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FEDERAL REGISTER

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Title 6—ECONOMIC STABILIZATION

Chapter III—Price Commission

PART 300—PRICE STABILIZATION

Cafeterias and Restaurants Operated by Prenotification Firms

The purpose of this amendment to § 300.51 of the regulations of the Price Commission is to permit a prenotification firm to increase the price of an item of food or beverage served in a cafeteria, restaurant, or similar facility, owned and operated by that firm for the serving of food and beverage to its employees, without complying with the prenotification requirements of paragraph (a) or (b) of that section.

The Price Commission has received requests from several prenotification firms for an exception from the prenotification requirements of paragraphs (a) and (b) of § 300.51 for an increase in the price of an item of food or beverage served in cafeterias owned and operated by those firms for its employees. It appears that each of these firms operates its cafeteria on a nonprofit basis for the convenience of its employees, absorbs the overhead costs of the operation, and customarily prices the items of food and beverage to recover only direct out-of-pocket expenses and costs.

Recently, the Price Commission granted an exception from the prenotification requirements of § 300.51 (a) and (b) for increases in prices for food and beverage items sold in an employee cafeteria which was owned and operated by a prenotification firm. Experience under that exception indicates that a similar exception may be granted to any prenotification firm for an increase in the price of an item of food or beverage sold in a cafeteria, restaurant, or similar facility owned and operated by that firm on a nonprofit basis for the benefit and convenience of its employees. Section 300.51(1) as adopted herein provides for such an exception subject to the conditions and limitations prescribed in subparagraphs (1) through (4) of that section. The word "restaurant" as used in this amendment and as defined by the Cost of Living Counsel (Ruling 1972–35; 37 FR 6118) includes carryouts, lunch counters, and diners.

Since this amendment is needed to provide relief from restrictive provisions, the Price Commission finds that further notice and public procedure thereon are impracticable and unnecessary and that good cause exists to make it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 91–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1468; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210; Executive Order No. 11640, 37 FR 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 FR 20202, Oct. 16, 1971)

In consideration of the foregoing, Title 6 of the Code of Federal Regulations is amended as set forth herein, effective January 12, 1973.

Issued in Washington, D.C., on January 9, 1973.

C. JACKSON GRAYSON, JR.,
Chairman, Price Commission.

1. Section 300.51 is amended by adding a new paragraph (l) at the end thereof to read as follows:

§ 300.51 Prenotification firms.

* * * * *

(l) *Firm operated cafeterias and restaurants; prenotification.* A prenotification firm may increase the price for an item of food or beverage served in a cafeteria, restaurant, or similar facility owned and operated by that firm, without the prenotification required by paragraph (a) or (b) of this section, if—

(1) The cafeteria, restaurant, or facility is operated on a nonprofit basis primarily for the benefit and convenience of the firm's employees;

(2) The customary pricing practice of the firm for the operation of the cafeteria, resturant, or facility is to reach a "break-even" point on direct out-of-pocket expenses and costs, and to subsidize the indirect (overhead) expenses and costs;

(3) Any operating deficit incurred by the firm for the operation of the cafeteria, restaurant, or facility is not included as a part of its direct or indirect labor costs; and

(4) The price increase is charged for the purpose of recovering only direct out-of-pocket expenses and costs for the items of food or beverage concerned.

[FR Doc.73–719 Filed 1–11–73;8:45 am]

Title 7—AGRICULTURE

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

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Agricultural quarantine inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, seaports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation and the charge for such overtime is recoverable from those requesting the services. The following docket increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Public Law 91–656), and Executive Order 11691 dated December 15, 1972. Further, a technical amendment deletes an erroneous reference to Subchapter G of Chapter I of Title 9, Code of Federal Regulations.

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody or control of plants, plant products, animals, animal products, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this chapter and Subchapter D of Chapter I, Title 9 CFR, who requires the services of an employee of the Plant Protection and Quarantine Programs, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Plant Protection and Quarantine Programs inspector in charge to furnish inspection, laboratory testing, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $15.44 per man-hour per employee on a Sunday and at the rate of $10.72 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States on a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour

of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Plant Protection and Quarantine Programs for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty if such travel is performed solely on account of such Sunday or holiday or overtime service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, certification, or quarantine services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is the continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays.

(b) The plant protection and quarantine programs inspector in charge in honoring a request to furnish inspection, laboratory testing, quarantine, or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561; 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective January 8, 1973, when it shall supersede 7 CFR 354.1, as amended January 19, 1972.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1973.

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

[FR Doc.73-696 Filed 1-11-73;8:45 am]

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

[Lemon Reg. 568]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period January 14–20, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.868 Lemon Regulation 568.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to improve on sizes 115 and larger. Average price is $4.95 per carton. Track and rolling supplies at 95 cars were down 33 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication herein in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 14, 1973, through January 20, 1973, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled," and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

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

Dated: January 11, 1973.

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

[FR Doc.73-860 Filed 1-11-73;11:10 am]

[Grapefruit Reg. 89]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

This regulation fixes the quantity of Florida Indian River grapefruit that may be shipped to fresh market during the weekly regulation period January 15

through 21, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 912. The quantity of grapefruit produced in the Indian River District in Florida so fixed was arrived at after consideration of the total available supply of Indian River grapefruit, the quantity currently available for market, the fresh market demand for Indian River grapefruit, Indian River grapefruit prices, and the relationship of season average returns to the parity price for Florida grapefruit.

§ 912.389 Grapefruit regulation 89.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) The need for this section to limit the quantity of Indian River grapefruit that may be marketed during the ensuing week stems from the production and marketing situation confronting the Indian River grapefruit industry.

(i) The committee has submitted its recommendation with respect to the total quantity of grapefruit which it deems advisable to be handled during the next succeeding week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the market demand for Indian River grapefruit is showing some strength. Prices, f.o.b. per ⅘ bushel carton, for the week ended January 7, 1973, averaged $2.60 for white seedless and $3 for pink seedless. Shipments for the week ended January 7, 1973, and for the previous week were 415 carlots and 230 carlots, respectively. On January 7, 1973, there were 11,115 carloads of Indian River grapefruit remaining for interstate shipments, while 4,385 carlots have been shipped to date.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of grapefruit which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until February 12, 1973 (5 U.S.C. 553), because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 9, 1973.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled, is hereby fixed at 200,000 standard packed boxes, during the period January 15 through January 21, 1973.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: January 10, 1973.

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

[FR Doc.73–769 Filed 1–11–73;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for the 1970 and Subsequent Crops

REDEEMED COMMODITIES INELIGIBLE

The regulations issued by the Commodity Credit Corporation published at 35 FR 7363, as amended, containing the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grain and Similarly Handled Commodities are hereby amended as follows:

A new paragraph (f) is added to § 1421.4 to prohibit, with certain exceptions, loans on collateral which have been redeemed from the loan and purchase program. Paragraph (f) reads as follows:

§ 1421.4 Eligibility requirements.

* * * * *

(f) *Redeemed loan collateral.* Except as provided in §§ 1421.6(d) and 1421.18 (d) with respect to the transfer of a farm-storage loan to warehouse storage, a producer shall not reoffer as security, or repledge as collateral, for repayment of a CCC loan any commodity that has been previously so mortgaged or pledged.

