as Harold's Garage, 19 Holyoke Street, Northampton, MA 01060, authorizing the transportation of wrecked, disabled, or damaged automobiles, buses, trucks, semitrailers, tractors, or trailers (except house trailers designed to be drawn by passenger automobiles), by use of wreckers only, between points in Berkshire, Franklin, Hampshire, and Hampden Counties, Mass., on the one hand, and on the other, points in Connecticut, New Hampshire, New Jersey, New York, and Vermont.

No. MC-FC-73843. By order of September 22, 1972, the Motor Carrier Board approved the transfer to Interstate Express, Inc., Houston, Mo., of the operating rights in Certificate No. MC-134724 (Sub-No. 4) issued April 18, 1972, to Teddy D. Clark, doing business as Big Rig Refrigeration, Centerville, Iowa, authorizing the transportation of meats, meat products, and meat byproducts and articles distributed by meat packing houses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant-site of John Morrell & Co., at Ottumwa, Iowa, to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia. Maurice W. Covert, 109 North Grand Street, Houston, MO 65483, attorney for applicants.

No. MC-FC-73859. By order of September 21, 1972, the Motor Carrier Board approved the transfer to Gary Ramsey and Kennis Jones, a partnership, doing business as Sneedville Freight Line, Sneedville, Tenn., of Certificate of Registration No. MC-96930 (Sub-No. 1) issued November 23, 1971, to Dean Jones and Kenny Winstead, a partnership, doing business as Sneedville Freight Line, Sneedville, Tenn., evidencing a right to engage in transportation in interstate commerce as described in certificates No. 965, dated August 20, 1951, and No. 965-A, dated October 23, 1956, transferred by order dated February 26, 1971, issued by the Tennessee Public Service Commission. Howard W. Rhea, Main Street, Sneedville, Tenn. 37869, attorney for applicants.

No. MC-FC-73888. By order of September 25, 1972, the Motor Carrier Board approved the transfer to Charles P. Fagan, doing business as Fagan Moving and Storage Co., 5300 North 10th Street, Philadelphia, PA 19141, of the operating rights in Certificate No. MC-64481 issued January 13, 1941, to James J. Fagan, 5300 North 10th Street, Philadelphia, PA 19141, authorizing the transportation of overcoats, over a regular route, between Philadelphia, Pa., and West Point, N.Y., and household goods, over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Virginia, and the District of Columbia.

No. MC-FC-73925. By order of September 25, 1972, the Motor Carrier Board approved the transfer to Greene Coach Co., Inc., Greeneville, Tenn., of the operating rights in certificate No. MC-8738 issued November 5, 1942, to Prince Howard Patrick, doing business as Washington County Bus Line, Johnson City, Tenn., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, over regular routes, between Johnson City, Tenn. and Kingsport, Tenn. Robert L.

Baker, 300 James Robertson Parkway, Nashville, TN 37201, attorney for applicants.

No. MC-FC-73939. By order entered September 25, 1972, the Motor Carrier Board approved the transfer to Norberto J. Caravelli and William C. Olson, doing business as B. C. Transportation Co., Sierra Madre, Calif., of the operating rights set forth in permit No. MC-108869,

issued April 12, 1966, as amended June 14, 1967, in the name of Weber Truck and Warehouse, Vernon, Calif., authorizing the transportation of uncrated commercial equipment, furniture, and fixtures for use in restaurants, bars, cocktail lounges, hotels, schools, and institutions, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in Arizona and Nevada; and uncrated equipment, furniture, and fixtures

for restaurants, bars, cocktail lounges, hotels, schools, and institutions, between points in Los Angeles County, Calif., on the one hand, and, on the other, points in New Mexico, with certain restrictions. Ernest D. Salm, 3846 Evans Street, Los Angeles, CA 90027, representative for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.72-17163 Filed 10-5-72;8:51 am]

CUMULATIVE LIST OF PARTS AFFECTED—OCTOBER

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during October.

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FRIDAY, OCTOBER 6, 1972

WASHINGTON, D.C.

Volume 37 ■ Number 195

PART II



DEPARTMENT OF LABOR

**Employment Standards
Administration**



**Minimum Wages for Federal
and Federally Assisted
Construction**

**Area Wage Determination Decisions,
Modifications, and Supersedeas
Decisions**

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

Modifications and/or supersedeas decisions to area wage determination decisions for specified localities in the States of Arizona, Arkansas, California, Connecticut, Florida, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Nevada, Oklahoma, Pennsylvania, Texas, and Washington.

Area wage determination decisions published in the *FEDERAL REGISTER* on the following dates:

Decision No.	Date
AM-1,594 (AP-433); AM-1,595 (AP-434).	Aug. 6, 1971.
AM-451; AM-1,849 (AP-429); AM-1,857 (AP-430).	Aug. 20, 1971.
AM-5,968; AM-5,972.	Dec. 17, 1971.
AM-5,969.	Jan. 7, 1972.
AM-6,707.	Mar. 10, 1972.
AM-9,692 (AP-432).	Apr. 14, 1972.
AM-9,693 (AP-431).	Apr. 21, 1972.
AM-8,603 (AP-25); AM-8,604 (AP-26); AM-8,605 (AP-27).	Apr. 28, 1972.
AM-9,695 (AP-122); AM-9,696 (AP-121).	May 5, 1972.
AM-11,424.	June 16, 1972.
AP-302; AP-303.	July 28, 1972.
AP-410.	Aug. 4, 1972.
AP-9 (AP-24); AP-212; AP-214; AP-308.	Aug. 11, 1972.

Decision No.	Date
AP-221; AP-223; AP-311; AP-312.	Aug. 18, 1972.
AP-224; AP-313; AP-314; AP-315; AP-316; AP-318; AP-319.	Aug. 25, 1972.
AP-415.	Sept. 1, 1972.
AP-236; AP-243.	Sept. 22, 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 de-

termined 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 29th day of September 1972.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

FEDERAL REGISTER, VOL. 37, NO. 195—FRIDAY, OCTOBER 6, 1972

MODIFICATIONS P. 4

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-214 - Mod. #1 (37 FR 16334 - August 11, 1972) Polk County (City of Des Moines and abutting municipalities), Iowa					
Change Building Construction:					
Asbestos workers	.425	.25			
Boilermakers	.30	1.00			.02
Carpenters	.25				.04
Millwrights; Piledrivermen	.25	.20			.04
Ironworkers:					
Ornamental; Reinforcing; Structural	.26	.50			.02
Laborers:					
General laborers	.275	.275			
Mortar mixers; Motor buggies, when pouring concrete; Power tool ops. (Air tools, concrete vibrator, gunnite, nozzle men, electric drills & hammers)	.275	.275			
Plaster tenders	.275	.275			
Powdermen	.275	.275			
Air tool, power tampers & other similar self-powered tools weighing 50 lbs. & over	.275	.275			
All tunnel work	.275	.275			
Paving breakers weighing 50 lbs. & over	.275	.275			
Plasterers	.275	.275			
Roofers	.275	.275			
Omit: Boilermakers' helpers	.30	.85			.02

MODIFICATIONS P. 3

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-212 - Mod. #1 (37 FR 16330 - August 11, 1972) Linn County (City of Cedar Rapids and abutting municipalities), Iowa					
Change Building Construction:					
Boilermakers	.30	1.00		.02	
Carpenters	.25			.02	
Millwrights; Piledrivermen	.25			.02	
Cement masons	.21				
Ironworkers:					
Ornamental; Reinforcing; Structural					
Laborers:					
Common laborers	.15	.15			
All water service & sewer tile layers; Mason mortar makers	.15	.15			
Air, electric or gasoline powered jackhammers; Chipping hammers; Machine rock drills; Power driven buggies; Tampers; Vibrators; Well point work	.15	.15			
Plasterers	.25			.02	
Soft floor layers	.25				
Truck drivers	.30	.85		.02	
Omit: Boilermakers' helpers					

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
DECISION #AP-410 - Mod. #3 (37 FR 15283 - August 4, 1972) Baltimore City and County, Maryland Change: Bricklayers, marble setters & stonemasons Tile and terrazzo workers	\$8.55 6.94	.40 .125	.40 .40			.12 .04
DECISION #AP-236 - Mod. #1 (37 FR 19919 - September 22, 1972) Statewide (excluding the Nevada Test Site & Tonopah Test Range), Nevada Change: Painters: Clark, Esmeralda, Lincoln, Nye (So. of Manhattan) Brush Structural Steel Structural Steel (spray)	7.23 7.48 7.63	.32 .32 .32	.25 .25 .25	1.00 1.00 1.00		.02 .02 .02
DECISION #AP-243 - Mod. #1 (37 FR 19945 - September 22, 1972) Clark & Lincoln Counties & that portion of Nye County south of Highway #6 excluding the Nevada Test Site, Nevada Change: Glaziers Painters: Brush and Roller Structural Steel; Tapers; Finishers; Paperhangers Structural Steel (spray)	9.35 7.23 7.48 7.63	.32 .32 .32	.25 .25 .26	1.00 1.00 1.00		.01 .02 .02 .02

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
DECISION #AM-11,424 - Mod. #4 (37 FR 12038 - June 16, 1972) East Baton Rouge Parish, Louisiana Change: Roofers Roofers helpers	\$5.685 4.285	.25 .25	.20 .20		.01 .01	
DECISION #AP-302 - Mod. #3 (37 FR 15225 - July 28, 1972) Calcasieu Parish, Louisiana Change: Cement Masons Plasterers	\$6.07 6.49					
DECISION #AP-303 - Mod. #3 (37 FR 15227 - July 28, 1972) Calcasieu Parish, Louisiana Change: Cement Masons Plasterers	\$6.07 6.49					
DECISION #AP-311 - Mod. #2 (37 FR 16776 - August 18, 1972) Caddo & Bossier Parishes, Louisiana Change: Cement Masons Cement Masons Trowelling Machine Operator	\$5.85 6.10					
DECISION #AP-318 - Mod. #1 (37 FR 17306 - August 25, 1972) Caddo & Bossier Parishes, Louisiana Change: Cement Masons Cement Masons Trowelling Machine Operator	\$5.85 6.10					

MODIFICATIONS P. 8

DECISION #AP-415 (cont'd.)

MODIFICATIONS P. 7

DECISION #AP-415 - Mod. #2
(37 FR 17919 - September 1, 1972)
Hampden County, Massachusetts

Change:
Power Equipment Operators' Schedule
(Heavy & Highway)

HEAVY & HIGHWAY CONSTRUCTION

MASS-2-PEO-2-3-H

2-2

POWER EQUIPMENT OPERATORS:

Basic Hourly Rates	H & V	Pensions	Vacation	App. Tr.	Other
\$6.60	.35	.50	a	.05	
6.23	.35	.50	a	.05	
5.65	.35	.50	a	.05	

Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.
Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines, A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.

Footnotes:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

MASS-2-PEO-2-3-H

1-2

Basic Hourly Rates	H & V	Pensions	Vacation	App. Tr.	Other
\$7.70	.35	.50	a	.05	
7.50	.35	.50	a	.05	
7.30	.35	.50	a	.05	
7.00	.35	.50	a	.05	

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.

Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.

Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Driven, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on high Pressure boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-propelled Hydraulic Cranes-up to 10 ton.

Asphalt Roller-up to 10 ton.

NOTICES

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MODIFICATIONS P. 10

Basic Hourly Rates	Fringe Benefits Payments				H & W	Basic Hourly Rates
	Pensions	Vacation	App. Tr.	Others		
DECISION #AM-5,968 - Mod. #5 (37 FR 24028 - December 17, 1971) Armstrong, Blair, Crawford, Indiana, McKean, Venango, and Warren Counties, Pennsylvania						
Change: Modification #3-37 FR 19894 - September 22, 1972 to read Modification #4						
DECISION #AM-5,969 - Mod. #4 (37 FR 244 - January 7, 1972) Centre, Clearfield, Jefferson and Green Counties, Pennsylvania						
Change: Modification #2-37 FR 19894 - September 22, 1972 to read Modification #3						
DECISION #AM-5,972 - Mod. #4 (36 FR 24031 - December 17, 1971) Beaver County, Pennsylvania						
Change: Modification #2-37 FR 19894 - September 22, 1972 to read Modification #3						

MODIFICATIONS P. 9

Basic Hourly Rates	Fringe Benefits Payments				H & W	Basic Hourly Rates
	Pensions	Vacation	App. Tr.	Others		
DECISION #AP-308 - Mod. #4 (37 FR 16354 - August 11, 1972) Oklahoma County, Oklahoma						
Change: Ironworkers: Structural, Ornamental, Reinforcing	.25		.04		.30	\$7.44
DECISION #AP-316 - Mod. #1 (37 FR 17358 - August 25, 1972) Tulsa County, Oklahoma						
Change: Ironworkers: Structural; Ornamental; Reinforcing	.25		.04		.30	\$7.44
Painters: Brush	.25	.20	.02			6.05
High work & stage	.25	.20	.02			6.45
Spray & sandblasting	.25	.20	.02			6.70
Hot or bituminous	.25	.20	.02			7.35
Sheetrock handtools	.25	.20	.02			6.05
Sheetrock power tools	.25	.20	.02			6.40
Hazardous work	.25	.20	.02			8.25

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-312 - Mod. #4</u> (37 FR 16716 - August 18, 1972) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties, Texas</p> <p><u>Change:</u> Building Construction: Carpenters: Carpenters: Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties Millerights: Hansford, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree and Roberts Counties</p> <p><u>Omit:</u> Building Construction: Bricklayers & Stonemasons: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hartley, Hemphill, Moore, Oldham, Potter, Randall, Roberts, Sherman, Swisher and Wheeler Counties Hansford, Hutchinson, Lipscomb and Ochiltree Counties</p> <p><u>Add:</u> Building Construction: Bricklayers & Stonemasons</p>					
\$6.40					
6.65					
6.55					
5.15					
6.55					

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-313 - Mod. #3</u> (37 FR 17361 - August 25, 1972) Lubbock County, Texas</p> <p><u>Change:</u> Building Construction: Ironworkers: Structural; Ornamental; Re-inforcing All ironworkers on jobs (30) miles or more from the City of Lubbock Power Equipment Operators: Heavy Equipment Operators Drilling machine (all types); Scoopmobile; Hoists, two drums or more; Winch truck; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixers, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derricks, power operated (all types); Gradi-all; Hy-Ro; Hop-to; Paving Mixers (all types); Piledrivers; Mobile concrete mixers, over 14 cu. ft.; Bulldozers, Loaders, Tractors; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressor & one pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic</p>	.25	.40			
6.35	.25	.40			
6.05	.30	.50			.05

MODIFICATIONS P. 14

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
7.94	.40	.35			.02
6.70	.40	.50			.02
6.75	.40	.50			.02
7.63	.40	.30			.02

DECISION #AM-6,707 - Mod. #2
(37 FR 5135 - March 10, 1972)
Clallam-Grays Harbor-Island-
Jefferson-Kings-Kitsap-Lewis-
Mason-Pierce-San Juan-Skagit-
Snohomish-Thurston and Whatcom
Counties, Washington

Change:
Bricklayers; Stonemasons:
Pierce County
Cement Masons:
Lewis-S 1/2 of Mason-Pierce-
Thurston-City of Auburn in
King County
Plasterers:
Lewis-Mason-Pierce-Thurston Cos.
Marble; Tile and Terrazzo Workers:
Lewis-Mason-Thurston Counties

MODIFICATIONS P. 13

DECISION #AP-313 (CONT'D)

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$5.65 4.75	.30 .30	.50 .50		.05 .05	
7.65	.275	.30		.04	
7.65	.275	.30		.04	

Power Equipment Operators (Cont'd):
Light Equipment Operators
Air compressor (1); Pump
Pulsemeter; Conveyor; Throttle
valves; Wagon-drill; Elevators
Building; Form graders;
Hoist, single drum; Mixers,
less than 14 cu. ft.; Screen-
ing plants; Welding machines,
gas & diesel (2 or more);
Crushing plants; Fork lifts
(short, under 25 feet); Con-
crete pumps (all types); Bob-
cat type equipment; Ford
tractor or like with any
attachment (except backhoe)
Oiler (all types)

DECISION #AP-314 - Mod. #3
(37 FR 17364 - August 25, 1972)
Jefferson & Orange Counties, Texas

Change:
Bricklayers; Stonemasons

DECISION #AP-315 - Mod. #3
(37 FR 17366 - August 25, 1972)
Jefferson & Orange Counties, Texas

Change:
Bricklayers; Stonemasons

SUPERSEDES DECISION

STATE: Connecticut
 COUNTY: New Haven
 DATE: Date of Publication
 DECESSION NO.: AP-431
 Supersedes Decision No. AM-9,693, dated April 21, 1972, in 36 FR 14560.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	5-CONN. - 1-2-3				Fringe Benefits Payments	App. Tr.	Oth
	H & W	Pensions	Vacation	App. Tr.			
Asbestos workers	\$8.715	.42	.28				
Boilermakers	7.25	.40	10%		.01		
Bricklayers, cement masons-finishers							
marble setters, plasterers, stonemasons							
terrazzo workers, tile setters							
(Building only):							
Milford-Devon	8.47	.20	.40				
Ansonia-Derby	7.40	.35	.25				
Meriden	8.50	.15	.40				
Beacon Falls-Middlebury-Mixville-							
Naugatuck-Prospect-Waterbury-Marion	8.05	.25	.40				
Wolcott-Thomaston, Woodbury	8.52	.35+.15	.50				
Remainder of County							
Bricklayers, cement masons, finishers,							
Stonemasons (Heavy & Highway only)							
Milford	7.65	.40	.25	j			
Remainder of County	7.60	.40	.25	j			
Carpenters, soft floor layers, piledriv-							
ermen: (Building only)							
Ansonia-Seymour-Derby-Orange	7.75	.45	.20	k			
Milford	8.15	.25	.35	g			
Wallingford, Meriden	8.12	.35	.20				
Cheshire-Middlebury-Prospect-South-							
bury-Waterbury-Wolcott-Beacon Falls-	8.05	.40	.20	h	.01		
Naugatuck	7.45	.40	.20				
Remainder of County							
Carpenters, Piledrivermen (Heavy & High-	8.30	.35	.20	j	.03		
way only)							
Electricians:							
Beacon Falls-Middlebury-Naugatuck-							
Oxford-Prospect-Seymour-Southbury-	8.30	.25	1 1/4-20		1/8 of 1%		
Waterbury-Wolcott	7.75	.23	1 1/4-20		1/4 of 1%		
Milford	8.40	.40	1 1/4-20		.5%		
Remainder of County							
Elevator Constructors	8.02	.195	.20	1 1/4-a&b	.005		
Elevator Constructors' helpers	5.61	.195	.20	1 1/4-a&b	.005		
Elevator Constructors' helpers (Prob.)	4.01						
Glaziers	5.30	.125	.125				
Glaziers (Wallingford):	8.01	.47	.32				
Ironworkers:							
Structural, Ornamental & Reinforcing	9.30	.45	.44		.04		