Since this amendment is needed to carry out the loan and purchase program more effectively, compliance with the notice of proposed rule making and public participation procedure would be impractical and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; 7 U.S.C. 1441, 1447, 1421, 1425)

Effective date: January 12, 1973.

Signed at Washington, D.C., on January 3, 1973.

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

[FR Doc.73–697 Filed 1–11–73;8:45 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

PART 299—IMMIGRATION FORMS

Documentary Requirements

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on November 1, 1972 (37 FR 23274), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set forth proposed amendments pertaining to the exemption from the labor certification requirement of aliens seeking to enter the United States to engage in a commercial or agricultural enterprise in which they have invested or are in the process of investing capital.

The representations which were received concerning the proposed rules of November 1, 1972, have been considered. Those proposed rules have been amended in the following respects: In proposed § 212.8(b), item (4) has been amended

by deleting the requirement that the enterprise "reasonably be expected to be of prospective benefit to the economy of the United States and not intended solely to provide a livelihood for the investor and his family"; by deleting the words "his own" immediately preceding the word "capital"; by changing "$25,000" to read "$10,000,"; by deleting the words "exclusive of goodwill or personal skills"; and by adding a new clause at the end thereof which reads: "and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise."

The proposed rules, as modified, are hereby adopted:

In § 212.8(b), subparagraph (4) is amended to read as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certification.* * * * (4) an alien who establishes on Form I-526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise. * * *

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following form and reference thereto in alphabetical and numerical sequence:

§ 299.1 Prescribed forms.

* * * * *

Form No.	*Title and description*
I-526	Request for Determination that Prospective Immigrant is an Investor.

* * * * * *

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed regulations are to clarify the rules pertaining to exemption from the labor certification requirement of aliens coming to engage in a commercial or agricultural enterprise by specifying a minimum capital investment of $10,000, and to provide that the alien establish that he has had at least 1 year's experience or training qualifying him to engage in such enterprise.

In accordance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), this order shall become effective on February 12, 1973.

Dated: December 21, 1972.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73-650 Filed 1-11-73;8:45 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 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Airports

Veterinary Services inspectors of the U.S. Department of Agriculture are charged with performing inspection duties relating to imports and exports at border ports, ocean ports, and airports. Such services may be performed outside the regular tour of duty of the inspector when requested by a person, firm, or corporation, and the charge for such overtime is recoverable from those requesting the services. The following amendment increases the hourly rates for such services performed on a Sunday or holiday, or at any other time outside the regular tour of duty. These increases are commensurate with salary increases provided Federal employees in accordance with the Federal Pay Comparability Act of 1970 (Public Law 91-656), and Executive Order 11691.

Therefore, pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation, having ownership, custody, or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of Veterinary Services on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Veterinary Services inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Animal and Plant Health Inspection Service at a rate of $15.44 per man-hour per employee on a Sunday and at a rate of $10.72 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Deputy Administrator, Veterinary Services for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday or Sunday duty if such travel is performed solely on account of such overtime or holiday or Sunday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted traveltime period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which normally constitute a regular workday. It shall be administratively determined from time to time which days constitute holidays.

[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

Effective date. The foregoing amendment shall become effective January 8, 1973, when it shall supersede 9 CFR 97.1, effective January 19, 1972.

Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of January 1973.

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

[FR Doc.73-695 Filed 1-11-73;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 73-GL-1; Amdt. 39-1584]

PART 39—AIRWORTHINESS DIRECTIVES

Hartzell Propellers

There has been a report of a separation of a blade at the shank of a Hartzell propeller. The cause of the failure is believed to result from corrosion-induced fatigue cracks in the blade shank retention area. Since this condition may exist or develop in other blades of a similar design, an airworthiness directive is being issued to require inspection and rework, or replacement of the propeller blades.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HARTZELL. Applies to all models HC-92ZK, HC-92WK, and BHC-92WK Series Propellers with 8447, W8447, and LW8447 type blades used on the Lycoming O-360 and IO-360 series engines installed on but not limited to the Beech 95 and Piper PA-24 Aircraft.

Compliance required as indicated, unless already accomplished. To prevent blade shank failures, accomplish the following:

(a) Propellers with 950 or more hours in service since new or last overhaul, must be inspected and reworked in accordance with paragraphs (d), (e), and (f) within the next 50 hours time in service after the effective date of this AD, and every 1,000 hours in service from the last inspection.

(b) Propellers with less than 950 hours in service since new or last overhaul as of the effective date of this AD, must be inspected and reworked in accordance with paragraphs (d), (e) and (f) prior to the accumulation of 1,000 hours in service since new, or last overhaul, and every 1,000 hours from the last inspection.

(c) Propellers whose hours in service since new or last overhaul are unknown will be assumed to have a total of 950 hours minimum since new or last overhaul and thus must be inspected and reworked in accordance with paragraphs (d), (e), and (f) within the next 50 hours after the effective date of this AD, and every 1,000 hours from the last inspection.

(d) Remove the blades from the propeller and visibly inspect each blade in the shank area for corrosion. Any indications of corrosion should be lightly polished with a fine grit emery cloth only. In the event the corrosion is not removed completely after .003" material has been removed, replace corroded blades before further flight with blades to which this AD does not apply, or have been inspected and altered in accordance with this directive.

(e) Inspect each blade in the blade shank area for cracks by the penetrant method. Replace any cracked blades before further flight with blades to which this AD does not apply, or have been inspected and altered in accordance with this directive.

(f) Shot peen the blade shank area in accordance with Hartzell Bulletin No. 83 dated October 18, 1962, revised December 27, 1972, or later FAA approved revision, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region. On previously shot peened blades, the shot peening should only be repeated if the shot peened surface is worn or marked in any way below the pebble grain of the shot peened surface.

(g) Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Great Lakes Region, may adjust the repetitive inspection interval specified in this AD.

(Hartzell Bulletins No. 83 dated Oct. 18, 1962, revised Dec. 27, 1972, No. 83 Supplement No. 1 dated Feb. 11, 1963, No. 83 Supplement No. 4 dated Nov. 27, 1972, No. 83 Supplement No. 5 dated Dec. 27, 1972 and Overhaul Manuals Nos. 105(—), 110(—) and 114(—) also pertain to this subject.)

This amendment becomes effective January 19, 1973.

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

Issued in Des Plaines, Ill., on January 5, 1973.

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

[FR Doc.73-700 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-44]

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

Designation of Transition Area

On page 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Big Rapids, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Ill., on December 15, 1972.

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

In § 71.181 (38 FR 435), the following transition area is added:

BIG RAPIDS, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Roben-Hood Airport (latitude 43° 43'13" N., longitude 85°29'52" W.) and within 5 miles each side of the White Cloud VOR 047° radial extending from a 8-mile radius area to the VOR, excluding the portion overlying the Reed City transition area.

[FR Doc.73-701 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-45]

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

Designation of Transition Area

On pages 20952 and 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at New Castle, Ind.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Ill., on December 15, 1972.

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

In § 71.181 (38 FR 435), the following transition area is added:

NEW CASTLE, IND.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of New Castle-Henry County Municipal, Sky Castle Airport (latitude 30°51'50" N., longitude 85°19'24" W.).

[FR Doc.73-702 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-48]

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

Alteration of Transition Area

On page 20953 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to alter a transition area at Galesburg, Ill.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Illinois, on December 15, 1972.