AP-431 P. 2

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	5-CONN. - 1-2-3				Fringe Benefits Payments	App. Tr.	Oth
	H & W	Pensions	Vacation	App. Tr.			
Laborers: (Building only)							
Laborers, Pneumatic-gas-electric tool							
op., concrete saw, mason tenders,							
mortar mixers, pipelayers, (concrete							
& clay, plasterers tenders,							
power buggy, wrecker:							
Milford-Devon	\$6.85	.15	.15				
Remainder of County:							
Laborers, carpenters' tenders,	6.00	.30	.25		.05		
wrecking laborers							
Jackhammer op., mason tenders, mortar							
mixer, pipe layers, plasterers' tenders	6.25	.30	.25		.05		
& power buggy							
Air track operators, wagon drill ops.,	6.50	.30	.25		.05		
and sand blasters							
Open Air Gaisson, Cylindrical Work	6.50	.30	.25		.05		
and Boring crew:							
Bottom man	6.50	.30	.25		.05		
Top man	6.00	.30	.25		.05		
Laborers (hvy. & hwy. only):							
Laborers	6.00	.30	.25		.05		
Asphalt rakers, adzemen, bracers,							
burners, concrete and power buggy							
operators, concrete saw op., chain							
saw op., fence and guard rail							
erectors, form setters, mortar							
mixers, pipelayers, riprap and							
drywall builders, stone spreaders,							
masons tenders, pneumatic drill							
operators, tool operators, wagon							
drill op., tree trimmers, tree							
toppers, mulchers, chippers, stum-							
pers & all operations connected	6.25	.30	.25		.05		
Air track operators & Block pavers	6.50	.30	.25		.05		
rammers, curb setters	6.75	.30	.25		.05		
Powdermen and blasters							
Lathers:							
Beacon Falls-Bethany-Cheshire-Meriden-							
Middlebury-Naugatuck-Oxford-Prospect-	8.75	.25	.15		.01		
Southbury-Waterbury-Wolcott	8.52	.14	.20		.01		
Remainder of County	7.80	.30		c	.01		
Lead Burners							
Line Construction:							
Milford	6.11	.15	1%	d			
Linenen, cable splicers, dynamitemen	5.21	.15	1%	d			
Digger, equipment operators	4.99	.15	1%	d			
Truck Drivers	4.85	.15	1%	d			
Cable splicers' helpers	4.39	.15	1%	d			
Groundmen							
Beacon Falls, Middlebury, Naugatuck,							
Oxford, Prospect, Seymour, Southbury,							
Waterbury, Wolcott:	5.18	.15	1%	e	1/2 of 1%		
Linenen, Dynamiteman	4.37	.15	1%	e	1/2 of 1%		
Equipment operator							

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
		M & W	Pensions	Vacation		
Groundman, experienced	3.41	.15	1%	e		
Groundman, inexperienced	2.98	.15	1%	e		
Remainder of County:						
Linemen, dynamite man	5.18	.10	1%	e		
Equipment operator	4.37	.10	1%	e		
Groundman, truckdriver	3.85	.10	1%	e		
Groundman, experienced	3.41	.10	1%	e		
Groundman, inexperienced	2.98	.10	1%	e		
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers	7.50	.25	.15			
Painters:						
Brush:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	4.75	.12		f		
Milford (Remainder of Township)	7.00	.25	.25	f		
Cheshire-Guilford-Madison-Meriden-Wallingford	7.25	.50	.20			
Milford (up to Gulf Street)	6.40	.25	.25			
Remainder of County	6.40	.25	.25			
Structural Steel:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12	.25	f		
Milford	8.00	.25	.25	f		
Spray:						
Ansonia-Beacon Falls-Derby-Oxford-Seymour	5.75	.12		f		
Cheshire-Guilford-Madison-Meriden-Wallingford	10.875	.50	.20			
Milford (up to Gulf Street)	9.15	.25	.25			
Remainder of County	9.15	.25	.25			
Commercial & Industrial:						
Middlebury-Naugtuck-Prospect-Roxbury-Southbury-Waterbury-Wolcott	6.00	.25	.25			
Bridge:						
Cheshire-Guilford-Madison-Meriden-Wallingford	8.50	.50	.20			
Plumbers & Steamfitters:						
Milford	8.60	.25	.20		.01	
Ansonia-Beacon Falls-Bethany-Naugtuck-Oxford-Prospect-Seymour	9.15	.35	.30	2%	.02	
Middlebury-Southbury-Waterbury-Wolcott-South Britain	7.97	.48	.30		.05	
Cheshire-Meriden-Wallingford	9.00	.40	.75	1		
Remainder of County	7.55	.40	.30	m		
Roofers:						
Cheshire-Meriden-Prospect-Wallingford-Wolcott:						
Composition	7.55	.325	.35	.30		
Composition, Helpers, Class A	6.975	.35	.30			
Composition, Helpers, Class B	3.50	.325	.35	.30		
Slate & Tile	8.05	.325	.35	.30		

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SW-CO-N-1-P

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION:

Basic Hourly Rates	Fringe Benefits Payments			Job
	H & W	Pensions	Vacation	
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	\$7.50	.15+a	b	
Tower crane, dragline, gradall, hoist, Kohring scoop loader and/or hoe, shovel, front end loader (7 yds. or over) fork lift (over 4 ft. lift)	7.40 7.30	.15+a .15+a	b b	
Maintenance engineer				
Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over ½ yd.)	7.15 7.15 7.05 6.95	.15+a .15+a .15+a .15+a	b b b b	
Asphalt spreader	7.15	.15+a	b	
Bulldozer	7.15	.15+a	b	
Grader, scraperpan, carryall operator	6.95	.15+a	b	
Combination hoe and loader	6.95	.15+a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.90	.15+a	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.88	.15+a	b	
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.80 6.75	.15+a .15+a	b b	
Roller operators	6.60	.15+a	b	
Dinky machine opr., firemen (high pressure), power pavement breaker	6.30	.15+a	b	
Crane with boom, 150 ft. Additional \$.25 per hour				
Crane with boom, 200 ft. Additional \$.50 per hour				
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day				
FOOTNOTE: a. Employer contributes \$.15 to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.				

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SW-CO-N-2-3-T

POWER EQUIPMENT OPERATORS
HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Job
	H & W	Pensions	Vacation	
Erecting and handling structural steel	\$7.50	.15+a	b	
Front end loader (7 yds. or over), pile driver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohring loader (scoop)	7.44	.15+a	b	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	7.15 7.00	.15+a .15+a	b b	
Asphalt spreader	6.90	.15+a	b	
Front end loader (3 yds. or over), grader power stone spreader	6.88	.15+a	b	
Well point system, combination hoe & loader	6.75	.15+a	b	
Asphalt roller, bulldozer, carryall, maintenance engineer				
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60 6.52 6.25	.15+a .15+a .15+a	b b b	
Compressor, pump				
Batch plant, bulk cement plant, oiler				
Crane with 150 ft. boom - additional \$.25 per hour				
Crane with 200 ft. boom - additional \$.50 per hour				
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				
FOOTNOTE: a. Employer contributes \$.15 to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through F and Good Friday.				

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Truck Drivers:					
Two axle trucks	\$4.70	a	b	c	
Three axle trucks	4.80	a	b	c	
Four axle trucks	4.90	a	b	c	
Two axle ready-mix	4.80	a	b	c	
Three axle ready-mix	4.85	a	b	c	
Four axle ready-mix	4.95	a	b	c	
Heavy duty trailer - to 40 tons	4.85	a	b	c	
Heavy duty trailer - over 40 tons	5.00	a	b	c	
Helpers	4.70	a	b	c	
Specialized earth moving equipment	4.95	a	b	c	
Paid Holidays (Where applicable):					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas.					
Footnotes:					
a. \$11.00 per week for employee employed over 16 hours and \$.2675 per hour for employee less than 16 hours during the week.					
b. \$14.00 per week for employees employed over 24 hours and \$.30 per hour for employees employed less than 24 hours during the week.					
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.					

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2. CONN-1-2-3-N 3 of 3

	FRINGE BENEFITS PAYMENTS				OTHERS
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	
Painters:					
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Porestville-E. Berlin-Milledale-Plantsville-Unionville:					
Brush	7.25	.50	.20		
Bridge	8.50	.50	.20		
Spray	10.875	.50	.20		
Remainder of County:					
Brush	7.50	.20	.20		
Spray	11.25	.20	.20		
Piledriversmen: (Building only):					
Marlboro	8.12	.35	.20		
Plumbers:					
Southington	9.00	.40	.75	.1	
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.05	.30	.30		
Remainder of County	8.65	5%	5%	.15	
Roofers:					
Composition	7.55	.325	.35	.30	
Composition Helper - Class A	6.975	.325	.35	.30	
Composition Helper - Class B	3.50	.325	.35	.30	
Slate, Tile, Precast Concrete	8.05	.325	.35	.30	
Sheet Metal Workers	8.45	.50	.36	.02	
Sprinkler fitters	8.00	.25	.40	.05	
Steamfitters:					
Southington	6.00	.15	.20		
Berlin-Bristol-New Britain-Plainville	9.05	.30	.30		
Remainder of County	8.54	.50	.30	.05	
Waterproofers	7.55	.325	.35	.30	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where applicable) A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Paid holidays: C, D, and E.
- \$.15 per man per week.
- Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Holidays: A through F.
- Holidays: A through F, Washington's Birthday and Good Friday, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days preceding & following the holiday.
- Holidays: A through F, & Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday & is available for work the day before and after the holiday.
- Paid Holidays: B through E.
- Paid Holidays: A through F and Good Friday.
- Paid Holiday: D.

AP-632 P. 4

SS-CO-1-1-P

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:					
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	\$7.50	.20	.15+ _a	b	
Tower crane, dragline, gradall, hoist, hoisting scoop loader and/or hoe, shovel, front end loader (7yds. or over) fork lift (over 4 ft. lift)	7.40	.20	.15+ _a	b	
Maintenace engineer	7.30	.20	.15+ _a	b	
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yds.)	7.15	.20	.15+ _a	b	
Asphalt spreader	7.15	.20	.15+ _a	b	
Bulldozer	7.05	.20	.15+ _a	b	
Grader, scraperpan, carryall operator	6.95	.20	.15+ _a	b	
Combination hoe and loader	6.95	.20	.15+ _a	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.90	.20	.15+ _a	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.88	.20	.15+ _a	b	
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.80	.20	.15+ _a	b	
Roller operators	6.75	.20	.15+ _a	b	
Dinky machine opr., firemen (high pressure), power pavement breaker	6.60	.20	.15+ _a	b	
Oilier	6.30	.20	.15+ _a	b	
Crane with boom, 150 ft. Additional \$.25 per hour					
Crane with boom, 200 ft. Additional \$.50 per hour					
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day					

FOOTNOTE:

- Employer contributes \$.15 to Supplemental Unemployment Fund.
- Seven (7) paid holidays: A through F and Good Friday.

AP-432 P. 5

SW-20NN-2-3-T

POWER EQUIPMENT OPERATORS
HEAVY & HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel	\$7.50	.20	.15+a	b
Front end loader (7 yds. or over), pile driver, crane shovel, dragline, grad-all, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (skooter)	7.44	.20	.15+a	b
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over yd.)	7.15 7.00	.20 .20	.15+a .15+a	b b
Asphalt spreader	6.90	.20	.15+a	b
Front end loader (3 yds. or over), grad-er power stone spreader	6.88	.20	.15+a	b
Well point system, combination hoe & loader	6.75	.20	.15+a	b
Asphalt roller, bulldozer, carryall, maintenance engineer	6.60	.20	.15+a	b
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.52 6.25	.20 .20	.15+a .15+a	b b
Compressor, pump				
Batch plant, bulk cement plant, oiler				
Crane with 150 ft. boom - additional \$.25 per hour				
Crane with 200 ft. boom - additional \$.50 per hour				

Paid Holidays (Where Applicable):

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Employer contributes \$.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AP-432 P. 6

1-TD-SW-COM-1-2-3-E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	C
Truck Drivers:					
Two axle trucks	a	b	c		
Three axle trucks	a	b	c		
Four axle trucks	a	b	c		
Two axle ready-mix	a	b	c		
Three axle ready-mix	a	b	c		
Four axle ready-mix	a	b	c		
Heavy duty trailer - to 40 tons	a	b	c		
Heavy duty trailer - over 40 tons	a	b	c		
Helpers	a	b	c		
Specialized earth moving equipment	a	b	c		
Paid Holidays (Where applicable):					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.					
Footnotes:					
a. \$11.00 per week for employees employed over 16 hours and \$.2675 per hour for employees less than 16 hours during the week.					
b. \$14.00 per week for employees employed over 24 hours and \$.30 per hour for employees employed less than 24 hours during the week.					
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.					

NOTICES

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SUPERSEDES DECISION

STATE: Connecticut
 COUNTY: New London
 DATE: Date of Publication
 SUPERSEDES DECISION NO.: AP-433
 SUPERSEDES DECISION NO. AM-1,594 dated August 6, 1971, in 36 FR 14564.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHER
	H & W	PENSIONS	VACATION	APP. TR.	
Asbestos Workers: Griswold, Ledyard, Lisbon, North Stonington, Preston, Stonington, Voluntown Remainder of County	.39 .42 .40	.35 .28 10%		.005	
Boilermakers Bricklayers, cement masons-finishers, marble setters, plasterers, stone masons, terrazzo workers, tile setters (Building Only): Norwich Remainder of County	.17 .40	.15 .25		.01	
Marble setters' helpers, terrazzo workers' helpers, tile setters' helpers: (Building Only) Bricklayers, cement masons-finishers, stonemasons (Heavy and Highway Only) Carpenters & pile-drivers (Heavy and Highway Only) Carpenters, soft floor layers, Pile-drivers: (Building Only) Township of Stonington Remainder of County	.25 .40 .35 .25 .50	.15 .25 .20 .25 .30	f f .25	.03 .005	
Electricians: East Lyme, Groton, Lyme, New London, Old Lyme, Waterford Remainder of County Cable splicers: East Lyme, Groton, Lyme, New London, Old Lyme, Waterford Elevator constructors Elevator constructors' helpers Elevator constructors' helpers (prob.) Glaziers (Outside)	8.40 8.35 5.55 8.02 5.61 4.01 8.01	12+20 12+20 12+20 20 20 32		.5% 1/2% .5% .005 .005	
Ironworkers; Str., Orn. and Reinf. Laborers (Building) Laborers, carpenters tenders, wrecking laborers Jackhammer op., mason tenders, mortar mixer, pipe layers, plasterer tenders & power buggy Air track operators, wagon drill ops., and sand blasters Open Air Caisson, Cylindrical Work and Boring Crew: Bottom man Top man	9.30 6.00 6.25 6.50 6.50 6.00	.44 .25 .25 .25 .25 .25		.04 .05 .05 .05 .05 .05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Laborers: (Heavy & Highway Only)
 Laborers
 Asphalt Rakers, adzemen, bracers,
 burners, concrete and power buggy
 operators, concrete saw op., chain
 saw op., fence and guard rail
 erectors, form setters, mortar mixers,
 pipelayers, riprap and drywall
 builders, stone spreaders, mason
 tenders, pneumatic drill operators,
 tool operators, wagon drill op.,
 tree trimmers, tree toppers,
 mulchers, chippers, stumpers &
 all operations connected
 Air track operators
 Block pavers, ramers, curb setters
 Powdermen and blasters
 Lathers:
 Groton
 Remainder of County
 Lead burners
 Line Construction:
 Lineman, dynamite man
 Equipment operators
 Groundman, truck driver
 Groundman, experienced
 Groundman, inexperienced
 Painters:
 Brush
 Bridge
 Sandblasters, steamcleaners
 Plumbers, Steamfitters:
 Groton, Lyme, Merville, New London,
 Old Lyme, Salem, Stonington,
 Waterford
 Remainder of County
 Roofers:
 Composition
 Composition, helpers, class "A"
 Composition, class "B"
 Slate, tile, precast concrete
 Sheet metal workers
 Sprinkler fitters
 Waterproofers
 Welders - receive rate prescribed for
 craft performing operation to which
 welding is incidental.

AP-433 P. 4

SW-CONN-1-P

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION:

Basic Hourly Rates	H & W	Fringe Benefits Payments			Oth
		Pensions	Vacation	App. Tr.	
Derrick, hoist (2 drums or over), structural steel (hoisting and nandling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	.20	.15+4	b		
Tower crane, dragline, gradall, hoist, Kohering scooper loader and/or hoe, shovel, front end loader (yds. or over) fork lift (over 4 ft. lift)	7.40 7.30	.15+4 .15+4	b b		
Maintenance engineer					
Boiler (portable-high pressure), hammer (vibratory), front end load (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumpcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 4 yd.)	7.15 7.15 7.05 6.95 6.95	.15+4 .15+4 .15+4 .15+4 .15+4	b b b b b		
Asphalt spreader	6.90	.15+4	b		
Bulldozer					
Grader, scraperpan, carryall operator	6.88	.15+4	b		
Combination hoe and loader	6.80	.15+4	b		
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.75	.15+4	b		
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.60 6.30	.15+4 .15+4	b b		
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.					
Roller operators					
Dinky machine opr., firemen (high pressure), power pavement breaker					
Oiler					
Crane with boom, 150 ft. Additional \$.25 per hour					
Crane with boom, 200 ft. Additional \$.50 per hour					
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day					

FOOTNOTE:

- a. Employer contributes \$.15 to Supplemental Unemployment Fund.
- b. Seven (7) paid holidays: A through F and Good Friday.

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FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	OTHER
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PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- a. \$.05 per man per week.
- b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.
- c. Six paid holidays: A through F.
- d. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- e. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed for at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
- f. Paid holidays: A through F plus Good Friday.