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

In § 71.181 (38 FR 435), the following transition area is amended to read:

GALESBURG, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Galesburg Municipal Airport (latitude 40°56'24" N., longitude 90°25'46" W.); within 5 miles east and 8 miles west of the Galesburg VOR 019° radial extending from the VOR to 12 miles north of the VOR; within 5 miles northwest and 8 miles southeast of the VOR 214° radial extending from the VOR to 12 miles southwest of the VOR; within a 5-mile radius of the Monmouth Municipal Airport (latitude 40°55'42" N., longitude 90°38'06" W.).

[FR Doc.73-703 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-51]

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

Alteration of Control Zone

On page 20954 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Muncie, Ind.

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Ill., on December 15, 1972.

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

In § 71.171 (38 FR 351), the following control zone is amended to read:

MUNCIE, IND.

Within a 5-mile radius of Delaware County-Johnson Field (latitude 40°14'26" N., longitude 85°23'43" W.); within 2½ miles each side of the Muncie VOR 125° radial, extending from the 5-mile-radius zone to 6½ miles southeast of the VOR; within 2½ miles each side of the Muncie VOR 017° radial, extending from the 5-mile-radius zone to 6½ miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the 5-mile-radius zone to 10 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-704 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-52]

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

Alteration of Control Zone

On pages 20954 and 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Cleveland, Ohio (Burke-Lakefront Airport).

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Illinois, on December 15, 1972.

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

In § 71.171 (38 FR 351), the following control zone is amended to read:

CLEVELAND, OHIO (BURKE-LAKEFRONT AIRPORT)

Within a 5-mile radius of the Burke-Lakefront Airport (41°31'02" N., 81°41'04" W.); within 2 miles each side of the Burke-Lakefront ILS localizer northeast course, extending from the 5-mile radius zone to the OM, excluding the portion overlying the Cleveland, Ohio (Cleveland-Hopkins International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.73-705 Filed 1-11-73;8:45 am]

[Airspace Docket No. 72-GL-53]

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

Alteration of Control Zone

On page 20955 of the FEDERAL REGISTER dated October 5, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.171 of Part 71 of the Federal Aviation regulations so as to alter the control zone at Columbus, Ohio (Ohio State University).

Interested persons were given 45 days to submit written comments, suggestions or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., March 1, 1973.

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

Issued in Des Plaines, Illinois, on December 15, 1972.

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

In § 71.171 (38 FR 351), the following control zone is amended to read:

COLUMBUS, OHIO (OHIO STATE UNIVERSITY AIRPORT)

Within a 5-mile radius of the Ohio State University Airport (latitude 40°04'40" N., longitude 83°04'30" W.); within 3 miles each side of the 273° and 090° bearings from the airport extending from the 5-mile radius zone to 8½ miles west and east of the airport, excluding that portion within the Columbus, Ohio (Port Columbus International Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airmen's Information Manual.

[FR Doc.73-706 Filed 1-11-73;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Subtitle A—Office of the Secretary of Commerce

PART 4a—CLASSIFICATION, DECLASSIFICATION AND PUBLIC AVAILABILITY OF NATIONAL SECURITY INFORMATION

Subtitle A of Title 15 is amended by adding a new Part 4a to read as follows:

Subpart A—Introduction

Sec.
4a.1 Purpose.
4a.2 Policies.
4a.3 Department of Commerce National Security Classification Review Committee.

Subpart B—Classification

4a.21 General.
4a.22 Security classification categories.
4a.23 Authority for classification of documents.

Subpart C—Declassification and Review

4a.31 General policy.
4a.32 General declassification schedule.
4a.33 Exemptions from General declassification schedule.
4a.34 Systematic reviews.
4a.35 Mandatory review of exempted material.
4a.36 Review of classified material for declassification purposes.

Subpart D—Access to Classified Information and Materials

4a.41 Historical researchers.
4a.42 Access by former Presidential appointees.

AUTHORITY: Sec. 5 of E.O. 11652.

Subpart A—Introduction

§ 4a.1 Purpose.

These regulations govern the handling of classified information or material that originates in or comes under the jurisdiction of the Department of Commerce. Their purpose is to assure that classified information is protected, but only to the extent and for such period as is necessary.

§ 4a.2 Policies.

The use and application of security classification shall be limited to only that information which is truly essential to the national security. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to a person or department, to restrain competition or independent initiative, or to prevent for any other reason the release of information which does not require protection in the interest of national security. If the classifier has any substantial doubt as to which security classification category is appropriate, or as to whether the material should be classified at all, he should take the less restrictive course of action. Both unnecessary classification and overclassification shall be carefully avoided.

§ 4a.3 Department of Commerce National Security Classification Review Committee.

The Secretary has established the Department of Commerce National Security Classification Review Committee pursuant to section X of the Presidential Directive of May 17, 1972. The committee is composed of the Director, Departmental Office of Investigations and Security (Chairman), and representatives from the Departmental Offices of General Counsel, Organization and Management Systems, and Personnel. Additionally, the Chairman may from time to time identify other organizations of the Department to furnish representation.

(a) This committee shall have responsibility for the following functions:

(1) To resolve all suggestions and complaints concerning the implementation and administration of E.O. 11652 and the Directive of May 17, 1972, including those concerning overclassification, failure to declassify, or delays in declassification not otherwise resolved.

(2) To review all appeals of requests for records under the Freedom of Information Act (title 5 U.S.C., section 552) when the proposed denial is based on their continued classification under E.O. 11652.

(3) To recommend to the Secretary of Commerce appropriate administrative action to correct abuse or violation of any provision of E.O. 11652 or the Directive of May 17, 1972.

(b) All suggestions, complaints or appeals to this committee should be addressed to the Director, Departmental Office of Investigations and Security, Room 5044, Main Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, DC 20230.

Subpart B—Classification

§ 4a.21 General.

Official information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") shall be classified in one of three categories, namely Top Secret, Secret or Confidential, depending upon the degree of its significance to national security. No other categories shall be used to identify official information or material as requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are described and discussed in § 4a.22 below.

§ 4a.22 Security classification categories.

(a) *Top Secret.* Top Secret refers to that national security information or material which requires the highest degree of protection. The test for assigning Top Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. The classification Top Secret shall be used with the utmost restraint.

(b) *Secret.* Secret refers to that national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification Secret shall be sparingly used.

(c) *Confidential.* Confidential refers to that national security information or material which requires protection. The test for assigning Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

§ 4a.23 Authority for classification of documents.

No official of the Department of Commerce is authorized to originally classify information or material Top Secret. The authority to originally classify information or material as Secret shall be restricted solely to those offices within the executive branch which are concerned with matters of national security, and shall be limited to the minimum number absolutely required for efficient administration. In the Department of Commerce, such authority shall be exercised only by the Secretary and certain senior principal deputies or assistants, including: (a) Secretarial Officers and their deputies; (b) specified Heads of Departmental Offices; (c) Heads of Operating Units and their deputies; and (d) such other officials as the Secretary may designate in writing. Any exceptions must be justified in a memorandum addressed to the Director of the Departmental Office of Investigations and Security. The authority to originally classify information or material Confidential shall be exercised by officials who have Secret classification authority and by such other officials as they may designate in writing.

Subpart C—Declassification and Review

§ 4a.31 General policy.

When a classification determination is made, it is necessary to determine how long the classification shall last in accordance with Subpart B of this part. Classified information and material shall

be downgraded and declassified as soon as there are no longer any grounds for continued classification.