NOTICES

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AP-433 P. 5		SH-CONN-2-3-T		AP-433 P. 6		1-JD-EN-CONN-1-2-3-E			
POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION		Fringe Benefits Payments		BUILDING, HEAVY, & HIGHWAY CONSTRUCTION		FRINGE BENEFITS PAYMENTS			
Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.
\$7.50	.20	.15ta	b		\$4.70	a	b	c	
Erecting and handling structural steel					4.80	a	b	c	
Front end loader (7 yds. or over), pile driver, crane shovel, dragline, grad-					4.90	a	b	c	
all, trenching machine, lighter derrick, paver (concrete), derrick (stiff					4.80	a	b	c	
leg and guy), steel pile sheeting,					4.85	a	b	c	
Kohring loader (scoop)					4.95	a	b	c	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid)	7.44	.15ta	b		4.85	a	b	c	
mucking machine, pumpcrete, rock and earth boring machine post and well					5.00	a	b	c	
digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over yd.)					4.70	a	b	c	
Asphalt spreader	7.15	.15ta	b		4.95	a	b	c	
Front end loader (3 yds. or over), grader power stone spreader	7.00	.15ta	b						
Well point system, combination hoe & loader	6.90	.15ta	b						
Asphalt roller, bulldozer, carryall, maintenance engineer	6.88	.15ta	b						
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, firemen (high pressure), power payment breaker, dinky machine	6.75	.15ta	b						
Compressor, pump	6.60	.15ta	b						
Batch plant, bulk cement plant, oiler	6.52	.15ta	b						
Crane with 150 ft. boom - additional	6.25	.15ta	b						
\$.25 per hour									
Crane with 200 ft. boom - additional									
\$.50 per hour									
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					Truck Drivers: Two axle trucks Three axle trucks Four axle trucks Two axle ready-mix Three axle ready-mix Four axle ready-mix Heavy duty trailer - to 40 tons Heavy duty trailer - over 40 tons Helpers Specialized earth moving equipment Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.				
Footnote: a. \$11.00 per week for employees employed over 16 hours and \$.2675 per hour for employees employed less than 16 hours during the week.					Footnotes: a. \$11.00 per week for employees employed over 16 hours and \$.2675 per hour for employees employed less than 16 hours during the week.				
b. \$14.00 per week for employees employed over 24 hours and \$.30 per hour for employees employed less than 24 hours during the week.					b. \$14.00 per week for employees employed over 24 hours and \$.30 per hour for employees employed less than 24 hours during the week.				
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.					c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.				

FOOTNOTE:	
a.	Employer contributes \$.15 to Supplemental Unemployment Fund.
b.	Seven (7) paid holidays: A through F and Good Friday.

FOOTNOTE:

a. Employer contributes \$.15 to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through F and Good Friday.

AP-434 P. 2

7-CONN-1-2-3-K

2 of 3

SUPERSEDES DECISION

COUNTY: Tolland
 STATE: Connecticut
 DECISION NO.: AP-434
 DATE: Date of Publication
 SUPERSEDES DECISION NO. AM-1,595, dated August 6, 1971, in 36 FR 14568.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-CONN-1-2-3-K 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.
Asbestos workers:					
Somers-Stafford-Union	\$7.60	.39	.15		.01
Remainder of County	8.715	.42	.28		
Boilermakers	7.25	.40	10%		.01
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stone-masons, Terrazzo Workers, Tile Setters, (Building Only):	8.70	.40	.25		
Marble Setters' helpers, Terrazzo Workers' helpers, Tile Setters' helpers	7.50	.25	.15		
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway):	7.60	.40	.25		
Carpenters & Pile-drivers (Hwy. & Hwy.)	8.30	.35	.20		.03
Carpenters, Soft Floor Layers & Pile-drivers (Building Only):					
Bolton:	8.12	.35	.20		.01
Remainder of County	8.27	.25	.20		
Electricians	8.35	.40	12+.20		1/2
Elevator constructors	8.02	.195	.20	1/4+.20	.005
Elevator constructors' helpers	5.61	.195	.20	1/4+.20	.005
Elevator constructors' helpers (prob.)	4.01				
Glaziers (Outside)	8.01	.47	.32		
Ironworkers: Structural, ornamental, Reinforcing	9.30	.45	.44		.04
Laborers (Building)					
Laborers, carpenters tenders, wrecking laborers	6.00	.30	.25		.05
Jackhammer op., mason tenders, mortar mixer, pipe layers, plaster tenders & power buggy	6.25	.30	.25		.05
Air track operators, wagon drill ops., and sand blasters	6.50	.30	.25		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Bottom man	6.50	.30	.25		.05
Top man	6.00	.30	.25		.05
Laborers: (Heavy and Highway):	6.00	.30	.25		.05
Laborers					

7-CONN-1-2-3-K 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.
Laborers (Cont'd)					
Asphalt Rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall builders, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected	6.25	.30	.25		.05
Air track operators	6.50	.30	.25		.05
Block pavers, ramers, curb setters	6.50	.30	.25		.05
Powdermen and blasters	6.75	.30	.25		.05
Lathers:					
Somers, Stafford, Stratford Springs, Staffordville, Union, Crystal Lake	7.60	.45	.25		.01
Remainder of County	9.15	.20	.30	c	.01
Lead burners	7.80	.30			
Line Construction:					
Linenmen, Dynamite man	5.18	.10	1%	d	
Equipment Operator	4.37	.10	1%	d	
Groundman, Truck Driver	3.85	.10	1%	d	
Groundman, Experienced	3.41	.10	1%	d	
Groundman, Inexperienced	2.98	.10	1%	d	
Painters:					
Brush:					
Ellington, Hebron, Rockville, Somers, Vernon	7.50	.20	.20		
Remainder of County	6.70	.25	.40	.20	
Bridge:					
Ellington, Hebron, Rockville, Somers, Vernon	8.50	.20	.20		.15
Spray:					
Ellington, Hebron, Rockville, Somers, Vernon	11.25	.20	.20		
Bridge:					
Remainder of County	8.50	.25	.40	.20	
Plumbers	8.65	5%	5%		
Roofers:					
Composition	7.55	.325	.35	.30	
Composition, Helpers, Class A	6.975	.325	.35	.30	
Composition, Helpers, Class B	3.50	.325	.35	.30	
Slate, Tile, Precast Concrete	8.05	.325	.35	.30	
Sheet metal workers	8.45	.50	.36		.02
Sprinkler fitters	8.00	.25	1.40		.05
Steamfitters	8.54	.50	.45		.05
Waterproofers	7.55	.325	.35	.30	
PAID HOLIDAYS: (Where Applicable):					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-labor Day; E-Thanksgiving Day; F-Christmas Day.					

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7-GONN-1-2-3-K

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TR.

FOOTNOTES:

- a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- b. Six (6) paid holidays: A through F.
- c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- d. Seven (7) paid holidays: A through F, and Good Friday, provided the employee has been employed at least 10 working days prior to the holiday and is available for work the day before and after the holiday.
- e. Paid holidays: A through F plus Good Friday.

AP-434 P. 4

1-TD-SM-GONN-1-2-3-E

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
	H & W	PENSIONS	VACATION	APP. TR.

- Truck Drivers:
- Two axle trucks \$4.70
- Three axle trucks 4.80
- Four axle trucks 4.90
- Two axle ready-mix 4.80
- Three axle ready-mix 4.85
- Four axle ready-mix 4.95
- Heavy duty trailer - to 40 tons 4.85
- Heavy duty trailer - over 40 tons 5.00
- Helpers 4.70
- Specialized earth moving equipment 4.95
- Paid Holidays (Where applicable):
- A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas.
- Footnotes:
- a. \$11.00 per week for employee employed over 16 hours and \$.2675 per hour for employee less than 16 hours during the week.
- b. \$14.00 per week for employees employed over 24 hours and \$.30 per hour for employees employed less than 24 hours during the week.
- c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

AP-434 P. 5

SW-CNN-1-P

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Derrick, hoist (2 drums or over), structural steel (hoisting and handling), stone setting, pile driver, lighter derrick, stiff leg and guy derrick	\$7.50	.20	.15ta	b	
Tower crane, dragline, grapple, hoist, Kohering scoop loader and/or hoe, shovel, front end loader (yds. or over) fork lift (over 4 ft. lift)	7.40 7.30	.20 .20	.15ta .15ta	b b	
Maintenance engineer					
Boiler (portable-high pressure), hammer (vibratory), front end loader (3-7 yds.), Coleman loader and screening plant or similar equip., drill (joy-heavy weight champion or equivalent), mucking machine, pumcrete, rock and earth boring machine, compressor (battery op.) post hole and well digger, conveyor, central mix operator, combination hoe and loader (over 3 yd.)	7.15 7.15 7.05 6.95 6.95	.20 .20 .20 .20 .20	.15ta .15ta .15ta .15ta .15ta	b b b b b	
Asphalt spreader	6.90	.20	.15ta	b	
Bulldozer					
Grader, scraperpan, carryall operator	7.15	.20	.15ta	b	
Combination hoe and loader	7.05	.20	.15ta	b	
Concrete mixer (5 bags or over), front end loader (under 3 yds), powerstone spreader	6.95	.20	.15ta	b	
Compressor, generator, pump & well point opr., welding machine, air steam valve oprs.	6.88	.20	.15ta	b	
Steam Jenny, fork lift (not over 4 ft.), mechanical heater oprs.	6.80	.20	.15ta	b	
Roller operators	6.75	.20	.15ta	b	
Dinky machine opr., firemen (high pressure), power pavement breaker	6.60	.20	.15ta	b	
Oiler	6.30	.20	.15ta	b	
Crane with boom, 150 ft. Additional \$.25 per hour					
Crane with boom, 200 ft. Additional \$.50 per hour					
Paid Holidays (Where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTE: a. Employer contributes \$.15 to Supplemental Unemployment Fund.					
b. Seven (7) paid holidays: A through F and Good Friday.					

AP-434 P. 6

SW-CNN-2-3-T

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel	\$7.50	.20	.15ta	b	
Front end loader (7 yds. or over), pile driver, crane shovel, dragline, grapple, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, Kohering loader (scoop)	7.44	.20	.15ta	b	
Drill (Joy Heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 3 yd.)	7.15 7.00	.20 .20	.15ta .15ta	b b	
Asphalt spreader	6.90	.20	.15ta	b	
Front end loader (3 yds. or over), grader power stone spreader	6.88	.20	.15ta	b	
Well point system, combination hoe & loader	6.75	.20	.15ta	b	
Asphalt roller, bulldozer, carryall, maintenance engineer					
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, firemen (high pressure), power pavement breaker, dinky machine	6.60 6.52 6.25	.20 .20 .20	.15ta .15ta .15ta	b b b	
Compressor, pump					
Batch plant, bulk cement plant, oiler					
Crane with 150 ft. boom - additional \$.25 per hour					
Crane with 200 ft. boom - additional \$.50 per hour					
Paid Holidays (Where Applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTE: a. Employer contributes \$.15 to Supplemental Unemployment Fund.					
b. Seven (7) paid holidays: A through F and Good Friday.					

NOTICES

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AP-121 P. 2

1 Florida - 1 - M (2-2)

Fringe Benefits Payments

H & W Pensions Vacation App. Tr. Ohio

Dedic Hourly Rates

Building Construction

Roofers
Sheet metal workers
Soft floor layers
Sprinkler fitters
Steamfitters
Stone masons
Accoustical workers
Lead burners
Truck drivers
Roofers' helpers & kettlemen
Tile setters, Marble setters
Terrazzo workers
Welders—receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (Where Applicable):

A—New Year's Day; B—Memorial Day; C—Independence Day; D—Labor Day; E—Thanksgiving Day; F—Christmas Day.

FOOTNOTES:

- a. Six paid holidays, A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
c. Nine paid holidays, A through F plus Christmas Eve, Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

SUPPLEMENTAL DECISION

STATE: Florida

DECISION NUMBER: AP-121

COUNTY: Alachua

DATE: Date of Publication

Supersedes Decision No. AM-9696 dated May 3, 1972, in 37 FR 9174.

DESCRIPTION OF WORK: Building

homes and garden type apartments up to and including 4 stories),

heavy and highway construction.

1 Florida - 1 - M (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ohio
Building Construction						
Asbestos workers	\$5.93	.25	.15	.25	.01	
Boilermakers	6.85	.40	.60			
Bricklayers	6.75	.34	.20	.15	.03	
Carpenters	7.24	.29	.20	.15	.02	
Millwrights	6.40	.34	.20	.15	.03	
Piledrivers	5.85	.15			.02	
Cement masons						
Electricians:						
Wiremen	6.35	.25	1%		1%	
Cable splicers	6.80	.25	1%		1%	
Elevator constructors	6.17	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.85					
Ironworkers, structural & ornamental	7.00	.42	.40		.01	
Ironworkers, reinforcing	7.00	.42	.40			
Laborers:						
Unskilled	3.10	.15	.10			
Air tool operator	3.20	.15	.10			
Mortar mixers	3.20	.15	.10			
Pipelayers (concrete & clay)	3.20	.15	.10			
Lathers						
Painters:						
Brush	5.65					
Paperhangers	6.10					
Structural steel	6.40					
Spray	6.15					
Sandblasting	6.15					
Roller	6.15					
Swing stage	6.40					
Boatswain's chair	6.40					
Plasterers	6.25					
Plumbers	7.55	.15	.25		.05	
Line Construction:						
Linenmen	6.75	.25	1%		1%	
Cable splicers	6.95	.25	1%		1%	
Cable splicers assistant	6.75	.25	1%		1%	
Winch truck operator	5.35	.25	1%		1%	
Heavy equipment operator	6.48	.25	1%		1%	
Flat-bed pick-up driver	4.69	.25	1%		1%	
Groundman 1 yr., & over	3.86	.25	1%		1%	

AP-121 P. 3 FLORIDA 1 - PF R (1-2)			AP-121 P. 4 FLORIDA 1 - PEO (2-2)		
FRINGE BENEFITS PAYMENTS			FRINGE BENEFITS PAYMENTS		
BASIC HOURLY RATES	H & W	PENSIONS	VACATION	APP. TR.	OTH
BUILDING CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Cranes, derricks, clam shells, drag-lines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydras cranes, grade all, shovels, petrels, cable-ways, tug boat captain (150 h.p. or more), multi-bowl oper (similar to R.G. LaTourneau Model L-60-2 or 3 twenty cu yd scrapers), front end loaders, (over h cy cap.), side boom cats, multi-drum hoist (for rigging), mechanic (heavy equip.), tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher) Locomotive engineer (jobs not covered by railroad unions)	.25	.20			.02
\$6.66					
Bulldozers, bridge cranes (20 tons & under), highlift or fork lift (up to 2nd floor), straddle buggys, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cy & up to & incl., h cy cap.), trenching machine (ladder & wheel type) over 6' cut & over 24" width, concrete paver & scrapers	.25	.20			.02
5.70					
Concrete pumps, front end loader (2cy or less not used as hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines	.25	.20			.02
4.94					
POWER EQUIPMENT OPERATORS:					
Tractor operated sweeper, trenching machine (ladder & wheel type maximum cut 6' & maximum width 24"), firemen, self-propelled rollers, well-point pump, asphalt distributor, water truck driver, motor boat operator, oiler, mechanics' helpers, pumpman (other than wellpoint up to & incl., 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine	.25	.20			.02
4.03					

AP-121 F. 5

FLORIDA 104 C

HEAVY AND HIGHWAY CONSTRUCTION

Bricklayers
 Carpenters
 Carpenters, helpers
 Concrete finisher
 Concrete finisher helper
 Laborers:
 Unskilled
 Pipelayers
 Truck Driver
 Welder

POWER EQUIPMENT OPERATORS:

Asphalt distributor
 Asphalt mixer
 Asphalt paving machine
 Asphalt plant
 Asphalt plant drier
 Bulldozer
 Cranes, derricks and draglines
 Earthmover, heavy rubber tired
 Finishing machine
 Front end loader
 Mechanic
 Motor grader
 Oiler
 Pavement striping machine
 Roller
 Scraper
 Shovels, backhoe
 Tractor
 Trenching machines

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr. Others
\$1.75				
2.25				
1.60				
2.00				
1.60				
1.60				
1.75				
1.75				
1.75				
1.75				
2.75				
2.495				
1.75				
1.82				
1.75				
1.75				
2.00				
2.025				
1.75				
1.75				
1.75				
2.825				
1.75				
2.38				

SUPPLEMENTAL DECISION

AP-122 P. 2

BUILDING CONSTRUCTION

3 - Florida I (2-2)

STATE: Florida
 DECISION NUMBER: AP-122
 SUPERSEDES DECISION No. AM-9695 dated May 5, 1972, in 37 FR 14664.
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

COUNTY: Bay

DATE: Date of Publication

DATE: Date of Publication
 DATE: Date of Publication
 DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Yr.
Building Construction					
Asbestos workers	\$7.70	.395	.75	e	.02
Boilermakers	6.85	.40	.60		.01
Bricklayers	5.00				
Carpenters	5.85	.20			.01
Cement masons	3.25				
Electricians & Linemen (Commercial)	5.70		1%		
Cable splicers (Commercial)	5.95		1%		
Electricians & Linemen (Industrial)	7.20		1%		
Cable splicers (Industrial)	7.55		1%		
Elevator constructors	6.72	.145	.17	1 1/2 a+b	.005
Elevator constructors' helpers	70%JR	.145	.17	1 1/2 a+b	.005
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	3.25				
Ironworkers, structural & ornamental	7.13	.28	.25		
Ironworkers, reinforcing	7.13	.28	.25		
Lathers	4.54				
Millwrights	7.28	.24	.25		.01
Painters:					
Commercial	3.60				
Industrial	4.50				
Sandblasting	4.90				
Spray - .50 per hour above classification					
Plumbers & steamfitters:					
Commercial & Residential including Tyndall Air Force Base	4.50	.15	.15		
Plasterers	4.50				
Plumbers & pipefitters (Industrial)	7.10	.30	.35	c	.02
Roofers	6.45	.30	.10	d	.01
Sheet metal workers	7.15	.30	.30		.01
Soft floor layers	5.85	.20			.07
Sprinkler fitters	8.01	.25	.40		.01
Stonemasons	5.00				
Piledrivermen	6.10	.20			.01
Marble setters	3.45				
Terrazzo workers	4.50				
Tile setters	4.50				
Tile setters' helpers	1.60				
Truck drivers	1.60				

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Six paid holidays: A through F.
- Employer contributes 4% of regular rate to Vacation Pay
 Credit for employee who has worked in business more than 5 years.
 Employer contributes 2% of regular hourly rate for Vacation Pay
 Credit for employee who has worked in business less than 5 years.
- 3 paid holidays: Labor Day, Christmas Day & Thanksgiving Day.
- 40 hour paid vacation after 1 year of employment
- Two paid holidays: Labor Day and Mardi Gras Day, provided the employee works at least one day out of the three work days prior to the paid holidays, and the first work day after the paid holidays.

FEDERAL REGISTER, VOL. 37, NO. 195—FRIDAY, OCTOBER 6, 1972

AP-122 P. 5		117 - Florida				
Heavy and Highway Construction		FRINGE BENEFITS PAYMENTS				
	BASIC HOURLY RATES					OTHERS
		H & W	PENSIONS	VACATION	APP. TR.	
Carpenters	\$2.55					
Concrete finishers	2.80					
Ironworkers, structural	3.10					
Ironworkers, reinforcing	2.85					
Laborers:						
Laborers	1.60					
Pipelayers	1.60					
Asphalt raker	1.60					
Concrete saw operator	1.60					
Concrete worker	1.60					
Bin (scale) operator	1.60					
Curing machine operator	1.60					
Fence erector (chain-link type)	1.70					
Plumbers	3.25					
Power Equipment Operators:						
Air compressors	1.60					
Blade graders	1.82					
Bulldozers	1.60					
Cranes, derricks, draglines	1.75					
Distributors	1.60					
Finishing machines	1.75					
Firemen, oilers	1.60					
Mechanics	1.82					
Mechanics' helpers	1.60					
Mixers	1.60					
Motor graders	1.82					
Pumps	1.60					
Rollers (finish)	1.60					
Rollers (self-propelled)/rubber tired	1.60					
Scrapers	1.60					
Shovels	1.75					
Tractors, light, rubber-tired	1.60					
Asphalt paving machine	1.60					
Front end operator	1.75					
Paving machine operator	2.25					
Trenching machine	1.75					
Truck Drivers:						
Single rear axle	1.60					
Multi-rear axle	1.75					

STATE: Illinois
 DECISION NUMBER: AP-24
 COUNTY: Champaign
 DATE: Date of Publication
 Supersedes Decision No. AP-9 dated August 11, 1972, in 37 FR 16326.
 DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Asbestos workers	\$8.50	.20	.20		.02	
Boilermakers	7.90	.40	.65		.01	
Bricklayers & Stonemasons	7.25	.125			.02	
Carpenters (Bldg.)	7.71	.30	.45		.08	
Carpenters (Hvy. & Hwy.)	7.15	.25	.40		.05	
Cement masons:						
Building	7.575	.25			.025	
Heavy & highway	7.45	.175				
Electricians	8.05	.25	1 1/4-.20		.4%	
Elevator constructors	7.385	.195	.20	2 1/4-a&b	.005	
Elevator constructors' helpers	5.17	.195	.20	2 1/4-a&b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	6.40	.25				
Ironworkers:						
Structural	7.60	.25			.01	
Ornamental	7.60	.25			.01	
Reinforcing	7.60	.25			.02	
Laborers (Building)	5.35	.125				
Laborers: (Heavy & Highway)						
Laborers, unskilled	6.55	.25	.30		.035	
Laborers, semiskilled	6.70	.25	.30		.035	
Jackhammers, gunnite nozzlemen and bricklayers' tenders	6.75	.25	.30		.035	
Sewer construction:						
Tunnel miners	6.95	.25	.30		.035	
Muckers	6.95	.25	.30		.035	
Bottom men	6.95	.25	.30		.035	
Lathers	7.72	.175	.20		.01	
Lead burners	6.90	.30			.01	
Line Construction:						
Linemen	7.95	.25	1%		.25%	
Groundmen - Class "A"	5.03	.25	1%		.25%	
Groundmen equipment op., Class 1 (all crawler type equipment larger than D4)	7.43	.25	1%		.25%	
Groundmen Truck driver w/winch (diggers, 5th wheel type trucks & crawler type equipment, D4 & smaller)	5.53	.25	1%		.25%	
Groundmen truck drivers (without winch)	5.28	.25	1%		.25%	
Marble masons	6.65					
Marble masons' helpers	5.575					
Millwrights (Bldg.)	8.06	.30	.45		.08	
Millwrights (Hvy. & Hwy.)	7.40	.25	.40		.05	
Painters (Brush)	7.35	.25	.20		.03	

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (WHERE APPLICABLE):

A-New Years Day; B-Memorial Day; C-Independence Day;
 D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Six paid holidays: A through F.
- Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.
- Eight paid holidays, A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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AP-24 P. 3

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

CLASS I:

Utility Operator

CLASS II:

Power cranes, draglines, derricks, electric overhead cranes, shovels, gradall, mechanics, repair and maintenance of all equipment, tractor highlift shovel, fork lifts, tounadozer, mixer over 14-s capacity, tounamizer, two drum machine or two cage hoists, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, truck crane, tounapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam and brick surface, ross carrier or similar machine, gravel processing machine, asphalt plant engineer or pug mill, two (2) Air Compressors, hetherington Paver Operator, farm tractor with half yard bucket and/or back hoe attachment, Trench machines cutting over 24", Dredging equipment, central mix plant engineer, CMI or similar type machine, concrete spreader

CLASS III:

Air compressors 200 cu. ft. or over, Standard or Dinky Locomotives, Scoopmobiles, euclid loader, soil cement machine, mixer 14-S capacity or less, trench machine cutting 24" and under, Back filler, Elevating machine, Power blade, asphalt plant engineer, well drilling machines, paint machine, pine cleaning machine, pipe wrapping machine, pipe bending machine, apsc paver, Boring machine, Tractors winch, head equipment greasers, barger green loaders, formless paver, farm tractor with less than half yard bucket and other attachments except back hoe, well point system

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
\$8.135	.25	.35		.05	\$6.825	.25	.35		.05
<p>POWER EQUIPMENT OPERATORS (Continued):</p> <p>Power Subgrader, Bull float, Form grader, Finishing machine, Pavement breaker, Rock crushers</p> <p>CLASS IV:</p> <p>One drum machine, Air compressor less than 200 cu. ft. capacity, Concrete pump, Gunite machine, Air tuggers, Truck crane drivers, House elevators when used for hoisting material, Two to Four generators or welding machine, Mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, engine tenders, fireman, wagon drill, Flex-plane, Conveyor, Two to four water pumps, siphon and pulsometer, Switchman, fireman on paint pots, Firemen on asphalt plants, distributor operator on trucks, tampers, power boom, post hole digger, self-propelled concrete saw, stripping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser</p> <p>CLASS V:</p> <p>Track jack, Mud jack, Operators to do winter repair work in shop between November 1st and March 1st, Concrete buggies motor driven oilers, Barrel type mixer, one welding machine or one water pump, Apprentice engineers, air valves or steam valves from plant</p>									
\$7.60	.25	.35		.05	6.40	.25	.35		.05
7.30	.25	.35		.05	6.00	.25	.35		.05

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Basic Hourly Rates	Fringe Benefits Payments				Oth
	H & W	Pensions	Vacation	App. Tr.	
\$7.37	.25	.25			.05

POWER EQUIPMENT OPERATORS (CONT'D)

CLASS II

Power Sub grader, bull float, form grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III

One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting material, engine tenders, fireman, wagon drill, flex plane, conveyor, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plants, distributor operator on trucks, tampers, self-propelled power broom, striping machine (motor driven), form tamper, seaman tiller, bulk cement plant equipment Greaser, deck hand

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Basic Hourly Rates	Fringe Benefits Payments				Oth
	H & W	Pensions	Vacation	App. Tr.	
\$7.50	.25	.25			.05

POWER EQUIPMENT OPERATORS:
HEAVY & HIGHWAY

CLASS I

Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift, tounadozer, concrete mixers with skip, tounamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck, winch or hydraulic boom truck, truck crane, tounapull; tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix, ross carrier or similar machine, gravel processing machine, asphalt plant engineer, paver operator, farm tractor with half yard bucket and/or back hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet or over, standard or dinky locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apscop paver, boring machine, (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

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ILLINOIS 4-TD-1-2-3-S 1 of 2

Basic Hourly Rates	Fringe Benefits Payments				Oth
	H & W	Pensions	Vacation	App. Tr.	
TRUCK DRIVERS-Building, Heavy & Highway Construction: GROUP I Drivers on 4-wheel trucks, dumpcres, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-34E batches or less, truck drivers, helpers, warehousemen, mechanics, helpers, greasers, tiremen, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift opr., & driver on pilot trucks \$6.35 GROUP II Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6 wheel trucks, Koehring or similar dumpsters, track trucks, Euclids, Tournapulls, hug-bottom dumps, Tournatrailers, Tournarockers, or similar equip, when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork-lift, 4-wheel a-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks-wet or dry-over 2 up to & including 4-34E batchers 6.55 GROUP III Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailers, water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractor-trailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks-wet or dry-over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two man oil distributors 6.75					

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ILLINOIS 4-TD-1-2-3 2 of 2

Basic Hourly Rates	Fringe Benefits Payments				Oth
	H & W	Pensions	Vacation	App. Tr.	
TRUCK DRIVERS - Building, Heavy & Highway Construction (Cont'd): GROUP IV Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters; track trucks, Euclids hug-bottom dumps, Tournapulls, Tournarockers or similar equipment when used for transportation purposes, and drivers on oil distributors, 1 man operation, pole trailers over 6-wheels water pulls, lowboy trailers tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics 6.95 a	.35				

FOOTNOTES:

- a. Employer contributes \$10.00 per week per each employee.

SUPERSEDEAS DECISION

STATE: Michigan
 COUNTY: See Below
 DATE: Date of Publication
 DECISION NUMBER: AP-25
 Supersedes Decision #AN-8603 dated April 28, 1972 in 37 FR 8638

DESCRIPTION OF WORK: Highway Construction.

	Basic Hourly Rates	Mich. Hwy. - 1 G 1 of 3			
		H & W	Pensions	Vacation	App. Tr.
The Counties of: Genesee, Macomb, Monroe, Oakland, Washtenaw and Wayne					
Carpenters:					
Macomb, Oakland and Wayne Counties	\$8.1795	.60	7%	10%	.02
Genesee and Washtenaw Counties	7.28	.35	.40		.01
Cement finishers - Cement mason	7.61	.30	.10		
Laborers:					
Line-form setter for curb or pavement	6.55	.30	.20	.40	
Pipe layers	6.33	.30	.20	.40	
Asphalt raker	6.20	.30	.20	.40	
Asphalt tamper and asphalt rakers					
helper	6.01	.30	.20	.40	
Finishers' tenders, guard fence builders, bottom man, powder man, wagon drill laborer, curb and side rail setters helper, air track operator, diamond and core drills, tunnel miner (hwy. work only)	6.12	.30	.20	.40	
Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), spreader, boxman (asphalt, stone, gravel, etc), power chain saw operator, concrete puddlers, paving batch truck dumpers, conc. saw (under 40 H.P.), asphalt screed checker, grade checker and tunnel mucker (highway work only), Cement handler or dockmen, top men, asphalt dust handlers	6.01	.30	.20	.40	
Asphalt shovelers or loaders asphalt plant misc., axe men, batch bin (no power), burlap men, carpenters helpers, subgrade labor (hand tools), yardmen, guard fence builder's helpers, dumpers (wagon, truck, etc.), jetting laborer, joint filling laborer, misc., unskilled laborer, powder-monkey (helper), sprinkler labor, form setting laborer, pavement reinforcing handling & placing (wiremesh, steel mats, dowel bars, etc.), masons or bricklayer's, tender on manholes, headwalls, etc.	5.95	.30	.20	.40	
5.92	.30	.20	.40		

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Mich. Hwy. - 1 G 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Operating Engineers:					
Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile driving operators, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-grader, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid-type), endloader operator (1 yd. cap. & over), bulldozer, hoist ing engineer, tractors, finishing machines (asphalt) mechanic, pump operator (6" discharge or over, gas, diesel powered or generator of 300 amps or larger), shouldering or gravel distributing machines (self-propelled), backhoe (with over 3/8 yd. bucket), side boom tractor (D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (& similar type machine), asphalt planer (self-propelled), asphalt paver (self-propelled) batch plant (concrete), slurry machine (asphalt) Screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent), Sweeper (Wayne type and similar equip), batch plant (concrete dry batch) Air compressors (600 cu. ft. per min. or more), air compressors (two or more-less than 600 CFM), wagon drills concrete breakers, tractors (farm type with attachment)	\$6.65	.40	.45	10%	.02
Boiler fireman, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders self-propelled fine-grade of form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment (self-propelled), concrete saws (40 H.P. or over), power bins, plant driers (asphalt) vibratory compaction equipment (6' wide or over) guard post drivers (power driven), all mulching equipment,	6.43	.40	.45	10%	.02
5.97	.40	.45	10%		.02

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Mich.-Hwy.-1 3 of 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Other
Power Equipment Operators (cont'd)					
stump remover	\$5.84	.40	.45	10%	.02
Teamsters:					
Truck drivers	6.64	14.50a	13.00a	.15	
Truck drivers (8 cu. yds. capacity or over)	6.74	14.50a	13.00a	.15	
Drivers euclid type equipment	6.89	14.50a	13.00a	.15	

FOOTNOTES:

a. Per week per employee.

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Mich. Hwy. - 1 F Line Const. & Sign Inst.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Other
SIGN INSTALLERS:					
Sign Installer, Class A	\$4.42				
Sign Installer, Class B	3.60				
LINE CONSTRUCTION:					
Macomb and Wayne Cos.; Oakland Co.; excluding Township of Holly; Monroe Co.; Townships of Milan London, Exeter, Ash, Berlin, Frenchtown, Monroe, Raisinville, Ida, Summerfield, and Dundee; Washtenaw Co.; Townships of Dexter, Webster, Northfield, Salem, Superior, Ann Harbor, Scio, Lima, Freedom, Lodi, Pittsfield, Ypsilanti, Augusta, York, Saline & Bridgewater	8.66	.48	3.4%	10%	$\frac{1}{2}$ of 1%
Linenmen	9.04	.48	3.4%	10%	$\frac{1}{2}$ of 1%
Cable splicer					
Combination equipment operator and groundmen	7.04	.48	3.4%	10%	$\frac{1}{2}$ of 1%
Combination driver and groundmen	6.66	.48	3.4%	10%	$\frac{1}{2}$ of 1%
Groundmen	6.13	.48	3.4%	10%	$\frac{1}{2}$ of 1%
Oakland Co.; Holly Township; Monroe Co.; Townships of Bedford, Erie, LaSalle, & Whiteford; Washtenaw Co.; Townships of Lyndon, Manchester, Sharon & Sylvan & Genesee Co.					
Linenmen	6.57	.15	1%		$\frac{1}{2}$ of 1%
Combination digger operator or tractor operator-groundman	5.16	.15	1%		$\frac{1}{2}$ of 1%
Combination winch truck driver - groundmen:					
1st year	3.82	.15	1%		$\frac{1}{2}$ of 1%
2nd year	4.35	.15	1%		$\frac{1}{2}$ of 1%
Combination truck driver groundmen	3.71	.15	1%		$\frac{1}{2}$ of 1%
Cable splicer	6.83	.15	1%		$\frac{1}{2}$ of 1%

STATE: Michigan
 DECISION NO.: AP-26
 Supersedes Decision No. AM-8604, dated April 28, 1972, in 37 FR 8639.
 DESCRIPTION OF WORK: Highway Construction.

COUNTIES: See Below
 DATE: Date of Publication
 12-Mich.-3

COUNTIES: Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Huron, Ingham, Ionia, Jackson, Kalamazoo, Kent, Lapeer, Lenawee, Livingston, Midland, Montcalm, Muskegon, Ottawa, Saginaw, Sanilac, Shiawassee, St. Clair, St. Joseph, Tuscola & Van Buren.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters: Allegan, Barry, Berrien (except townships of New Buffalo, Chickaming & Three Oaks), Branch, Calhoun, Cass, Eaton (townships of Vermontville, Kalama, Bellevue & Walton), Hillsdale, Ionia (except townships of Orange, Portland, Savewa & Danby), Kalamazoo, Kent, Livingston (townships of Deerfield, Tyrone, Osceola, Hartland, Genoa, & Brighton), Montcalm, Muskegon, Ottawa, St. Joseph & Van Buren Cos.	\$7.15	.35	.40		.01
Bay, Clinton, Eaton (except the townships of Vermontville, Kalama, Bellevue & Walton), Gratiot, Huron, Ingham, Ionia (townships of Orange, Portland, Sebawa & Danby), Jackson, Lapeer, Lenawee, Midland, Saginaw, Sanilac (the part of county west of a line projected north and continuing the East Lapeer & West of St. Clair Co., line to the South Huron Co., line), Shiawassee, & Tuscola Cos.	7.28	.35	.40		.01
Livingston (Deerfield, Tyrone, Osceola, Hartland, Genoa & Brighton townships), Sanilac (the part of County east of a line projected north and continuing the East Lapeer & West St. Clair Co., line to the South Huron Co., line), St. Clair Counties	8.1795	.60	7%	10%	.02
Berrien (Chickaming, New Buffalo & Three Oaks Townships) County	8.66	.40	.40		.02

Cement masons (Saginaw & Livingston Cos.)
 Cement masons (Remainder of Cos.)
 Laborers:
 Line - form setter for curb or pavement
 Pipelayers
 Asphalt raker
 Asphalt tapper & asphalt raker helper
 Tunnel miner (highway work only), finisher's tender, guard fence builder, bottom man, powder man, wagon drill, & air trace ops., curb & side rail setters' helpers, diamond & core drills
 Mixer operator (less than 5 sacks), air or electric tool operator (jackhammer, etc.), boxman (asphalt, stone gravel), concrete padder, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker, & tunnel mucker (highway work only), concrete saw (under 40 H.P.)
 Cement handler or dockman, top man, asphalt dust handler
 Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenters' helper, subgrade labor, (hand tools) yard men, guard fence builders' helper, dumper (wagon, truck), jetting labor, joint filling labor, miscellaneous labor, form setting labor, pavement reinforcing, handling & placing (wire mesh, steel mats, dowel bars), mason's tender, bricklayer's tender on manholes, headwalls, powder monkey (helper), sprinkler labor

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$7.61	.30	.10		
7.26	.30	.10		
6.03	.30	.20	.40	
5.80	.30	.20	.40	
5.89	.30	.20	.40	
5.70	.30	.20	.40	
5.64	.30	.20	.40	
5.48	.30	.20	.40	
5.42	.30	.20	.40	
5.34	.30	.20	.40	

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Power Equipment Operators:

Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (1 yd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas, diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machines (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), graders, all (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt), asphalt paver (self-propelled)

Sweeper (Wayne type & similar equip.) screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)

Air compressors (600 cu. ft. per min. or more), air compressors (two or more-less than 600 cfm), wagon drills, concrete breaker, tractors (farm type with attachments)