§ 4a.32 General Declassification Schedule.

(a) *Top Secret.* Information or material originally classified Top Secret shall become automatically downgraded to Secret at the end of the second full calendar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was orignated and declassified at the end of the 10th full calender year following the year in which it was originated.

(b) *Secret.* Information and material originally classified Secret shall become automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(c) *Confidential.* Information and material originally classified Confidential shall become automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(d) *Applicability of the General Declassification Schedule to previously classified material.* Information or material classified before June 1, 1972, and which was assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, shall be subject to the General Declassification Schedule. All other information or material classified before June 1, 1972, whether or not assigned to Groups 1, 2, and 3 of Executive Order 10501, as amended, shall be excluded from the General Declassification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to a mandatory classification review and disposition under the same conditions and criteria that apply to classified information and material created after June 1, 1972.

§ 4a.33 Exemptions from General Declassification Schedule.

(a) Certain classified information or material may warrant some degree of protection for a period exceeding that provided in the General Declassification Schedule. As the Department no longer has Top Secret originating authority, it likewise has no exemption authority for classified information or material originated after June 1, 1972. When exemption is deemed necessary, the person seeking such exemption shall mark the document "Tentative Exempt" citing appropriate category and make application to the Departmental National Security Classification Review Committee. If the committee concurs, the application shall be forwarded to the Department having primary interest in the subject matter for a final determination.

(b) Requests for exemption shall be kept to the absolute minimum consistent with national security requirements and shall be restricted to the following categories:

(1) *Category 1.* Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.

(2) *Category 2.* Classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods.

(3) *Category 3.* Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.

(4) *Category 4.* Classified information or material the disclosure of which would place a person in immediate jeopardy.

§ 4a.34 Systematic reviews.

All information and material classified after the effective date of the order and determined in accordance with Chapter 21, 44 U.S.C. (82 Stat. 1287) to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each operating unit of the Department or its successor for the purpose of making such information and material publicly available in accordance with the determination regarding declassification made by the classifier under section 5 of Executive Order 11652. During each calendar year the Department shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the Department responsible, or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

§ 4a.35 Mandatory review of exempted material.

(a) All classified information and material originated after June 1, 1972, which is exempted under § 4a.33 from the General Declassification Schedule, shall be subject to a classification review by the originating department at any time after the expiration of 10 years from the date of origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Department to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

(b) Information or material which no longer qualifies for exemption under § 4a.33 shall be declassified. Information or material continuing to qualify under § 4a.33 shall be so marked and, unless impossible, a date for automatic declassification shall be set.

§ 4a.36 Review of classified material for declassification purposes.

(a) *Review of classified material over 10 years old.* Members of the public or departments may direct requests for mandatory review for declassification to the Director, Office of Investigations and Security, Room 5044, Main Commerce Building, 14th Street between E and Constitution Avenue NW., Washington, DC 20230, who shall in turn refer such requests to the appropriate operating unit for action. The operating unit which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to title 5 of the Independent Offices Appropriations Act, 1952, 65 Stat. 290, 31 U.S.C. 483a, the requester shall be so notified. The office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Departmental National Security Classification Review Committee. Should the office assigned action on a request for review determine that under the criteria set forth herein continued classification is required, the requester shall promptly be notified and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Departmental Committee and the notice of determination shall advise him of this right. Should the Departmental Committee determine on appeal that continued classification is required, the requester shall be notified and, whenever possible, provided with a brief statement as to why the requested information cannot be declassified. The requester may appeal such determination to the Interagency Classification Review Committee and the notice of determination shall advise him of this right.

(b) *Declassification of classified information or material after 30 years.* All classified information or material which is 30 years old or more, whether originated before or after June 1, 1972, shall be declassified under the following conditions:

(1) All information and material classified after June 1, 1972, shall, whether or not declassification has been requested, become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department personally determines in writing at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) A request by a member of the public or by a Department to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification in accordance with the above. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the head of the Department having custody, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the head of the Department concerned makes at that time the personal determination required above. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(c) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraphs (a) and (b) of this section, the burden of proof is on the originating department to show that continued classification is warranted.

(d) *Availability of declassified material.* Upon a determination under paragraphs (a) and (b) of this section that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of title 5 United States Code (Freedom of Information Act) or other provisions of law.

(e) *Classification review requests.* A request for classification review must describe the document with sufficient particularity to enable the Department to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If the requester still does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision. (See paragraph (a) of this section.)

Subpart D—Access to Classified Information and Materials

§ 4a.41 Historical researchers.

Persons outside the executive branch who are engaged in historical research projects may be authorized access to classified information or material, provided that:

(a) It is determined that such access is clearly consistent with the interests of national security.

(b) The material requested is reasonably accessible and can be located and compiled with a reasonable amount of effort.

(c) The person agrees to safeguard the information and to authorize a review of his notes and manuscript, and also agrees that such classified information or material will not be published or otherwise compromised.

(d) An authorization for access shall be valid for a period of 2 years from the date of issuance and may be renewed under regulations of the issuing Department.

§ 4a.42 Access by former Presidential appointees.

(a) Persons who previously occupied policy-making positions to which they were appointed by the President, may be authorized access to classified information or material which they originated, reviewed, signed, received or which was addressed to them while in public office.

(b) Upon the request of any former official, such information as he may identify shall be reviewed for declassification in accordance with the provisions of section 5 of E.O. 11652.

(c) The former Government officials referred to herein do not include members or employees of the White House Staff or Presidential special committees or commissions.

PETER G. PETERSON,
Secretary of Commerce.

[FR Doc.73-645 Filed 1-11-73;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-411, Order 465]

UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

Accounting and Rate Treatment of Advance Payments for Gas Development and Production

DECEMBER 29, 1972.

On July 3, 1972 this Commission issued a renotice of its proposed rule making in Docket No. R-411 (37 FR 13559, July 11, 1972) proposing to determine whether the advance payment program is stimulating activity toward increasing the supply of natural gas sufficiently to justify the extension of rate base treatment of advances made after December 31, 1972.[1]

In addition, on October 24, 1972, this Commission issued a notice (37 FR 23363, Nov. 2, 1972) requesting comments on or suggested modifications of our proposed rule making. Docket No. R-411 based on the review of the summary[2] of responses to the questionnaire[3] filed by all pipeline companies that filed advance agreements with us in accordance with Orders No. 410 (44 FPC 1142) and No. 410-A (45 FPC 135), Docket No. R-380, and No. 441 (36 FR 21961), Docket No. R-411.

The object of the notice of July 3, 1972, was to afford all parties further opportunity to comment on (1) the question of continuing the rate base treatment of advances beyond the December 31, 1972, termination data; (2) allowing exploration and lease acquisition costs to be included in Account 166 to receive rate base treatment; (3) treating specified advances to pipeline affiliates the same as similar advances to independent producers; and (4) requiring simple interest at the rate of 7 percent per year to be paid by the producer to the pipelines on such advances. Comments were invited from interested parties to be submitted by July 31, 1972, on the renotice of proposed rule making and by November 3, 1972, for comments on the Summary of Responses to the Commission questionnaire, FPC Form No. 102, "Survey of Status of Development Under Terms of Advance Payment Agreement."