Boiler firemen, oiler, fireman, mechanic's helper, trencher (service), flexplanes, cleftplanes, graders, self-propelled fine grade or form (concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled) concrete saws (40 H.P. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment ops. (6" ft. wide or over), guard post drivers (power driven), all mulching equipment, stump remover

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.57	.40	.45	10%	.02
6.31	.40	.45	10%	.02
5.85	.40	.45	10%	.02
5.60	.40	.45	10%	.02

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Power Equipment Operators: (Cont'd)

Truck Drivers: (Remainder of Co.) Trucks, less than 8 cu. yds.
Trucks, over 8 cu. yds.
Trucks, Euclid type equipment
Truck Drivers: (Lapeer, St. Clair, Livingston & Lenawee Cos.) Trucks less than 8 cu. yds.
Trucks over 8 cu. yds.
Trucks, euclid type equipment

FOOTNOTES:

- a. \$14.50 per week, per employee
b. \$13.00 per week, per employee

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.54	a	b	.15	
6.64	a	b	.15	
6.79	a	b	.15	
6.64	a	b	.15	
6.89	a	b	.15	

AP-26 P. 5 12-Mich.-3-Line

Line Construction:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Others
Huron, Lapeer, Lenawee, Sanilac, St. Clair, & Tuscola Cos.; Ingham Co.: Townships of LeRoy, Locke, Wheat-Filed, White Oak & Williamston; Livingston Co.: entire county except Townships of Cohoctah, Derrfield, Tyrone & Unadilla	\$8.66 9.04	.48 .48	3.4% 3.4%	.1% .1%	.25% .25%
Linenmen Cable splicer Combination equipment operator and Groundmen Combination driver and groundmen Groundmen	7.04 6.66 6.15	.48 .48 .48	3.4% 3.4% 3.4%	.1% .1% .1%	.25% .25% .25%
Allegan, Barry, Bay, Berrien, Branch, Calhoun, Cass, Clinton, Eaton, Gratiot, Hillsdale, Ionia, Jackson, Kalamazoo, Kent Midland, Montcalm, Muskegon, Ottawa, Saginaw, Shiawassee St. Joseph & Van Buren Cos.; Livingston Co.: Townships of Cohoctah, Deerfield, Tyrone & Unadilla Ingham Co: entire County except Townships, of LeRoy, Locke, Wheatfield Oak, & Williamston	6.57 5.16	.15 .15	1% 1%		$\frac{1}{2}$ of 1% $\frac{1}{2}$ of 1%
Linenmen Combination digger operator - or tractor operator-groundmen Combination winch truck driver - groundmen: 1st year 2nd year Combination truck driver groundmen Cable splicer	3.82 4.35 3.71 6.83	.15 .15 .15 .15	1% 1% 1% 1%		$\frac{1}{2}$ of 1% $\frac{1}{2}$ of 1% $\frac{1}{2}$ of 1% $\frac{1}{2}$ of 1%
Sign Installers: Sign Installer, Class A Sign Installer, Class B	3.99 3.22				

SUPERSEDES DECISION

STATE: Michigan

COUNTIES: See Below

DECISION NO.: AP-27

DATE: See Date of Publication

Supersedes Decision No. AM-8605, dated April 28, 1972, in 37 FR 8640.

DESCRIPTION OF WORK: Highway Construction.

Michigan Hwy.-3 F Line Const. & Sign Inst. 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				Others /
		H & W	Pensions	Vacation	App. Tr.	
Alpena, Antrim, Arenac, Baraga, Benzie, Charlevoix, Cheboygan, Chippewa, Clare, Crawford, Delta, Dickinson, Emmet, Gladwin, Gogebic, Grand Traverse, Houghton, Iosco, Iron, Isabella, Kalkaska, Keweenaw, Lake, Leelanau, Luce, Mackinac, Manistee, Marquette, Mason, Mecosta, Menominee, Missaukee, Montmorency, Newago, Oceana, Ogemaw, Ontonagon, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, Schoolcraft and Wexford.						
SIGN INSTALLERS:						
Sign Installers, Class A	\$3.99					
Sign Installers, Class B	3.22					
LINE CONSTRUCTION:						
Chippewa, Luce, Mackinac & Schoolcraft Cos.	5.82	.15	1%		1/2 of 1%	
Linenmen						
Combination digger operator or tractor operator groundmen	4.57	.15	1%		1/2 of 1%	
Combination winch truck driver-groundmen:						
1st year	3.39	.15	1%		1/2 of 1%	
Over 1 year	3.85	.15	1%		1/2 of 1%	
man						
Groundmen	3.28	.15	1%		1/2 of 1%	
Non-climbing linemen	4.66	.15	1%		1/2 of 1%	
Alger, Baraga, Dickinson, Houghton, Iron, Keweenaw, Marquette, Menominee, Ontonagon & Isle Royale Cos.						
Linenmen	5.40	.15	1%		1/2 of 1%	
Combination digger operator - groundmen, combination tractor operator - groundmen	4.24	.15	1%		1/2 of 1%	
Combination winch truck driver-groundmen:						
1st year	3.14	.15	1%		1/2 of 1%	
2nd year	3.57	.15	1%		1/2 of 1%	
man						
Combination truck driver-groundmen	3.04	.15	1%		1/2 of 1%	
Groundmen	3.04	.15	1%		1/2 of 1%	
Non-climbing linemen	4.32	.15	1%		1/2 of 1%	
Cable splicers	5.61	.15	1%		1/2 of 1%	
Distribution line truck driver operator groundmen	3.73	.15	1%		1/2 of 1%	

AP-27 P. 2

Michigan Hwy.-3 F Line Const. & Sign Inst. 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				Others
		H & W	Pensions	Vacation	App. Tr.	
Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon & Wexford Cos.						
Linenmen	\$5.82	.15	1%		1/2 of 1%	
Combination digger operator - or tractor operator-groundmen	5.82	.15	1%		1/2 of 1%	
Combination winch truck driver-groundmen:	4.57	.15	1%		1/2 of 1%	
1st year	3.39	.15	1%		1/2 of 1%	
2nd year	3.85	.15	1%		1/2 of 1%	
Combination truck driver groundmen	3.28	.15	1%		1/2 of 1%	
Cable splicer	6.05	.15	1%		1/2 of 1%	
Linenmen (non-climbing)	4.66	.15	1%		1/2 of 1%	
Gogebic County						
Linenmen	5.50	3%	1%	6%		
Equipment operator	4.50	3%	1%	6%		
Combination groundmen & driver w/winch	4.00	3%	1%	6%		
Combination groundmen & driver w/o winch	3.75	3%	1%	6%		
Groundmen	3.50	3%	1%	6%		
Delta County						
Linenmen	5.40	.15	1%		1/2 of 1%	
Cable splicer	5.61	.15	1%		1/2 of 1%	
Combination digger operator - groundmen & combination tractor operator groundmen	4.24	.15	1%		1/2 of 1%	
Combination truck driver-groundmen or groundmen	3.04	.15	1%		1/2 of 1%	
Combination winch truck driver-groundmen:						
1st year	3.14	.15	1%		1/2 of 1%	
Over 1 year	3.57	.15	1%		1/2 of 1%	

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AP-27 P. 4

Michigan 3 - HIGHWAY HIGHWAY, BRIDGE AND AIRPORT (EXCLUSIVE OF BUILDINGS) AND SEWER CONSTRUCTION

13 - Mich. 3-S 1 of 3

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	H & V	PENSIONS	VACATION	APP. TR.	
Carpenters: Alcona, Alpena, Antrim, Benzie, (except Crystal Lake, Gilliam, Blaine, Jouffield, Weldon & Golfax) Charlevoix, Cheboygan, Crawford, Emmet, Grand Traverse, Kalkaska, Lake, Leelanau, Missaukee, Montmorency, Oscoda, Oscoda, Otsego, Presque Isle, Roscommon, and Wexford Cos.	\$7.04	.35	.40	.01	
Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonogan, and Schooldraft Cos.	6.99	.35	.40	.01	
Arenac, Clare, Gladwin, Iosco, Isabella, and Ogemaw Cos.	7.28	.35	.40	.01	
Benzie (Crystal Lake, Gilliam, Bla- ine, Joyfield, Weldon, Golfax), Newaygo, and Oceana Co.	7.15	.35	.40	.01	

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & V	Pensions	Vacation	App. Tr.	
Cement masons Laborers: Line - form setters for curb or pavement Pipe layers Asphalt raker Asphalt tamer & asphalt raker helper Tunnel miner (highway work only) finishers tender guard fence build- er, bottom man, powder man, wagon drill & air track operators, curb & side rail setters' helper, diamond & core drills Mixer operator (less than 5 sacks), air or electric tool operator (jack- hammer, etc.), spreader, boxman (asphalt, stone, gravel), concrete paddler, power chain saw operator, paving batch truck dumper, asphalt screed checker, grade checker & tun- nel mucker (highway work only), con- crete saw (under 40 h.p.) Cement handler or dockman, top man, asphalt dust handler Asphalt shoveler or loader, asphalt plant misc., axe man, batch bin (no power), burlap man, carpenter's helper, subgrade labor (hand tools), yard men, guard fence builder's helper, dumper (wagon, truck), jet- ting labor, joint filling labor, misc., unskilled labor, form setting labor, pavement reinforcing, handl- ing & placing (wire mesh, steel mats, dowel bars), masons' tender, bricklayers tender on manholes, headwalls, etc.	.30	.10			
5.67	.30	.20	.40		
5.37	.30	.20	.40		
5.65	.30	.20	.40		
5.47	.30	.20	.40		
5.32	.30	.20	.40		
5.12	.30	.20	.40		
5.02	.30	.20	.40		
4.97	.30	.20	.40		

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13 - Mich. 1-S 3 of 3

POWER EQUIPMENT OPERATORS: (Cont'd)

TRUCK DRIVERS:
 Trucks, less than 8 cu. yds.
 Trucks, over 8 cu. yds.
 Trucks, euclid type equipment

FOOTNOTES:
 a. \$14.50 per week, per employee.
 b. \$13.00 per week, per employee.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.48	a	b	.15	
6.58	a	b	.15	
6.73	a	b	.15	

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13 - Mich. 3-S 2 of 3

POWER EQUIPMENT OPERATORS:

Asphalt plants, cranes, draglines, shovels, locomotives, pavers (5 bags or more), elevating graders, pile drivers, rollers (asphalt), blade graders, trenching machines (ladder or wheel type), auto-graders, slip form paver, self-propelled or tractor drawn scraper, conveyor loaders (euclid type), endloaders (lyd., cap. & over), bulldozer, hoisting engineer, tractor operator, finishing (asphalt), mechanics, pumps (6" discharge or over, gas diesel powered or generator of 300 amp or larger), shouldering or gravel distributing machine (self-propelled), back hoe (with over 3/8 yd. bucket), side boom tractor (type D-4 or equivalent or larger), tube finisher (slip form paving), concrete spreader (slip form paving), gradall (and similar type machines), asphalt planer (self-propelled), batch plant (concrete), slurry machines (asphalt), asphalt paver (self-propelled)

Sweeper (Wayne type & similar equip.), screening plants, washing plants, crushers, backhoes (with 3/8 yd. bucket or less), side boom tractor (smaller than D-4 type or equivalent)

Air compressors (600 cu. ft. per min. or more), air compressors (two or more - less than 600fm) wagon drills, concrete breaker, tractors (farm type with attachments)

Boiler fireman, oiler, fireman, mechanic's helper, trencher (servic), flexplanes, cleftplanes, graders (self-propelled fine grade or form concrete), finishing machines (concrete), boom or winch hoist trucks, endloaders (under 1 yd. cap.), rollers (other than asphalt), curing equipment operators (self-propelled), concrete saws (40 h.p. or over), power bin operators, plant driers (asphalt), vibratory compaction equipment ops. (6 ft. wide or over)

guard post drivers (power driven), all muldging equipment, stump remover

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
6.49	.40	.45	10%	.02
6.31	.40	.45	10%	.02
5.81	.40	.45	10%	.02
5.58	.40	.45	10%	.02

SUPERSEDES DECISION

STATE: Pennsylvania
 COUNTY: Berks County
 DECISION NO.: AP-429
 DATE: Date of Publication
 Supersedes Decision No. AM-1,849, dated August 20, 1971, in 36 FR 16250.
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

AP-429 P. 2

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	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Asbestos workers	7.48	.25	.30			
Boilermakers	8.50	.40	.90		.01	
Bricklayers	7.40	.35	.45			
Carpenters	7.10	.30	.15			
Cement masons	7.965					
Electricians:						
Herford, Longswamp & Washington Twp., portion of Maxatauney, Twp. east of Saxony Creek	8.575	.20	1%			
Marion, Tulpehocken & Bethel Twp.	6.225	.20	1%		1/2 of 1%	
Remainder of County	8.14	.28	1%		.03	
Elevator constructors	8.02	.195	.20	1 1/2 b+c	.005	
Elevator constructors' helpers	5.61	.195	.20	1 1/2 b+c	.005	
Elevator constructors' helpers (prob.)	4.81					
Glaziers	6.82	.25	.10			
Ironworkers, structural & ornamental, bridge	6.805	.235	.665		.01	
Ironworkers, reinforcing	6.805	.235	.665		.01	
Laborers:						
Blasters	5.66	.05	.10			
Cofferdam (below 10'), tunnel free air & muckers	5.49	.05	.10			
Handling & using cutting or burning torches in wrecking of buildings, plasterer tenders, scaffold builders & removal for plasterers	5.60	.05	.10			
Jackhammer, vibrators paving breakers other pneumatic tools, & mechanical tools, laying of all clay, Terra Cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, & wagon drill operators	5.44	.05	.10			
Laborers, unskilled	5.21	.05	.10			
Mason tenders, scaffold builders & removal for masons	5.64	.05	.10			
Lathers	7.83	.30	.15	a	.01	
Lead burners	7.80					
Line construction:						
Cable splicers	8.55	.15	1%		.005	
Groundman	5.13	.15	1%		.005	
Linenmen	8.55	.15	1%		.005	
Winch truck operator	5.99					

6-PA-1-F 1-2

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Marble setters	\$6.19	.25	.35			
Marble setters' helpers	5.325					
Millwrights	7.60	.30	.15			
Painters:						
Brush	6.50	.45	.26			
Bridge, tower, stacks and tanks	7.95	.45	.26			
Spray and steel	7.55	.45	.26			
Sandblasting and steamcleaning	7.70	.45	.26			
Piledrivers	9.22	1.08	.40		.07	
Plasterers	8.00		.155			
Plumbers	7.80	.26	.56		.01	
Roofers:						
Albany, Maxatany and Windsor Composition and slate	7.90	.15				
Helpers	4.18	.15				
Remainder of County						
Composition, damp and waterproof	8.125	.275	.10	d		
Precast slabs	8.825	.275	.10	d		
Slate, tile and asbestos	8.125	.275	.10	d		
Sheet metal workers	7.20	.30	.25			
Soft floor layers	7.10	.30	.15			
Sprinkler fitters	8.75	.30	.50		.05	
Steam fitter	7.80	.26	.56			
Stone masons	7.40	.35	.45			
Terrazzo workers	6.44	.25	.35			
Terrazzo workers' helpers	5.575	.20	.35			
Tile setters	6.05	.30				
Tile setters' helpers	5.325					
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

- 8 paid holidays, A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.
- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Six paid holidays: A through F.
- Paid holiday: C

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HEAVY & HIGHWAY

PA-22-IAB-TD-2-3 K

Basic Hourly Rate	H & W	Person	Vacation	Adm. Tr.	Other
\$6.56	.20	.25			
4.84	.20	.20			
5.04	.20	.20			
5.04	.20	.20			
5.35	.20	.20			
5.56	.20	.20			
5.62	.20	.20			
5.97	.20	.20			
5.43	.20	.20			
5.70	.20	.20			
6.15	.20	.20			
5.57					
5.64					
6.09					

Basic Hourly Rate	H & W	Project	Vacation	Adm. Tr.	Other
\$9.24	4.6%	6.5%	a	.7%	
8.95	4.6%	6.5%	a	.7%	
8.09	4.6%	6.5%	a	.7%	
7.33	4.6%	6.5%	a	.7%	
6.87	4.6%	6.5%	a	.7%	
5.97	4.6%	6.5%	a	.7%	
9.49	4.6%	6.5%	a	.7%	
9.74	4.6%	6.5%	a	.7%	
9.99	4.6%	6.5%	a	.7%	

FOOTNOTE:

- a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Others
<u>WAGE GROUP 1</u>					
Pile drivers or engineers working with dock builders and pile drivers					
All types of cranes					
All types of backhoes					
Draglines					
Keystones					
All types of shovels					
Derricks					
Trenching shovels					
Trenching machines					
Pavers 21E and over					
Gradalls					
All front end loaders 4 cu. yds. and over					
Tandem scrapers					
Pippin type backhoes					
Boat Captains					
Batch plant with mixer					
Drill, self contained (Drillmaster Type)					
CM Autograde					
Machines similar to above	\$7.68	4.6%	6.5%		.7%
<u>WAGE GROUP 2</u>					
Conveyor Loader (Euc Type)					
Scrapers and Tournapulls					
Spreaders					
High or low pressure boilers					
Concrete pumps					
Bulldozers and Tractors					
Asphalt plant engineers					
Rollers (high grade finishing)					
All loaders under 4 cu. yds.					
Mechanic - welders					
Motor Patrols					
Machines similar to above	6.92	4.6%	6.5%		.7%
<u>WAGE GROUP 3</u>					
Welding Machines					
Well Points					
Compressors					
Pumps					
Heaters					
Farm Tractors					
Form Line Graders					
Fine Grade Machines					
Ditch Witch Type Trencher					
Road Finishing Machines					
Concrete Breaking Machines					

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr. Others
Rollers					
Seaman Pulverizing Mixer					
Power Broom					
Seeding Spreader					
Fireman - (for power equipment)					
Conveyor Loaders other than Euc Type					
Conveyors					
Machines similar to above	\$6.47	4.6%	6.5%		.7%
<u>WAGE GROUP 4</u>					
Fireman	6.07	4.6%	6.5%		.7%
<u>WAGE GROUP 5</u>					
Oilers and Deck Hands	5.57	4.6%	6.5%		.7%
<u>WAGE GROUP 6</u>					
On all machines with booms (including jibs, masts, leads, etc.)					
100 ft. and over	7.93	4.6%	6.5%		.7%
150 ft. and over	8.18	4.6%	6.5%		.7%
200 ft. and over	8.43	4.6%	6.5%		.7%

SUPERSEDEAS DECISION

STATE: Pennsylvania

COUNTY: Lehigh County

DECISION NO.: AP-430

DATE: Date of Publication

Supersedeas Decision No. AM-1,857, dated August 20, 1971, in 36 FR 16250.

DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories).

AP-430 P. 2

39-PA-1-Y

2-2

BUILDING CONSTRUCTION

Painters:

Brush

Structural steel

Swing, chair, window jack, & paper-

hanger

Spray

Plasterers

Plumbers

Roofers:

Albany, Maxatany and Windsor Compo-

sition, damp, waterproofing, slate &

tile

Remainder of County:

Composition & slate

Composition & slate helpers

Sheet metal workers

Sprinkler fitters

Soft floor layers

Piledrivermen

Steamfitters

Stone masons

Terrazzo workers

Terrazzo workers' helpers

Tile setters

Tile setters' helpers

Welders - receive rate prescribed for

craft performing operation to which

welding is incidental.

PAID HOLIDAYS:

A-New Year's Day;

B-Memorial Day;

C-Independence Day;

D-Labor Day;

E-Thanksgiving Day;

F-Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of

basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Eight paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve

providing the employee has worked 45 full days for the same employer during the 120

calendar days prior to the holiday, & is available for work the days preceding &

following the holiday.

d. Paid Holiday: July Fourth.

39-PA-1-Y

1-2

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
\$7.48	.25	.30		.01	
8.50	.40	.90			
7.65	.30	.50			
7.57	.22	.21	.25		
7.62	.35	.25			
8.575	.20	1%			
8.02	.195	.20	1 1/2%+a+b	.01	
5.61	.195	.20	1 1/2%+a+b	.005	
4.01	.25	.10		.01	
6.82	.235	.665			
7.30	.235	.665			
7.30	.235	.665			
5.30	.10	.10			
5.55	.10	.10			
5.60	.10	.10			
5.80	.10	.10			
7.69	.40	.25	c	.01	
7.80	.30				
8.55	.15	1%			
5.13	.15	1%			
5.99	.15	1%			
6.19	.25	.35			
5.325			.25		
7.95	.22	.21			

BUILDING CONSTRUCTION

Asbestos workers

Boilermakers

Bricklayers

Carpenters

Cement masons

Electricians

Elevator constructors

Elevator constructors' helpers

Elevator constructors' helpers (prob.)

Glaziers

Ironworkers, structural

Ironworkers, ornamental

Ironworkers, reinforcing

Laborers, building:

Unskilled laborers

Operator of jackhammer paving break-

ing & other pneumatic & mechanical

tools, wagon drills, & men handling

dynamite, handling & using, cutting

& burning torches in the wrecking

of buildings, laying of all clay,

terra cotta, ironstone, vitrified

concrete or non-metallic pipe & the

making of joints for same & coffer-

dams (below 10 feet)

plaster & mason tenders, scaffold

builders, & handling of all materials

to be used by plasterers & masons,

brick & blocks loaded on pallets,

cement finishers tenders, gunning

and molder-D, & sand blasters help-

ers

Barko tamper operator

Lathers

Line Construction:

Lead burners

Linemen & cable splicers

Groundmen

Winch truck operator

Marble setters

Marble setters' helpers

Millwrights

HEAVY & HIGHWAY

PA-22-LAB-TD-2-3

K

Job Title	H & W	Permanent	FRINGE BENEFITS PAYMENTS		Vacation	App. Tr.	Other
			H & W	Permanent			
Carpenters/Pile Drivers	\$6.56		.20	.25			
Laborers: Asphalt Pavers, Concrete Pavers, Puddlers & Rubbers, Highway Slab Reinforcement Placers, Laborers, Landscapers, Planters, Seeders and Arborists, Magazine Tenders, Railroad Trackmen & Signalmen	4.84	.20		.20			
Pneumatic Tool Operators, Jackhammers, Paving Breakers, Concrete Saws, Wacker, Vibrators, Chain Saws, Steward	5.04	.20		.20			
Pipelayers	5.04	.20		.20			
Caisson-open air-below 8 feet, Cofferdam open air-below 8 feet, where excavations for circular caissons and cofferdams 8 feet and below level of natural grade adjacent to starting point, Form Setters (Road) Wagon Drill, Diamond Point Drill, Gunite nozzle Operators	5.35	.20		.20			
Blasters	5.56	.20		.20			
Reinforcing Steel Placers, Bonding, Aligning and Securing	5.62	.20		.20			
Concrete Surfacers	5.97	.20		.20			
Free Air Tunnels and Rocks Shafts	5.43	.20		.20			
Outside Laborers in conjunction with tunnels and rock shafts	5.70	.20		.20			
Chuck Tenders, Muckers, Nippers, Miners' and Drillers' Helpers, Inside Laborers	6.15	.20		.20			
Miners, Drillers, Blasters, Pneumatic Shield Oper., Lining, Spotting and Timber Workmen	5.57						
Truck Drivers:							
Class I							
Helper, Stake Body Truck (Single axle), Dumpster	5.64						
Class II							
Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, Ready Mix and Concrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.09						
Class III							
Euclid Type, Off-Highway Equipment - Back or Belly Dump Trucks and Double-Hitched Equipment, Straddle (Ross) Carrier, Low-Bed Trailers							

POWER EQUIPMENT OPERATORS
BUILDING AND HEAVY CONSTRUCTION

PA-22-FEO-1-2

C

Job Title	H & W	Permanent	FRINGE BENEFITS PAYMENTS		Vacation	App. Tr.	Other
			H & W	Permanent			
WAGE GROUP I Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	\$9.24	4.6%	6.5%	a	.7%		
WAGE GROUP II Pile drivers or engineers working with dock builders and pile drivers, all types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum), gradalls, mucking machine in tunnel, all front end loaders 3-1/2 cu yds. and over, tandem scrapers, pippin type backhoes, boat cap-tains, batch plat operators (concrete), drills, self contained rotary drills, fork lifts, 20 ft. lift and over, machines similar to the above	8.95	4.6%	6.5%	a	.7%		
WAGE GROUP III Conveyors, building hoists (single drum), scrapers and tounapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-1/2 cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.09	4.6%	6.5%	a	.7%		
WAGE GROUP IV Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tiremen (for power equipment), machines similar to the above	7.33	4.6%	6.5%	a	.7%		
WAGE GROUP V Fireman, grease truck	6.87	4.6%	6.5%	a	.7%		
WAGE GROUP VI Oilers and deck hands (personnel boats), core drill helper	5.97	4.6%	6.5%	a	.7%		
WAGE GROUP VII All machines with booms (including jibs, masts, leads, etc.): 100 ft. and over 150 ft. and over 200 ft. and over	9.49 9.74 9.99	4.6% 4.6% 4.6%	6.5% 6.5% 6.5%	a a a	.7% .7% .7%		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

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HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
<u>WAGE GROUP 1</u>					
Pile drivers or engineers working with dock builders and pile drivers					
All types of cranes					
All types of backhoes					
Draglines					
Keystones					
All types of shovels					
Derricks					
Trench shovels					
Trenching machines					
Favers 21E and over					
Gradalls					
All front end loaders					
4 cu. yds. and over					
Tandem scrapers					
Pippin type backhoes					
Boat Captains					
Batch plant with mixer					
Drill, self contained (Drillmaster Type)					
CMI Autograde					
Machines similar to above	\$7.68	4.6%	6.5%		.7%
<u>WAGE GROUP 2</u>					
Conveyor Loader (Euc Type)					
Scrapers and Tournapulls					
Spreaders					
High or low pressure boilers					
Concrete pumps					
Bulldozers and Tractors					
Asphalt plant engineers					
Rollers (High grade finishing)					
All loaders under 4 cu. yds.					
Mechanic - welders					
Motor Patrols					
Machines similar to above	6.92	4.6%	6.5%		.7%
<u>WAGE GROUP 3</u>					
Welding Machines					
Well Points					
Compressors					
Pumps					
Heaters					
Farm Tractors					
Form Line Graders					
Fine Grade Machines					
Ditch Witch Type Trencher					
Road Finishing Machines					
Concrete Breaking Machines					

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HIGHWAY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. Tr.	
Rollers					
Seaman Pulverizing Mixer					
Power Broom					
Seeding Spreader					
Tirehan - (For power equipment)					
Conveyor Loaders other than Euc Type					
Conveyors					
Machines similar to above	\$6.47	4.6%	6.5%		.7%
<u>WAGE GROUP 4</u>					
Fireman	6.07	4.6%	6.5%		.7%
<u>WAGE GROUP 5</u>					
Oilers and Deck Hands	5.57	4.6%	6.5%		.7%
<u>WAGE GROUP 6</u>					
On all machines with booms (including jibs, masts, leads, etc.)					
100 ft. and over	7.93	4.6%	6.5%		.7%
150 ft. and over	8.18	4.6%	6.5%		.7%
200 ft. and over	8.43	4.6%	6.5%		.7%

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federal register

FRIDAY, OCTOBER 6, 1972
WASHINGTON, D.C.

Volume 37 ■ Number 195

PART III



DEPARTMENT OF TRANSPORTATION

Coast Guard

■

Equipment Requirements

Notice of Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 175]

[CGD 72-120PH]

EQUIPMENT REQUIREMENTS

Notice of Proposed Rule Making

The Coast Guard is considering amending Subchapter S to Title 33, Code of Federal Regulations, to establish new carriage requirements for lifesaving equipment on certain vessels to which the Federal Boat Safety Act of 1971 applies. Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (GCMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before December 11, 1972, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 72-120) and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8234. An informal public hearing to receive comments of interested persons on this proposal will be held on November 20, 1972, Room 2230 at 9:30 a.m. Each person who intends to make a statement is requested to notify the U.S. Coast Guard (GCMC/82) before November 13, 1972.

This proposed new Part 175 will eventually contain various subparts relating to equipment requirements. This particular proposal contains a subpart dealing with personal flotation devices. It is anticipated that additional subparts on backfire flame control, fire extinguishers, and others will be forthcoming in the near future.

This proposed amendment has two important effects: (1) It introduces and incorporates new terminology that will be used by the Coast Guard to more accurately indicate the performance of approved lifesaving devices; and (2) it establishes new requirements for the carriage of lifesaving devices on boats as defined in the Federal Boat Safety Act of 1971, except on those carrying passengers, which if adopted, will revoke those requirements presently applicable to uninspected recreational motorboats in 46 CFR 25.25 and also the interim requirements in 33 CFR Part 199 presently applicable to boats propelled or controlled by oars, paddles, poles, sail, or by another vessel.

Under the Federal Boat Safety Act of 1971 "passenger" means every person carried on board a vessel other than the owner or his representative; the operator; bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed

any consideration, directly or indirectly for his carriage.

This proposed amendment to Subchapter S will deal only with vessels not carrying passengers. A proposed amendment to Subchapter C, Chapter I of Title 46, which appears in this issue of the FEDERAL REGISTER at page 21264, will contain the requirements for vessels carrying six or fewer passengers as well as other requirements.

It should be noted that a "boat" as defined by the Act, means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers. "Recreational Boats" as defined in this proposal does not include boats engaged in the carrying of six or fewer passengers.

At page 21266 of this issue of the FEDERAL REGISTER the Coast Guard proposes to change the marking specifications for approval of lifesaving devices in 46 CFR Part 160. That proposal would require that each approved device be marked with a personal flotation device (PFD) type designation to indicate to the user the performance level that the device is intended to provide. Five PFD type designations are proposed.

A Type I PFD is any approved device designed to turn an unconscious person from a face downward position in the water to a vertical or slightly backward position, and to have more than 20 pounds of buoyancy. A Type I PFD is less wearable than the other PFD types.

A Type II PFD is any approved device designed to turn an unconscious person from a face down position to a face up vertical or slightly backward position and to have at least 15.5 pounds of buoyancy. A Type II PFD is more wearable than a Type I PFD.

A Type III PFD is any approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least 15.5 pounds of buoyancy. While the Type III PFD has the same buoyancy as a Type II PFD, a lesser requirement for turning moment makes it possible to design a comfortable and wearable device for activities where it is especially desirable to wear a device because of the likelihood that the wearer will enter the water.

A Type IV PFD is any approved device designed to be thrown to a person in the water and not be worn. It is designed to have at least 16.5 pounds of buoyancy.

All presently approved lifesaving devices that are acceptable as required lifesaving devices for use on recreational boats fall into one of the first four PFD type designations.

A Type V PFD is any approved device designed for a specific and restricted use. The exact specifications and performance of a Type V PFD will vary somewhat with each device. The only presently approved device that falls into the Type V designation is the work vest. This is a device designed and marked specifically for use by persons working around merchant vessels.

These proposed marking specification changes in 46 CFR Part 160 (CGD 72-

163 PH) would provide a more easily understood method of referring to Coast Guard approved personal flotation devices by performance.

This proposed new Part 175 of title 33 prescribes the requirements for carrying personal flotation devices on recreational boats. The present Part 25 of title 46 would continue to apply to uninspected commercial vessels. The present Part 199 of title 33, which prescribes interim lifesaving equipment requirements for certain boats, would be revoked.

Under these proposed carriage requirements, no person may use a recreational boat unless there is at least one Type I, II, or III PFD for each person on board. This basic requirement would allow the user to choose a type of device after considering the performance of the device and how he intends to use the device he selects. Types I, II, and III are devices intended to be worn. In addition to the requirements for the wearable personal flotation device for each person aboard, the proposal requires that no person may use a recreational boat 26 feet in length or longer unless there is one Type IV PFD immediately available for use. The Type IV PFD is intended to be thrown to a man in the water. Recreational boats 26 feet in length or longer are less maneuverable than smaller recreational boats and have, in general, higher freeboards, which makes reboarding more difficult. For these reasons, the Coast Guard feels that additional man-overboard protection is needed.

On recreational boats less than 16 feet in length, and on canoes, and kayaks, the Type IV PFD, as well as Types I, II, or III, would meet the requirements for a personal flotation device for each person on board. By far, the most commonly used Type IV PFD for these recreational boats is the buoyant cushion.

The Coast Guard realizes that the buoyant cushion is not a wearable device and does not give the performance in the water of a Type I, II, or III PFD. However, the buoyant cushion, by its very nature, is immediately accessible for use on these smaller open recreational boats in the case of the sudden capsize to which they are susceptible. An analysis of accident data has shown that immersion periods in this type of accident are generally of short duration and that the accidents generally occur in restricted waters. For these reasons, the Coast Guard is proposing to allow the choice of a Type IV PFD for use on recreational boats less than 16 feet in length and on canoes and kayaks. This choice can be based on a better knowledge of the performance of the types of Coast Guard approved personal flotation devices.

These proposed requirements for carrying personal flotation devices are the same as present requirements for recreational boats less than 16 feet in length, which comprise 67 percent of recreational boats. On recreational boats 16 feet in length and longer, which comprise approximately 32 percent of recreational boats, Type IV throwable devices, including the buoyant cushion, would not meet the proposed requirements. Recre-

ational boats 26 feet in length and longer, which comprise approximately 1 percent of the total recreational boat population, would be required to have at least one Type IV device for man-overboard protection. These proposed regulations for carrying personal flotation devices incorporate the new PFD type designations. There are millions of existing Coast Guard approved lifesaving devices, which are not marked with the PFD type. Therefore, proposed § 175.23 contains a table showing the PFD type designation that each presently approved device meets. Coast Guard approved devices already in service would continue to meet the proposed carriage requirements as long as they remain in serviceable condition.

Recreational boating includes many activities, such as white water canoeing and competitive rowing, that have special safety problems due to the use or the configuration of the boats involved. In the case of white water canoeing and kayaking, the canoeist needs special lifesaving equipment allowing extreme freedom of movement to manage the canoe, and the configuration of the canoe does not allow readily accessible stowage of lifesaving equipment. Proposed § 175.17(a) therefore allows the wearing of certain nonapproved lifesaving equipment.

The Coast Guard, however, feels that adequate PFD's for the white water canoeist can be designed within the specification for the Type III PFD. The option allowed by proposed § 175.17(a) will apply, therefore, only until July 1, 1974. This should give adequate lead-time for manufacturers of PFD's to design, and receive Coast Guard approval for, special canoeist's devices.

In the case of rowing sculls, racing shells, or racing kayaks, PFD's are also very difficult to carry. The boats have built in flotation compartments, or foam flotation blocks, and float in a horizontal attitude and extremely high in the water when capsized, even when supporting a person. The boats, if capsized, are easily and readily graspable due to the extremely narrow beam of these vessels. In addition, the accident statistics do not indicate a need for PFD carriage. Therefore, it is proposed that racing shells, rowing sculls and racing kayaks (excluding racing canoes and white water canoes and kayaks) be excepted from the requirements to carry or have available a PFD.

In addition, proposed § 175.17(c) allows the use of a Type V PFD for a specific and restricted purpose where other PFD's would not be suitable. If a manufacturer feels that a Type I, Type II, Type III, or Type IV PFD is not suitable for a particular use, and if the manufacturer has designed a device which he feels provides more suitable personal flotation for that use, then he may submit his design for Coast Guard approval as a Type V PFD to: Commandant (GMMT-3/83), U.S. Coast Guard, 400 Seventh Street SW., Washington, DC 20590. Approval of the device as a Type V PFD would only be

granted if the manufacturer shows that his design provides more suitable and more practical personal flotation for that particular use than one of the other type PFD's.

The Boating Safety Advisory Council has been consulted and its opinions and advice have been considered in the formulation of these proposed regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meeting are available from the Executive Director, Boating Safety Advisory Council at this address.

In consideration of the foregoing, it is proposed that Subchapter S of Title 33 of the Code of Federal Regulations be amended by adding a new Part 175 to read as follows:

PART 175—EQUIPMENT REQUIREMENTS

Subpart A—General

- Sec.
175.1 Applicability.
175.3 Definitions.

Subpart B—Personal Flotation Devices

- 175.11 Applicability.
175.13 Definitions.
175.15 Personal flotation devices required.
175.17 Exceptions.
175.19 Stowage.
175.21 Condition; approval; marking.
175.23 Personal flotation device equivalents.

AUTHORITY: The provisions of this Part 175 issued under sections 5, 39, Federal Boat Safety Act of 1971, 46 U.S.C. 1454, 1488; 49 CFR 1.46(o)(1).

Subpart A—General

§ 175.1 Applicability.

This part prescribes rules governing the use of boats on waters subject to the jurisdiction of the United States and on the high seas beyond the territorial seas for boats owned in the United States except—

- Foreign boats temporarily using waters subject to U.S. jurisdiction;
- Military or public boats of the United States, except recreational-type public vessels;
- A boat whose owner is a State or subdivision thereof, which is used principally for governmental purposes, and which is clearly identifiable as such;
- Ship's lifeboats.

§ 175.3 Definitions.

As used in this part:

- "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.
- "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include

a vessel engaged in the carrying of six or fewer passengers.

(c) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(d) "Use" means operate, navigate, or employ.

(e) "Passenger" means every person carried on board a vessel other than—

- The owner or his representative;
- The operator;
- Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(f) "Racing shell, rowing scull, and racing kayak," means a manually propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

Subpart B—Personal Flotation Devices

§ 175.11 Applicability.

This subpart applies to all recreational boats that are propelled or controlled by machinery, sails, oars, paddles, poles, or another vessel except racing shells, rowing sculls, and racing kayaks.

§ 175.13 Definitions.

As used in this subpart:

- "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.
- "PFD" means "personal flotation device."

§ 175.15 Personal flotation devices required.

(a) Except as provided in § 175.17, no person may use a recreational boat less than 16 feet in length or a canoe or kayak unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

- Type I PFD.
- Type II PFD.
- Type III PFD.
- Type IV PFD.

(b) No person may use a recreational boat 16 feet or more in length, except a canoe or kayak, unless at least one PFD of the following types or their equivalents listed in Table 175.23 is on board for each person:

- Type I PFD.
- Type II PFD.
- Type III PFD.

(c) No person may use a recreational boat 26 feet or more in length, except a canoe or kayak, unless at least one Type IV PFD or its equivalent listed in Table 175.23 is on board in addition to the

PFD's required in paragraph (b) of this section.

§ 175.17 Exceptions.

(a) A person using a canoe or kayak that is enclosed by a deck and spray skirt need not comply with § 175.15 if he wears a vest-type lifesaving device that—

(1) Has no less than 150 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 13 pounds of positive buoyancy in fresh water, if worn by a person who weighs more than 90 pounds; or

(2) Has no less than 120 separate permanently inflated air sacs made of not less than 12 mil polyvinylchloride film and has not less than 8½ pounds of positive buoyancy in fresh water, if worn by a person who weighs 90 pounds or less.

(b) A Type V PFD may be carried in lieu of any PFD required in § 175.15 if that Type V PFD is approved for the activity in which the recreational boat is being used.

§ 175.19 Stowage.

(a) No person may use a recreational boat unless each Type I, Type II, Type III, or Type V PFD required by § 175.15 or § 175.17 is readily accessible.

(b) No person may use a recreational boat unless each Type IV PFD required by § 175.15 is immediately available.

§ 175.21 Conditions; approval; marking.

No person may use a recreational boat unless each device required by § 175.15, or each device allowed by § 175.17, is—

(a) In serviceable condition;

(b) Legibly marked with the approval number as specified in 46 CFR Part 160 for items subject to approval; and

(c) Of an appropriate size for the person for whom it is intended.

§ 175.23 Personal flotation device equivalents.

Table 175.23 lists devices that are equivalent to personal flotation devices.

TABLE 175.23		
Devices marked		Are equivalent to
160.002 Life preserver	Performance Type I personal flotation device	Performance Type I personal flotation device
160.003 Life preserver	Performance Type I personal flotation device	Performance Type I personal flotation device
160.004 Life preserver	Performance Type I personal flotation device	Performance Type I personal flotation device
160.005 Life preserver	Performance Type I personal flotation device	Performance Type I personal flotation device
160.009 Ring life buoy	Performance Type IV personal flotation device	Performance Type IV personal flotation device
160.047 Buoyant vest	Performance Type II personal flotation device	Performance Type II personal flotation device
160.048 Buoyant cushion	Performance Type IV personal flotation device	Performance Type IV personal flotation device
160.049 Buoyant cushion	Performance Type IV personal flotation device	Performance Type IV personal flotation device
160.050 Ring life buoy	Performance Type IV personal flotation device	Performance Type IV personal flotation device
160.052 Buoyant vest	Performance Type II personal flotation device	Performance Type II personal flotation device
160.053 Work vest	Performance Type V personal flotation device	Performance Type V personal flotation device
160.055 Life preserver	Performance Type I personal flotation device	Performance Type I personal flotation device
160.060 Buoyant vest	Performance Type II personal flotation device	Performance Type II personal flotation device
160.064 Special purpose water safety buoyant devices.	A device intended to be worn may be equivalent to Type II or Type III. A device that is equivalent to Type III is marked "Type III Device—may not turn unconscious wearer." A device intended to be grasped is equivalent to Type IV.	

Dated: October 2, 1972.

A. C. WAGNER,
Chief, Office of Boating Safety.

[FR Doc. 72-17048 Filed 10-5-72; 8:45 am]

[46 CFR Parts 24, 25]

[CGD 72-172 PH]

UNINSPECTED VESSELS

Proposed Life Preservers and Other Lifesaving Equipment Requirements

The Coast Guard is considering issuing amendments to the life preserver and other lifesaving equipment carriage requirements for uninspected commercial vessels.

Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (GCMC/82) Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before December 11, 1972, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 72-172 PH) and give reasons and supporting data for any recommendations. All comments

will be available for examination in Room 8234.

An informal public hearing to receive comments of interested persons on this proposal will be held on November 20, 1972, in Conference Room 2230, 400 Seventh Street SW., Washington, DC 20590 (Telephone: 202-426-1477).

The proposal contained in this notice is predicated upon adoption of the lifesaving equipment requirements for recreational boats in a proposed new Part 175 of Title 33 which appears on page 21262 of this 1972 issue of the FEDERAL REGISTER. That proposal will remove the existing requirements for uninspected recreational vessels from 46 CFR Subchapter C and place them in title 33 CFR Subchapter S. At a later date additional amendments will be proposed which will relocate the carriage requirements for fire protection, navigational equipment, and other safety devices, for uninspected recreational vessels in Title 33.

Additionally, based on the provisions of the 1971 Federal Boat Safety Act, this proposal includes requirements for the

carriage of lifesaving devices on sail vessels and non-self-propelled vessels carrying six passengers or less for hire. This is currently required by the interim regulations published in the February 16, 1972, FEDERAL REGISTER (37 F.R. 343). Upon publication of this proposal as a final rule the interim regulations covering lifesaving devices will be canceled.

The amendments in this notice would:

a. Make the provisions of 46 CFR Subpart 25.25 applicable only to commercial uninspected vessels.

b. Make all commercial uninspected sail vessels and non-self-propelled vessels carrying six or less passengers for hire subject to the provisions of Subpart 25.25.

c. Withdraw acceptance of wood floats as primary lifesaving devices for commercial fishing motorboats. The proposal will establish a wearable lifesaving device as the minimum. Use of the wood float requires the user to grasp the float and to remain in complete control of body functions. This is considered to be unreasonable in light of the effects of cold water on a human body after relatively short periods of emersion. Commercial fishing vessels can be expected to operate in open water in severe conditions.

d. Withdraw the provisions which permit commercial fishing motorboats and commercial motorboats not carrying passengers for hire the option of carrying a device intended to be thrown such as a ring buoy, or buoyant cushion in lieu of a wearable device. As proposed, a life preserver, buoyant vest or special purpose water-safety buoyant device intended to be worn would be required for each person on board, except commercial motorboats 40 feet or longer would be required to carry a life preserver as the wearable device. The new minimum established would be a wearable device. It is considered reasonable to require the wearable lifesaving device on commercial vessels as they tend to operate in almost all weather conditions.

e. Require life preservers to be of a size suitable for each person on board, i.e. adult, child medium, or child small. The approval of a device is limited to the size marked on the device thus this requirement simply clarifies the existing limitations of Coast Guard approved lifesaving devices. The present regulations in § 25.25-10 for uninspected vessels carrying passengers for hire require an additional number of life preservers suitable for children equal to at least 10 percent of the total number of persons carried. For uninspected vessels carrying six and less passengers for hire, the greatest number of child devices required would be six and this is not considered to be onerous. Similarly commercial vessels not carrying passengers for hire do not ordinarily carry children, therefore the requirement to carry devices of an appropriate size is reasonable.

f. Include a requirement for the carriage of a ring life buoy for all commercial motor vessels, motorboats 26 feet or longer and all sail vessels and non-self-propelled vessels 26 feet or longer carrying passengers for hire. The additional ring life buoy is intended to be thrown to a person falling overboard into the water.

FEDERAL REGISTER, VOL. 37, NO. 195—FRIDAY, OCTOBER 6, 1972

[46 CFR Part 160]

[CGD 72-163 PH]

LIFESAVING EQUIPMENT

Proposed Specifications

The Coast Guard is considering issuing miscellaneous amendments to the lifesaving equipment specifications.

Any interested person may submit written data, views, or arguments concerning this notice to U.S. Coast Guard (CMC/82), Room 8234, 400 Seventh Street SW., Washington, DC 20590. All communications received before December 11, 1972, will be considered before action is taken on the proposed regulations. Each person submitting comments should include his name and address, identify this notice (CGD 72-163 PH) and give reasons and supporting data for any recommendations. All comments will be available for examination in Room 8234.

An informal public hearing to receive comments of interested persons on this proposal will be held on November 20, 1972, in Conference Room 2230, 400 Seventh Street SW., Washington, DC 20590 (phone 202-426-1477).

The majority of amendments contained in this notice are predicated upon adoption of lifesaving equipment requirements in a proposed new Part 175 of Title 33, which appears on page 21262 of this issue of the FEDERAL REGISTER.

Type designations are presently used throughout Part 160 to distinguish between different designs and materials used in the construction of approved lifesaving devices. For example, in § 160.002-2, a Type A kapok life preserver denotes the adult model, and a Type B kapok life preserver denotes the child's model. In § 160.009-2, Type I designates a ring life buoy made of cork and Type II designates a ring life buoy made of balsa wood. Since this terminology conflicts with the personal flotation device (PFD) performance terminology (i.e. Type I, personal flotation device, Type II personal flotation device, etc.) in proposed Part 175, the present type designations in Part 160 would be deleted wherever they appear and the appropriate personal flotation device type designation would be added to the marking specification so that the user can recognize and select the appropriate type device required by proposed Part 175.

It is also proposed that the specifications for buoyant vests, buoyant cushions, and special purpose water safety buoyant devices be changed to reflect the language of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451, et seq.) by replacing the words "motorboats of Classes A, 1 or 2 not carrying passengers for hire," with the words "recreational boats." Also for the same reason wherever life ring buoys are referred to in Part 160 as being used on merchant vessels and motorboats, the word "motorboats" is proposed to be deleted and replaced by the word "boats."

In addition, miscellaneous amendments to Part 160 are proposed to im-

prove clarity and update the text. These amendments include:

a. In the heading of § 160.009-4, the word "requirement" would be replaced by the word "standard" to make the wording of the heading consistent with the wording used elsewhere in Part 160.

b. Paragraphs (d) of §§ 160.048-1 and 160.049-1 would be deleted since they are no longer applicable.

c. Sections 160.048-7a, 160.049-7a, and 160.064-5a are added to update the name and address of the designated recognized laboratory conducting the approval testing and inspection program.

d. Sections 160.049-4(c) and 160.064-5(b) are revised for the purpose of clarity.

In consideration of the foregoing, it is proposed to amend Part 160, of Title 46, Code of Federal Regulations, as follows:

1. By revising § 160.002-2 to read as follows:

§ 160.002-2 Size and model.

Each life preserver specified in this subpart is to be a—

- (a) Model 3, adult, 24 ounces kapok; or
- (b) Model 5, child, 16 ounces kapok.

2. By revising § 160.002-6 to read as follows:

§ 160.002-6 Marking.

Each life preserver must have the following clearly marked in waterproof ink on a front section:

(a) In letters three-fourth inch or more in height

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.

Kapok life preserver.

Designed to turn unconscious wearer face up in water.

Approved for use on all vessels by persons weighing more than 90 pounds or less than 90 pounds.

U.S. Coast Guard Approval No. 160.002/(assigned manufacturers' No.)/(revision No.); (model No.); (name and address of manufacturer or distributor).

3. By revising § 160.005-2 to read as follows:

§ 160.005-2 Size and model.

Each life preserver specified in this subpart is a—

(a) Model 52, adult, 46 ounces fibrous glass; or

(b) Model 56, child, 30 ounces fibrous glass.

4. By revising § 160.005-6 to read as follows:

§ 160.005-6 Marking.

Each life preserver must have the following clearly marked in waterproof ink on a front section:

(a) In letters three-fourths inch or more in height:

(1) Adult (for persons weighing over 90 pounds); or

(2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—personal flotation device.

Fibrous glass life preserver.

Designed to turn unconscious wearer face up in water.

Approved for use on all vessels by persons weighing more than 90 pounds or less than 90 pounds.

U.S. Coast Guard Approval No. 160.005/(assigned manufacturers' No.)/(revision No.); (model No.); (name and address of manufacturer or distributor) (lot No.)

5. By revising the heading of Subpart 160.009 to read as follows:

Subpart 160.009—Specification for a Buoy, Life Ring, Cork or Balsa Wood for Merchant Vessels and Boats

6. By amending § 160.009-2 by revising paragraph (a) to read as follows:

§ 160.009-2 Type and size.

(a) *Type*. Each ring life buoy specified in this subpart must be made of—

- (1) Cork; or
- (2) Balsa wood.

7. By amending § 160.009-3 by revising paragraph (a) and adding paragraph (a-1) to read as follows:

§ 160.009-3 Materials.

(a) *Corks*. All sheet cork used in a cork ring lifebuoy must comply with Subpart 164.001 of this chapter.

(a-1) *Balsa wood*. All balsa wood used in a ring lifebuoy must comply with Subpart 164.002 of this chapter.

8. By revising the heading and paragraphs (a) and paragraph (b) (4) of § 160.009-4 to read as follows:

§ 160.009-4 Construction, workmanship, and performance standards.

(a) *General*. This specification covers ring life buoys, consisting of a body constructed in the shape of a ring with an approximately elliptical cross section as illustrated by dwg. No. 160.009, which provide buoyancy to aid in keeping persons afloat in the water. Alternate arrangements meeting the performance requirements of this specification will be given special consideration.

(b) * * *

(4) *Waterproof finish for balsa wood life ring buoys*. The entire finished body of each balsa wood ring lifebuoy must have a copious coat of waterproof glue that has dried thoroughly before the cover is placed on the buoy. The waterproof glue must be equivalent to the products having trade names of "Hydrotuf," "Synthetic Plasoform," and "Balsa Wood Coating."

9. By revising § 160.009-6 to read as follows:

§ 160.009-6 Marking.

Each ring lifebuoy must have the following information clearly marked in waterproof lettering:

(a) On the body—

Passed U.S. Coast Guard (Inspection date) (Inspector's initials) (Port).

(Name and address of manufacturer or distributor.)

(Size of buoy.)
Coast Guard Approval No. 160.009/(Assigned manufacturers' No.)/(Revision No.).

(b) On the cover—

Type IV—Personal flotation device.
(Cork or balsa wood) ring life buoy.
Designed to be thrown to a person in the water.

Approved for use on recreational boats, less than 16 feet in length and as a throwing device for all vessels, 26 feet or more in length.

Approved, U.S. Coast Guard (Inspection date) (Inspector's initials) (Port).

(Name and address of manufacturer or distributor.)

Coast Guard Approval No. 160.009/(Assigned manufacturers' No.)/(Revision No.).

(Size of buoy.)
(The Lot No.)

10. By revising the heading of Subpart 160.047 to read as follows:

Subpart 160.047—Specification for a Buoyant Vest, Kapok or Fibrous Glass, Adult and Child

11. By revising § 160.047-2 to read as follows:

§ 160.047-2 Model.

Each buoyant vest specified in this subpart is a—

(a) Model AK-1, adult, kapok (for persons weighing more than 90 pounds);

(b) Model AF-1, adult, fibrous glass (for persons weighing more than 90 pounds);

(c) Model CKM-1, child medium, kapok (for children weighing from 50 to 90 pounds);

(d) Model CFM-1, child medium, fibrous glass (for children weighing from 50 to 90 pounds);

(e) Model CKS-1, child small kapok (for children weighing less than 50 pounds); or

(f) Model CFS-1, child small, fibrous glass (for children weighing less than 50 pounds).

12. By revising § 160.047-6 to read as follows:

§ 160.047-6 Marking.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device.
(Kapok or fibrous glass) buoyant vest.
Designed to turn unconscious wearer face up in water.

Dry out thoroughly when wet.
Do not puncture or snag inner plastic covers.

If pads become waterlogged replace vest.
Approved for use on uninspected commercial vessel less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing more than 90 pounds or 50 to 90 pounds or less than 50 pounds.

U.S. Coast Guard Approval No. 160.047/(Assigned manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)
(Lot No.)

(b) *Waterproof marking tags.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours' submergence in water, it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

orous rubbing by hand while wet without the printed matter becoming illegible.

13. By revising the heading of Subpart 160.048 to read as follows:

Subpart 160.048—Specification for a Buoyant Cushion, Fibrous Glass

§ 160.048-1 [Amended]

14. By deleting § 160.048-1(d).

15. By amending § 160.048-6 by revising paragraph (a) to read as follows:

§ 160.048-6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—Personal flotation device.
(Kapok or fibrous glass) buoyant cushion.
Designed to be thrown to a person in the water.

Warning: Do not wear on back.
Do not puncture or snag inner plastic cover.

Dry out thoroughly when wet.
Replace when waterlogged.

Approved for use on recreational boats less than 16 feet in length, and as a throwing device on recreational boats 26 feet or more in length.

U.S. Coast Guard Approval No. 160.048/(Assigned manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)
(The Lot No.)

(The size; width, thickness and length, both top and bottom for trapezoidal cushions.)

§ 160.048-7 [Amended]

16. By amending § 160.048-7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

17. By adding § 160.048-7a to follow § 160.048-7 and to read as follows:

§ 160.048-7a Designated recognized laboratory.

Underwriters Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

18. By revising the heading of Subpart 160.049 to read as follows:

Subpart 160.049—Specification for a Buoyant Cushion Plastic Foam

§ 160.049-1 [Amended]

19. By revoking paragraph (d) of § 160.049-1.

20. By revising § 160.049-4(c) to read as follows:

§ 160.049-4 Construction and workmanship.

(c) *Buoyant material.* A buoyant insert for a buoyant cushion must comply with the requirements in subparagraphs (1) and (2) of this paragraph and may be—

(1) Molded in one piece; or

(2) Built up from sheet material if it is formed from—

(i) Three pieces or less in each layer, cemented together with an all-purpose vinyl adhesive such as or equivalent to U.S. Rubber No. M-6256 or Minnesota Mining No. EC-870 and EC-1070;

(ii) Three layers or less that may be cemented; and

(iii) Staggered butts and seams of adjacent layers.