The total of 49 respondents[4] filing comments in the Commission's renotice of proposed rule making in Docket No. R-411 consists of 21 independent producers (including seven small producers), 13 interstate pipelines, three distributors, and eight affiliated companies making separate filings. Two associations and two State commissions also filed comments. Four respondents requested a conference to discuss the renotice, but because of the time element and the apparent completeness of the responses, the conferences were not scheduled.

Many respondents, in answering the four specific questions posed by us in the renotice, expressed reservations, qualifications or suggested variations. Producers, pipelines, distributors, and the associations overwhelmingly stressed higher field prices for both new and flowing gas as the only practical solution to the critical natural gas supply problem.

Sixteen producers (including the seven small producers), nine pipelines, three distributors, four affiliated companies, two associations, and one State commission generally favored continuation of advances beyond the December 31, 1972, cutoff date established by Order No. 441. Three producers, four pipelines, four affiliated companies, and one State commission opposed continuation.

Five pipelines reported substantial success in acquiring new gas reserves through the advances program. Information submitted on the questionnaires filed by these companies complements their conclusion. One of the most aggressive of the companies using the advances program stated "advance payments are virtually the only means by which pipeline companies are presently able to

[1] Termination date set in Order No. 441, issued Nov. 10, 1971, in Docket No. R-411.

[2] "Summary of Advance Payment Status Report," (accumulated and tabulated by the FPC staff) in the public file and available for inspection in the Commission's Office of Public Information and included in Attachment D, which is filed as part of the original document.

[3] Responses to the Commission's questionnaire are in the public file and available for inspection in the Commission's

[4] See Attachment A, List of Respondents.

acquire gas reserves on a long term basis," stating further that advances activity has been greatly reduced under the more restrictive requirements of Order No. 441.

Another pipeline, on the other hand which has just recently become active in the advances program reported that in their experience it is the small independent producers that are making a significant portion of the discoveries in their area and are particularly dependent on advances since many operate with marginal capital and have limited access to conventional sources of financing. Statements by the small producer respondents confirm this comment. One small producer reported drilling 114 oil and gas wells in 1971 and is continuing an aggressive exploration and development program in 1972. Another small producer reported having participated in exploration programs in the offshore area of Southern Louisiana, assisted by advance payments from an interstate pipeline. Still another reported that it has drilled nine gas discovery wells since November 1970 and has contracted for advances based on computed reserves of each well.

Six respondents referred to their previous statements in Dockets Nos. R–380 and R–411 to support their position in opposition to extending rate base treatment of advances beyond December 31, 1972. Two pipelines also contend their capital structure is weakened and they will have difficulty funding new facilities if the advances program is continued.

Three producers based their opposition on the argument of possible discrimination by the interstate pipelines in favor of their producing affiliates over the nonaffiliated independent producers.

Responses to our question as to whether lease acquisition and exploration costs should be allowed rate base treatment showed 16 supporting, 16 opposing, eight limiting rate base treatment to exploration costs and excluding lease acquisition, and nine respondents taking no position. Those opposing inclusion of these advances in rate base (Account 166) argue that any attempt to add to proven reserves by stimulating drilling activity will necessarily increase lease costs by virtue of more producers competing for a limited number of leases, without producing corresponding increases in proven reserves of gas. Those approving the inclusion of these advances in Account 166 argue that since Order No. 441 excluded these advances from rate base, the level of advances has seriously declined.

Our policy of treating independent producers and pipeline affiliates alike is supported by 25 respondents who favor allowing rate base treatment of advances to a pipeline affiliated producer. Ten respondents (seven large producers, one small producer, a producer association and a State commission) oppose such treatment citing economic advantage and preferential treatment because of affiliate relationships.

The question of requiring the producers to pay 7 percent simple interest on advances was opposed by 32 respondents with only three supporting the proposal. Fourteen respondents did not comment. Most respondents opposing the interest requirement commented that this would offset the basic incentive of the advances program and would be counterproductive.

We issued on October 24, 1972, "Notice of comment period on summary of responses to the renotice," (37 FR 23363, Nov. 2, 1972) to give interested parties an opportunity to comment on the Summary of Advance Payment Status Report, compiled from the questionnaire. (See footnote 2 above.)

Nine respondents [5] filed comments on the summary, maintaining their positions taken in response to our original notice of proposed rule making in Docket No. R–411. Respondents opposing continuation of rate base treatment of advances challenge both the significance of the data reported as well as its accuracy and adequacy. Two of these parties have attempted to make a cost determination by simply dividing total dollars advanced by the total reserve volume currently reported by the pipelines. This approach ignores the repayment requirements of the advance agreements as well as the fact that the cost passed on to the consumers is limited to the return on rate base and related taxes. Also ignored is the fact that exploration and development programs funded by the advances have not been completed, particularly those supported by advances, subject to Order No. 441, which have been in effect less than a year. Consequently the reserve volumes attributable to advances programs can reasonably be expected to increase when the drilling programs are completed.

Upon review of the responses to the renotice of proposed rule making Docket No. R–411, the data filed by the pipelines in answer to our advance payment questionnaire, the responses filed on the notice of the summary of the data compiled by this Commission in response to the questionnaire, and other data available to us, the following determination has been made:

All advances for which a contractual agreement was executed prior to the issuance of this order shall receive rate base treatment in accordance with the provisions of Orders Nos. 410 and 410–A in Docket No. R–380 or Order No. 441 issued in this docket, as appropriate. Advances for which contractual agreements were executed on or after the date of issuance of this order shall be treated as ordered herein. For rate base purposes advances to pipeline affiliated producers shall be treated the same as advances to independent producers.

Attachment D schedules II (a) and (b) show that proved reserves [6] obtained in the lower 48 amount to 8.7 trillion cubic feet (Tcf) from advances subject to Order Nos. 410 and 410–A and 0.8 Tcf from advances subject to Order No. 441 for a total of 9.5 Tcf. Assuming that the total of pre-441 advances in the lower 48 States ($481,849,239) are covered on the average in 5 years, there is a 1 year lag between the advance and commencement of recoupment and an average cost to the consumer of 13 percent for return and taxes; we estimate that the added cost to the consumer for the 8.7 Tcf of proven reserves will be approximately 2.5 cents per Mcf over the field price of gas purchased from those reserves.

Considering that the above reported data shows that advances to date have resulted in the addition of approximately 9½ Tcf of proven gas reserves in the lower 48 States and in view of our analysis of all of the responses to the renotice and our review of the program of advances in general, we find that rate base treatment of advances to producers has "represented a justifiable experiment in the continuing search for solutions to our Nation's critical shortage of natural gas." [7] Therefore, in view of the "temporary nature * * * and * * * ongoing experimental character" [8] of the advances program, it is reasonable and appropriate that the program be extended for the period ending December 31, 1973, and that all advances made pursuant to contractual agreements executed after the issuance of this order, but not later than December 31, 1973, be made subject to the provisions of this order.

In Order No. 441 we stated:

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[5] See Attachment B, List of Respondents, which is filed as part of the original document.

[6] Proven reserves of natural gas are the estimated quantities of natural gas which geological and engineering data demonstrate with reasonable certainty to be recoverable in the future from known natural oil and gas reservoirs under existing economic and operating conditions.

Reservoirs are considered proven if economic producibility is supported by either actual production or conclusive formation tests. The area of a reservoir considered proved includes: (1) That portion delineated by drilling and defined by gas-oil, gas-water, or oil-water contacts; and (2) the adjoining portions not yet drilled but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information of fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proven limit of the reservoir.

Reserve estimates are prepared for total recoverable natural gas, nonassociated gas and associated-dissolved gas. Estimates do not include (1) gaseous equivalents of natural gas liquids expected to be recovered from reservoir natural gas it is produced; or (2) nonhydrocarbon gases.

[7] Public Service Commission of New York v. F.P.C., —— F. 2d ——, CADC No. 71–1161, issued May 19, 1972 denying rehearing to —— F. 2d ——, CADC No. 71–1161, issued Mar. 29, 1972.

[8] Public Service Commission of New York v. F.P.C., —— F. 2d ——, CADC issued Mar. 29, 1972.

No advance may be included in Account 166 unless such advance is to be repaid in full by either delivery of natural gas or other consideration. Such repayment shall be completed within 5 years or as otherwise authorized by the Commission, from the date gas deliveries commence or the date it is determined that recovery will be in other than gas.

Our purpose in requiring the full recoupment of the advances was to ensure that the customers of the pipeline would not be charged for a project which resulted in a total or partial failure. This objective may also be accomplished by requiring the advancing pipeline itself to absorb any amounts of the advance not recovered either by gas or other economic consideration from the recipient of the advance. We adopt this approach in light of our initial and continuing intention to treat these advances as interest-free loans from the pipeline. Also, this approach will afford the pipeline added flexibility in negotiating with producers.

However, if 5 years elapses from the time the advance has been included in Account 166 and during such time no gas deliveries have commenced or no determination has been made that the recovery will be in economic consideration other than gas, the pipeline shall at the end of the 5-year period, remove the advance from Account 166 and cease rate base treatment thereof, unless otherwise directed by the Commission.

Moreover, if an advance which is or has been included in Account 166 results in the finding of proven reserves of natural gas, gas deliveries commence, but no gas flows to the advancing pipeline, the advance shall be removed from Account 166 immediately, if not already removed, and any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to their customers within 12 months after the removal of the advance from Account 166, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, the amount of the advance removable from Account 166 and the amount of revenues refundable, shall be appropriately apportioned. It should be noted that, in considering rate base treatment for these advances, the Commission will consider whether or not a sufficient portion of the reserves found or expected to be found as a result of the advance is dedicated to the pipeline making such advance.

Our renotice of rulemaking herein sought comments as to the advisability of requiring an annual interest rate of 7 percent on advance payments made to producers by pipelines. Our main concern is that the pipeline's customers be protected from the risk of nonrecoverable advances, and if the pipeline and producer can agree to meet that objective, it is not appropriate for us to require a 7 percent annual interest rate to be paid to the pipeline by the producer. The great majority of those commenting on this issue indicated that the interest charge would offset the basic incentive of the advances program and would be counter-productive by making advances a less attractive source of funds to producers. Therefore, the 7 percent interest provision will not be adopted.

In Order No. 441 we excluded advances for exploration and lease acquisition from rate base (Account 166) because we found at that time:

That advances for exploration and lease acquisition have not (been) shown to be an effective vehicle for stimulating the widespread participation (of pipelines) in natural gas production for which their encouragement was intended.

Turning now to Attachment D, Schedule II(a) we find that proved reserves of 5.58 Tcf, all in the lower 48 States, have been developed from such advances under Order Nos. 410 and 410–A. Perhaps more significantly, we find that of the total dollars advanced in the lower 48 States ($491,849,239), 67 percent ($329,502,382), was for lease acquisition and exploration and the resulting volume of proved reserves represents 64 percent of the total proved reserves (8.7 Tcf) developed in the lower 48. If the total proved and potential reserves in that area (8.7 Tcf plus 4.2 Tcf or 12.9 Tcf) were considered then lease acquisition and exploration account for 8.74 Tcf or 68 percent of all the reserves developed in the lower 48.

It is clear then that advances for exploration and lease acquisition have resulted in significant production activity. However, the comments indicate that advances for lease acquisition may have been a contributing factor in the bidding up of the price of the leases. Therefore we shall henceforth allow advances for exploration in rate base while continuing to exclude advances for lease acquisition from rate base.

In Order No. 441, we also imposed restrictions on rate base treatment of advances when a working interest or economic interest was retained by a pipeline affiliate. Upon review of the comments and the situation in general, we find that such treatment is inconsistent with our stated policy of treating pipeline affiliates equally with independent producers. As we stated in Opinion No. 568 (42 F.P.C. 743, 752):

Pipeline producers are henceforth to be treated on a parity with independent producers. By so doing we are encouraging intensified exploration by the pipeline producers. (Emphasis added) We would anticipate that gas produced from leases acquired after the issuance of this opinion would be promptly dedicated in the public interest to assure the adequacy of the supply of natural gas.

The majority of respondents agree with this position, stating that disallowing a working or other economic interest to a pipeline affiliate offers no economic advantage. It should be noted that under Order No. 441 pipeline affiliates, upon receipt of an advance, do not have the degree of freedom that independent producers have to negotiate agreements with other producers to develop the gas. Moreover, if a pipeline affiliate is allowed a working or economic interest, the cost to the customers of the pipeline is the same as when a pipeline makes an advance to an independent producer and retains no working or other economic interest. For these reasons, advances by the pipeline company to its affiliate who obtains a working or other economic interest, may include such advances in the rate base (Account 166). However, as noted above, advances shall not be used for lease acquisition.

Order Nos. 410, 410–A, and 441 allowed only advances made to producers within the lower 48 States to be included in Account 166 and receive rate base treatment. This same restriction shall apply to advances subject to this order. The proper treatment for advances made in the North American continent outside the lower 48 States where such production will be accessible by pipeline to the lower 48 States is the subject of a notice of proposed rule making in Docket No. R–466 issued simultaneously with this order.

To better reflect the intentions of Accounts 166 and 167, we are revising the titles to read:

166 advances for gas, exploration, development, and production.
167 other advances for gas.

Consistent with the amendments to § 154.63 of the regulations under the Natural Gas Act adopted herein, the Commission plans to consider those amounts allowed in Account 166, as rate base items, where found reasonable and appropriate.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner as described above are consistent and in accordance with all procedural requirements therefor as prescribed in section 553 of Title 5 of the United States Code.

(2) The amendments of this Commission's uniform system of accounts, regulations under the Natural Gas Act and Annual Report Form No. 2 schedules herein prescribed are necessary and appropriate for the administration of the Natural Gas Act.

(3) Since the revised schedules of FPC Form No. 2 are being prescribed for the reporting year 1972, good cause exists for making the amendments adopted herein effective immediately.

(4) Since the amendments prescribed herein, which are not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rule making, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

This Commission acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly by sections 4, 5, 7, 15, and 16 (52 Stat. 822, 823, 824, 825, 829, and 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1962); 15 U.S.C. 717c, 717d, 717f, 717n, and 717o, orders:

PART 154—RATE SCHEDULES AND TARIFFS

(A) Statement E—Working Capital, in paragraph (f) description of statements, of § 154.63 in part 154, Rates Schedules and Tariffs, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows: Item (b) in the first sentence of the second paragraph of Statement E is revised by changing the date following the words "prior to" from "January 1, 1973," to "January 1, 1974," Schedules E–1 and E–2 are also amended. As amended, this portion of Statement E reads as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of Statements.* * * *

Statement E—Working Capital. * * *

The components of working capital may include * * * (b) an allowance for the average of 13 monthly balances of materials and supplies, prepayments, the unrecovered portion of advances to suppliers in Account 166 made under contracts executed prior to January 1, 1974, and gas for current delivery from underground storage. * * *

* * * * *

Schedule E–1 setting forth monthly balances for materials and supplies, prepayments, and advances in such detail as to disclose, either by subaccounts regularly maintained on the books or by analysis of the principal items included in the main account, the nature of the charges included therein.