21. By amending § 160.049-6 by revising paragraph (a) to read as follows:

§ 160.049-6 Marking.

(a) Each buoyant cushion must have the following information clearly marked in waterproof lettering:

Type IV—Personal flotation device.
Unicellular plastic foam buoyant cushion.
Designed to be thrown to a person in the water.

Warning: Do not wear on back.
Dry out thoroughly when wet.

Approved for use on recreational boats, less than 16 feet in length, and as a throwing device for recreational boats 26 feet or more in length.

U.S. Coast Guard Approval No. 160.049/(Assigned manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer and distributor.)
(Lot No.)

(The size: width, thickness and length, both top and bottom for trapezoidal cushions.)

§ 160.049-7 [Amended]

22. By amending § 160.049-7 by revoking the last sentence of paragraph (a), and revoking paragraph (a)(1).

23. By adding § 160.049-7a to follow § 160.048-7 and to read as follows:

§ 160.049-7a Designated recognized laboratory.

Underwriters Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619 is a recognized laboratory.

24. By revising the heading of Subpart 160.050 to read as follows:

Subpart 160.050—Specification for a Buoy, Life Ring, Unicellular Plastic

25. By revising § 160.050-6 to read as follows:

§ 160.050-6 Marking.

(a) On a sturdy, corrosion-resistant nameplate, permanently attached to the becket, each ring buoy must have the following information in waterproof lettering:

Type IV—personal flotation device.
Unicellular plastic foam ring life buoy.
Designed to be thrown to a person in the water.

Approved for use on recreational boats, less than 16 feet in length, and a throwing device for all vessels 26 feet or more in length.

U.S. Coast Guard Approval No. 160.050/(Assigned manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer and distributor.)
(Size of buoy.)

(U.S.C.G.) (Inspector's initials.)
(Lot No.)

(b) A method of marking that is different from the requirements of paragraph (a) of this section may be given consideration by the Coast Guard.

26. By revising the heading of Subpart 760.052 to read as follows:

Subpart 160.052—Specification for a Buoyant Vest, Unicellular Plastic Foam, Adult and Child

27. By revising § 160.052-2 to read as follows:

§ 160.052-2 Size and model.

(a) A standard buoyant vest is manufactured in accordance with a plan specified in § 160.052-1(b) and is a—

(1) Model AP, adult (for persons over 90 pounds);

(2) Model CPM, child medium (for persons weighing from 50 to 90 pounds); or

(3) Model CPS, child, small (for persons weighing less than 50 pounds).

(b) A nonstandard buoyant vest is—

(1) Manufactured in accordance with the manufacturer's approved plan;

(2) Equivalent in performance to the standard buoyant vest; and

(3) Assigned a model designation by the manufacturer for the following sizes:

(i) Adult (for persons weighing over 90 pounds);

(ii) Child, medium (for persons weighing from 50 to 90 pounds);

(iii) Child, small (for persons weighing less than 50 pounds).

28. By revising the heading of § 160.052-3 to read as follows:

§ 160.052-3 Materials—standard vests.

29. In § 160.052-4 by revising the heading and paragraph (a) to read as follows:

§ 160.052-4 Materials — nonstandard vests.

(a) *General.* All materials used in nonstandard buoyant vests must be equivalent to those specified in § 160.052-3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirements in § 160.052-3(a).

30. By revising the heading of § 160.052-5 to read as follows:

§ 160.052-5 Construction — standard vests.

31. By revising § 160.052-6 to read as follows:

§ 160.052-6 Construction—nonstandard vests.

(a) *General.* The construction methods used for nonstandard buoyant vests must be equivalent to those requirements in § 160.052-5 for a standard vest and also meet the requirements in this section.

(b) *Size.* Each nonstandard vest must contain the following volume of plastic foam buoyant material, determined by the displacement method:

(1) 500 cubic inches or more for an adult size.

(2) 350 cubic inches or more for a child medium size.

(3) 225 cubic inches or more for a child small size.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must—

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn a wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth covered nonstandard vest must have at the neck opening—

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to—

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

32. By amending § 160.052-7 by revising the heading, paragraph (g) and the heading of paragraph (c) to read as follows:

§ 160.052-7 Inspections and tests—standard and nonstandard vests.

(c) *Additional compliance tests.* * * *

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for nonstandard vests to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

33. By revising § 160.052-8 to read as follows:

§ 160.052-8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—personal flotation device.

Unicellular plastic foam buoyant vest.

Designed to turn unconscious wearer face up in water.

Dry out thoroughly when wet.

Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing more than 90 pounds or 50 to 90 pounds or less than 50 pounds.

U.S. Coast Guard Approval No. 160.052/ (Assigned manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)

(Lot No.)

(b) *Waterproof marking.* Marking for buoyant vests shall be sufficiently waterproof so that after 72 hours submergence in water it will withstand vigorous rubbing by hand while wet without the printed matter becoming illegible.

34. By revising the introductory text of paragraph (a) to read as follows:

§ 160.052-9 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a buoyant vest for use on a boat not carrying passengers for hire, of the procedures for—

35. By revising § 160.053-5(a) to read as follows:

§ 160.053-5 Marking.

(a) Each work vest must have the following information clearly printed in waterproof ink on a cloth tag attached to the envelope by stitching along the edges of the tag:

Type V—Personal flotation device. Unicellular plastic foam work vest.

Designed to turn an unconscious wearer face up in the water.

Approved for use on merchant vessels when engaged in work activities.

U.S. Coast Guard Approval No. 160.053/ (assigned manufacturers' No.)/(revision No.) (model No.).

(Lot No.)

"This vest is filled with unicellular plastic foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly".

(The name and address of manufacturer or distributor.)

36. By revising § 160.055-2 to read as follows:

§ 160.055-2 Type and model.

Each life preserver specified in this subpart is a—

(a) Standard, bib type, Vinyl dip coated—

(1) Model 62, adult (for persons weighing over 90 pounds); or

(2) Model 66, child (for persons weighing less than 90 pounds); or

(b) Standard, bib type, cloth covered—

(1) Model 63, adult (for persons weighing over 90 pounds); or

(2) Model 67, child (for persons weighing less than 90 pounds); or

(c) Nonstandard shaped type—

(1) Model¹ adult (for persons weighing over 90 pounds); or

(2) Model¹ child (for persons weighing less than 90 pounds).

37. By revising the heading of § 160.055-3 to read as follows:

§ 160.055-3 Materials—standard life preservers.

38. By revising § 160.055-4 to read as follows:

§ 160.055-4 Materials — nonstandard life preservers.

All materials used in nonstandard life preservers must be equivalent to those specified in § 160.055-3 for standard life preservers.

¹ A model designation for each nonstandard life preserver is to be assigned by the manufacturer. That designation must be different from any standard lifesaving device designation.

39. By amending § 160.055-5 by revising the heading and introductory texts of paragraphs (b) and (c) to read as follows:

§ 160.055-5 Construction—standard life preservers.

(b) *Construction—standard, vinyl dip-coated life preserver.* This device is constructed from one piece of unicellular plastic foam with a—

- (1) Neck hole and the body slit in the front;
- (2) Vinyl dip coating; and
- (3) Fitted and adjustable body strap.

(c) *Construction—standard, cloth covered life preservers.* This device is constructed from three sections of unicellular plastic foam contained in a cloth envelope and has—

- (1) A neck hole;
- (2) The body slit in the front; and
- (3) A fitted and adjustable body strap.

40. By revising § 160.055-6 to read as follows:

§ 160.055-6 Construction—nonstandard, life preservers.

(a) *General.* The construction methods used for a nonstandard life preserver must be equivalent to the requirements in § 160.055-5 for a standard life preserver and also meet the requirements in this section.

(b) *Size.* Each nonstandard life preserver must contain the following volume of plastic foam buoyant material, determined by the displacement method:

- (1) Seven hundred cubic inches or more for an adult size.
- (2) Three hundred and fifty cubic inches or more for a child size.

(c) *Arrangement of buoyant material.* The buoyant material in nonstandard life preservers must—

- (1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;
- (2) Have no tendency to turn the wearer face downward in water; and
- (3) Be arranged so that 68 to 73 percent of the total is located in the front of the life preserver.

(d) *Adjustment, fit, and donning.* Each nonstandard life preserver must be capable of being—

- (1) Worn reversed;
- (2) Adjusted to fit a range of wearers for the type designed; and
- (3) Donned in a time comparable to that of a standard life preserver.

41. By amending § 160.055-7 by revising the heading and paragraph (1) to read as follows:

§ 160.055-7 Sampling, tests, and inspections—standard and nonstandard life preservers.

(1) *Additional tests for nonstandard life preservers.* Tests in addition to those required by this section may be required for nonstandard life preservers to determine performance equivalence to a stand-

ard preserver. Such additional tests may include determining performance in the water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

42. By revising § 160.055-8 to read as follows:

§ 160.055-8 Marking—standard and nonstandard life preservers.

Each life preserver must have the following information clearly marked in waterproof lettering:

(a) In letters three-fourths inch or more in height:

- (1) Adult (for persons weighing over 90 pounds); or
- (2) Child (for persons weighing less than 90 pounds).

(b) In letters capable of being read at a distance of 2 feet:

Type I—Personal flotation device.
Unicellular plastic foam life preserver.
Designed to turn unconscious wearer face up in water.

Approved for use on all vessels by persons weighing more than 90 pounds or less than 90 pounds.

U.S. Coast Guard Approval No. 160.055/ (Assigned manufacturers' No.)/(revision No.); (model No.)

(Name and address of manufacturer or distributor.)
(Lot No.)

43. By amending § 160.055-9 by revising the heading and paragraphs (b) and (c), and adding paragraphs (b-1) and (c-1) to read as follows:

§ 160.055-9 Procedure for approval—standard and nonstandard life preservers.

(b) *Assignment of inspector; standard life preservers.* Upon receipt of an application from a manufacturer for approval of a standard life preserver, a Coast Guard inspector is assigned to the factory to—

- (1) Observe the production facilities and manufacturing methods;
- (2) Select from a lot of 10 manufactured life preservers or more, three or more of each model for examination;
- (3) Test the selected sample for compliance with the requirements of this specification; and

(4) Forward to the Commandant a copy of his report of the tests and the production and manufacturing facilities, a specimen life preserver selected from those already manufactured but not tested, and one copy of an affidavit for each material used in the life preservers.

(b-1) *Approval number; standard life preserver.* An approval number is assigned to the manufacturer by the Coast Guard for a standard life preserver found to be in compliance with the requirements of this subpart.

(c) *Assignment of inspector; Non-standard life preserver.* Upon receipt of an application from a manufacturer for approval of nonstandard life preservers, an inspector is assigned to the factory to—

(1) Observe the production facilities and manufacturing methods;

(2) Select three samples of life preservers of each model for which approval is desired;

(3) Forward to the Commandant—
(i) Three samples of each model of life preservers;

(ii) A copy of the inspector's report of tests and the production and manufacturing facilities; and

(iii) Four copies each of fully-dimensioned, full scale drawings showing all details of construction of the sample life preservers submitted, material affidavits, and four copies of a bill of materials showing all materials used in construction of the life preservers submitted by the manufacturer.

(c-1) *Approval number; nonstandard life preserver.* An official approval number is assigned to the manufacturer by the Coast Guard for a nonstandard life preserver approved after tests.

44. By revising the heading of Subpart 160.060 to read as follows:

Subpart 160.060—Specification for a Buoyant Vest, Unicellular Polyethylene Foam, Adult and Child

45. By revising § 160.060-2 to read as follows:

§ 160.060-2 Type and model.

Each buoyant vest specified in this subpart is a—

- (a) Standard—
(1) Model AY, adult (for persons weighing over 90 pounds); or
- (2) Model CYM, child, medium (for children weighing from 50 to 90 pounds); or

(3) Model CYS, child, small (for children weighing less than 50 pounds); or

(b) Nonstandard—

- (1) Model¹ adult (for persons weighing over 90 pounds);
- (2) Model¹ child, medium (for persons weighing from 50 to 90 pounds); or
- (3) Model¹ child, small (for persons weighing less than 50 pounds).

46. By revising the heading of § 160.060-3 to read as follows:

§ 160.060-3 Materials—standard vests.

47. By amending § 160.060-4 by revising the heading and paragraph (a) to read as follows:

§ 160.060-4 Materials—nonstandard vests.

(a) *General.* All materials used in non-standard buoyant vests must be equivalent to those specified in § 160.060-3 and be obtained from a supplier who furnishes an affidavit in accordance with the requirements in § 160.060-3(a).

48. By revising the heading of § 160.060-5 to read as follows:

¹ A model designation for a nonstandard vest is to be assigned by the individual manufacturer and must be different from any standard vest.

§ 160.060-5 Construction—standard vests.

49. By revising § 160.060-6 to read as follows:

§ 160.060-6 Construction—nonstandard

(a) *General.* The construction methods used for a nonstandard buoyant vest must be equivalent to the requirements in § 160.060-5 for standard vests and also meet the requirements specified in this section.

(b) *Sizes.* Each nonstandard vest must contain the following volume of unicellular polyethylene foam buoyant material, determined by the displacement method:

(1) 500 cubic inches or more for the adult size, for persons weighing over 90 pounds.

(2) 350 cubic inches or more for a child medium size, for children weighing from 50 to 90 pounds.

(3) 225 cubic inches or more for children weighing less than 50 pounds.

(c) *Arrangement of buoyant material.* The buoyant material in a nonstandard vest must—

(1) Be arranged to hold the wearer in an upright or backward position with head and face out of water;

(2) Have no tendency to turn the wearer face downward in the water; and

(3) Be arranged so that 70 to 75 percent of the total is located in the front of the vest.

(d) *Neck opening.* Each cloth covered nonstandard vest must have at the neck opening—

(1) A gusset; or

(2) Reinforcing tape.

(e) *Adjustment, fit, and donning.* Each nonstandard vest must be made with adjustments to—

(1) Fit a range of wearers for the type designed; and

(2) Facilitate donning time for an uninitiated person.

50. By amending § 160.060-7 by revising the heading, paragraph (g), and the heading of paragraph (c) to read as follows:

§ 160.060-7 Inspections and tests—standard and nonstandard vests.

(c) Additional compliance tests.

(g) *Additional approval tests for nonstandard vests.* Tests in addition to those required by this section may be conducted by the inspector for a nonstandard vest to determine performance equivalence to a standard vest. Such additional tests may include determining performance in water, suitability of materials, donning time, ease of adjustment, and similar equivalency tests. Costs for any additional tests must be assumed by the manufacturer.

51. By revising § 160.060-8 to read as follows:

§ 160.060-8 Marking standard and nonstandard vests.

(a) Each buoyant vest must have the following information clearly marked in waterproof lettering:

Type II—Personal flotation device. Unicellular polyethylene foam buoyant vest.

Designed to turn unconscious wearer face up in water.

Dry out thoroughly when wet.

Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing more than 90 pounds or 50 to 90 pounds or less than 50 pounds.

U.S. Coast Guard Approval No. 160.060/ (Assigned Manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)

(b) *Waterproof marking.* Marking of buoyant vests shall be sufficiently waterproof so that after 72 hours' submergence in water it will withstand vigorous rubbing by hand while wet without printed matter becoming illegible.

52. By revising the heading of Subpart 160.064 to read as follows:

Subpart 160.064—Specification for Special Purpose Water Safety Buoyant Devices

53. By amending § 160.064-4 by revising paragraph (a) to read as follows:

§ 160.064-4 Marking.

(a) Each special purpose buoyant device must have the following information clearly printed on a front section:

(1) For devices to be worn:

(i) Type II—Personal flotation device;

Designed to turn an unconscious wearer face up in the water; or

Type III—Personal flotation device

Designed to keep a conscious person in a vertical or slightly backward position in the water; and

(ii) Special purpose intended.)

Approved for use on uninspected commercial vessels less than 40 feet in length not carrying passengers for hire and all recreational boats by persons weighing more than 90 pounds or 50 to 90 pounds or less than 50 pounds.

U.S. Coast Guard Approval No. 160.064/ (Assigned Manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)

(2) For devices to be thrown:

Type IV—Personal flotation device.

Designed to be thrown to a person in the water.

(Special purpose intended.)

Approved for use on recreational boats less than 16 feet in length, and as a throwing device for recreational boats 26 feet or more in length.

U.S. Coast Guard Approval No. 160.064/ (Assigned Manufacturers' No.)/(Revision No.); (Model No.).

(Name and address of manufacturer or distributor.)

54. By revising § 160.064-5 to read as follows:

§ 160.064-5 Recognized laboratory.

To be designated a recognized laboratory, the laboratory must be—

(a) Operated as a nonprofit public service;

(b) Engaged regularly in the examination, testing, and evaluation of the safety of materials, installations, and devices for marine use; and

(c) Established in factory inspection and listing and labeling by having an existing program and standards for evaluation, listing, and labeling buoyant devices that are acceptable to the Commandant.

55. By adding §§ 160.064-5a and 160.064-5b to follow § 160.064-5 and to read as follows:

§ 160.064-5a Designated recognized laboratory.

Underwriters' Laboratories, Inc., Marine Department, Tampa East Industrial Park, 2602 Tampa East Boulevard, Tampa, FL 33619, is a recognized laboratory.

§ 160.064-5b Compliance label.

If a recognized laboratory approves a buoyant device, the device is allowed to carry the compliance label of the recognized laboratory.

56. By revising § 160.064-7 to read as follows:

§ 160.064-7 Procedure for listing and labeling.

(a) A recognized laboratory must inform each manufacturer that requests listing and labeling of a special purpose water safety device for use on boats not carrying passengers for hire, of the procedures for—

(1) Inspection;

(2) Examination;

(3) Tests; and

(4) The forwarding to the Coast Guard of the test report and the description of the quality control program of the requesting manufacturer.

(b) The cost of any examination, test, and inspection and the cost of listing and labeling must—

(1) Be paid by the manufacturer; and

(2) Be the same for similar services for each manufacturer.

(c) The Coast Guard reviews each test report and quality control procedure forwarded by the recognized laboratory to determine if the approval requirements have been met. After the review is completed, the Coast Guard—

(1) Notifies the laboratory that the device is approved; and

(2) Publishes notice of the approval in the FEDERAL REGISTER and Coast Guard publication CG-190.

(d) The Commandant, U.S. Coast Guard, determines all matters concerning approval requirements. The manufacturer or recognized laboratory may at any time request advice from the Commandant regarding these requirements.

(Sec. 17, 54 Stat. 166, as amended, sec. 5, 85 Stat. 215, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 526p, 1454, 49 U.S.C. 1655(b)(1); 49 CFR 146(b), (c)(1))

Dated: October 2, 1972.

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