Schedule E–2 setting forth monthly balances of material and supplies, prepayments, and advances on purchased gas for 2 years immediately preceding the 12 months of actual experience used in the filing.

* * * * *

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

(B) This Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the Chart of Balance Sheet Accounts, the title of account "166, Advance Payment for Gas Development and Production," and account "167, Other Advance Payments for Gas" is amended. As so amended, the chart of accounts read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

166 Advances for gas exploration, development and production.
167 Other advances for gas.

* * * * *

2. In the Balance Sheet Accounts section, the title and text of account "166, Advance Payments for Gas Development and Production" and account "167, Other Advance Payments for Gas," is amended to read as follows:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

* * * * *

3. CURRENT AND ACCRUED ASSETS

* * * * *

166 Advances for gas exploration, development and production.

A. This account shall include all advances made within the lower 48 States for gas (whether called "advances," "contribution," or otherwise) to others, including advances to affiliated or associated companies; for exploration, development or production (but not to include lease acquisition) of natural gas, when such advances are to be repaid in full by either delivery of gas or other consideration. Under each agreement with payee, such payments must be made prior to initial gas deliveries, or if the agreement provides for advances on a well by well basis, each incremental payment must be made prior to deliveries from an incremental well, or prior to Federal and/or State authorization, as appropriate. Noncurrent advances not to be repaid within a 2-year period shall be reclassified and transferred to Account 124, Other Investments, for balance sheet purposes. This transfer is for reporting purposes only and has no effect on accounting or rate making.

B. When a pipeline obtains a working interest as a result of funds advanced to producers, such amounts shall be included in appropriate production accounts. When an associated company obtains a working interest as a result of funds advanced from a pipeline company, the pipeline shall include such amounts in Account 123, Investment in Associated Companies, or Account 146, Accounts receivable from Associated Companies, as appropriate, for formal contractual commitments made during the period of November 10, 1971 (effective date of Order 441) to the date of the issuance of Order No. 465.

C. Outstanding advances shall be fully reduced within 5 years, or as otherwise authorized by the Commission, from the date gas deliveries commence or the date it is determined that recovery will be in other than gas. This account shall be credited with advances not fully recovered within the 5-year period, and the unrecovered portion charged directly to Account 426.5, Other Deductions. A sufficient portion of all gas taken should be credited to the related outstanding advance so as to eliminate the advance within the 5-year period or as otherwise authorized by the Commission upon request by the pipeline company. The reduction of the outstanding advance should not be dependent on a buyer purchasing more than 100 percent of the minimum take or pay quantity provided in the contract.

D. Where recovery is by gas, recovered advance shall be credited to this account and charged to the appropriate gas purchase account.

E. When an advance results in a source of proven reserves of natural gas, but none flows to the pipeline company making such advances, the amount of the advance shall be removed from this account and recorded in Account 167. Any revenues collected as a result of the advance being included in rate base shall be refunded by the pipeline company to their customers within 12 months after the removal of the advance from this account, unless otherwise directed by the Commission. Where there is partial recovery of the advance by gas, in this situation, the amount of the advance transferred from this account to Account 167 and the amount of revenues refundable shall be appropriately apportioned.

F. If 5 years elapses from the time the advance has been included in this account and during such time no gas deliveries have commenced or no determination has been made that the recovery will be in economic consideration other than gas, the pipeline shall at the end of the 5-year period, transfer the advance from this account to Account 167, and cease rate base treatment thereof, unless otherwise directed by the Commission.

G. Whenever as a result of an advance included in this account, a pipeline receives any amount in excess of a full recovery of the advance, such amount must be credited to Account 813, Other Gas Supply Expenses. If the income or return is received in other than money, it shall be included at the market value of the assets received.

H. If the recipient of an advance is unable to repay it in full, through no fault of the pipeline or contractual provisions, in gas or other assets, the unpaid or nonrecoverable portion must be credited to this account at the time such amount is recognized as nonrecoverable. Nonrecoverable advances significant in amount must be eliminated within 5 years from the date of determination as nonrecoverable by either a charge to Account 435, Extraordinary Deductions, or when authorized by the Commission, by a transfer to Account 186, Miscellaneous Deferred Debits, and amortization to Account 813, Other Gas Supply Expenses. Nonrecoverable advances insignificant in amount should be charged directly to Account 813 in the year recognized as nonrecoverable.

I. No transfers shall be made from this account to any other accounts, unless otherwise provided herein, except as authorized by the Commission upon request by the pipeline company.

J. Three copies of any agreement concerning advances will be filed with the Secretary within 30 days of the initial related entry in Account 166.

NOTE A: This account may include advances for exploration (including lease acquisition costs) made according to the provision of Order Nos. 410 and 410–A, for which a contractual commitment was made prior to the date of Order No. 441. All advances made from October 2, 1970 (issue date of Order No. 410), to November 10, 1971 (issue date of Order No. 441), shall be subject to the provisions of Order Nos. 410 and 410–A.

NOTE B: This account shall not include advances for exploration (including lease acquisition costs) in accordance with Order No. 441, for which a contractual commit-

ment was made from November 10, 1971 (issue date of Order No. 441), to the date of the issuance of Order No. 465.

NOTE C: All advances made from November 10, 1971 (issue date of Order No. 441), to the date of the issuance of Order No. 465 shall be subject to the provisions of Order No. 441.

NOTE D: This account shall not include advances expended for delay rentals, nonproductive well drilling or abandoned leases where such advances are related to lease acquisition, except in accordance with Note A and Note B to this account.

NOTE E: To keep the Commission informed when an advance is nonrecoverable by any means the company must submit the full details including copies of Federal and State plugging and abandonment reports involved as soon as such fact becomes known.

167 **Other advances for gas.**

This account shall include all advances not properly includible in Account 166, exclusive of amounts advanced where a working interest is obtained.

PART 260—STATEMENT AND REPORTS (SCHEDULES)

(C) The schedule pages 110, entitled Comparative Balance Sheet—Statement A, 210A, Gas Prepayment under Purchase Agreements, and 210B, entitled Advances for Gas Prior to Initial Deliveries or Commission Certification (Account 124, 166, and 167), in F.P.C. Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended as set out in Attachment C hereto.*

(D) Subparagraph (c) of § 260.1, Part 260, Subchapter G, Chapter I, Title 18 CFR, is amended by adding a new schedule title, "Advances for Gas Prior to Initial Deliveries or Commission Certification (Account 124, 166, and 167)" immediately following, "Prepaid Gas Purchases Under Purchase Agreements." As amended, the subparagraph reads:

§ 260.1 **Form No. 2, annual report for natural gas companies (Class A and Class B).**

* * * * *

(c) This annual report contains the following schedules:

* * * * *

Advances for Gas Prior to Initial Deliveries or Commission Certification (Accounts 124, 166, and 167).

(E) This order is effective as of December 29, 1972.

(F) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

ATTACHMENT A

LIST OF RESPONDENTS TO DOCKET NO. R-411 (RENOTICE)

Associations

Associated Gas Distributors (representing 54 companies).

The Independent Petroleum Association of America (IPAA).

Gas Companies

Cities Service Gas Co.
Colorado Interstate Gas Co., a division of Colorado Interstate Corp.
Columbia Gas Transmission Corp.
El Paso Natural Gas Co.
Florida Gas Transmission Co.
Iroquois Gas Corp.
Michigan Gas Storage Co.
Michigan Wisconsin Pipe Line Co.
Natural Gas Pipeline Company of America.
Northern Natural Gas Co.
Northern Illinois Gas Co.
Pacific Gas & Electric Co.
Pacific Gas Transmission Co.
Panhandle Eastern Pipe Line Co., Trunkline Gas Co.
Peoples Gas Light & Coke Co., The
Southern California Gas Co.
Southern Natural Gas Co.
Tennessee Gas Pipeline Co., a division of Tenneco Inc.
Texas Eastern Transmission Corp., Transwestern Pipeline Co.
Texas Gas Transmission Corp.
Transcontinental Gas Pipe Line Corp.
United Gas Pipe Line Co.

Independent Producers

Adobe Oil Co.
Amoco Production Co.
Atlantic Richfield Co.
Bass, Perry R., et al.
The California Co., a division of Chevron Oil Co.
Cities Service Oil Co.
Clark Oil Producing Co.
Continental Oil Co.
Gulf Oil Corp.
Hickerson Oil Co.
Hughes, Kingdon R.
Humble Oil & Refining Co.
Leede, Edward H.
Marathon Oil Co.
Mesa Petroleum Co.
Mobil Oil Corp.
Pennzoil Producing Co., Pennzoil Offshore Gas Operators, Inc.
Phillips Petroleum Co.
Placid Oil Co.
Shell Oil Co.
Sun Oil Co.
Superior Oil Co., The
Tipperary Land & Exploration Corp.

State Commissions

People of the State of California and the Public Utilities Commission of the State of California.
Public Service Commission for the State of New York.

[FR Doc.73-652 Filed 1-11-73;8:45 am]

* Attachment C filed as part of the original documents.

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.682]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Miscellaneous Amendments

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to authorize a consular or immigration officer to terminate the validity of a nonimmigrant visa upon entry of a final order of voluntary departure and/or deportation rather than upon institution of proceedings against an alien as presently provided.

Part 42, Chapter I, Title 22 of the Code of Federal Regulations is amended to establish guidelines on the amount and nature of capital an alien has invested or is in the process of investing in a commercial or agricultural enterprise in order not to be considered within the purview of section 212(a)(14) of the Immigration and Nationality Act, as amended.

1. Subparagraph (4) of § 41.122(e) is amended to read as follows:

§ 41.122 **Validity of visas.**

* * * * *

(e) *Termination of validity by consular or immigration officer.* * * *

(4) A final order of deportation or a final order granting voluntary departure with an alternate order of deportation is entered pursuant to 8 CFR Part 3, or 8 CFR Part 242;

* * * * *

2. Subdivision (ii)(*d*) of subparagraph (14) of § 42.91(a) is amended to read as follows:

§ 42.91 **Aliens ineligible to receive visas.**

(a) * * *

(14) * * *

(ii) The following persons are not considered to be within the purview of section 212(a)(14) and do not require a labor certification: * * *

(*d*) An alien who establishes by documentary evidence that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise; and * * *

* * * * *

Effective date. These amendments shall become effective on February 12, 1973.

The provisions of the Administrative Procedure Act (80 Stat. 383; 5 U.S.C. 553) relative to notice of proposed rule making are inapplicable to this order because the regulations contained herein involve foreign affairs functions of the United States. (Sec. 104, 66 Stat. 174; 8 U.S.C. 1104)

For the Secretary of State.

[SEAL] WILLIAM N. DALE,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

DECEMBER 27, 1972.

[FR Doc.73-649 Filed 1-11-73;8:45 am]

Title 24—HOUSING AND URBAN DEVELOPMENT

Chapter X—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Baldwin	Unincorporated areas.	I 01 003 0000 01 through I 01 003 0000 43.	Alabama Development Office, Office of State Planning, State Office Building, 501 Dexter Avenue, Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Building, Montgomery, Ala. 36104.	Office of the County Building Inspector, Baldwin County, Bay Minette, Ala. 36507.	Apr. 30, 1971. Emerg. Dec. 31, 1971. Susp. May 5, 1972. Rein. Jan. 12, 1973. Reg.
Connecticut	Middlesex	Chester, Town of.				Jan. 12, 1973. Emerg.
Do	Hartford	East Windsor, Town of.				Do.
Illinois	Cook	Harvey, City of.				Do.
Do	Cook and Will	Park Forest, Village of.				Do.
Indiana	Warrick	Newburgh, Town of.				Do.
Kentucky	Harlan	Unincorporated areas.				Do.
Michigan	Wayne	Dearborn Heights, City of.				Do.
Do	Macomb	New Baltimore, City of.				Do.
Do	do	Sterling Heights, City of.				Do.
Do	St. Clair	Port Huron, City of.				Do.
Minnesota	Kanabec	Mora, Village of				Do.
Do	Yellow Medicine	Unincorporated areas.				Do.
New Jersey	Ocean	Jackson, Township of.				Do.
Pennsylvania	Cumberland	North Middleton, Township of.				Do.
Do	Dauphin	Derry, Township of.				Do.
Do	Lackawanna	Scranton, City of				Do.
Do	Luzerne	Duryea, Borough of.				Do.
Do	Snyder	Penn, Township of.				Do.
Do	Westmoreland	West Newton, Borough of.				Do.
South Dakota	Stanley	Fort Pierre, City of.	I 46 117 1030 01 through I 46 117 1030 03.	South Dakota Planning Agency, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Building, Pierre, S. Dak. 57501.	City Auditor's Office, City of Fort Pierre, Stanley County Court House, Fort Pierre, S. Dak. 57532.	May 5, 1972. Emerg. Jan. 12, 1973. Reg.
Washington	Chelan	Unincorporated areas.				Jan. 12, 1973. Emerg.
Wisconsin	Eau Claire	do	I 55 035 0000 01 through I 55 035 0000 06.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Office of the Zoning Administrator, Eau Claire County Office, Court House Annex, 731 Oxford Avenue, Eau Claire, WI 54701.	May 28, 1971. Emerg. Jan. 12, 1973. Reg.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-570 Filed 1-11-73;8:45 am]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
North Carolina	Dare	Manteo, Town of	I 37 055 2870 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, 307 Budleigh Street, Manteo, NC 27954.	March 17, 1972. Emerg. Jan. 5, 1973. Reg.
Wisconsin	Buffalo	Unincorporated areas.	I 55 011 0000 01 through I 55 011 0000 09.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Buffalo Company Zoning Committee, Alma, Wis. 54610.	May 7, 1971. Emerg. Jan. 5, 1973. Reg.
Do.	St. Croix	North Hudson, Village of.	I 55 109 3450 01	do.	Office of the Building Inspector, Village of North Hudson, North Hudson, Wis. 54016.	Sept. 10, 1971. Emerg. Jan. 5, 1973. Reg

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968, as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–572 Filed 1–11–73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical se quence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Baldwin	Unincorporated areas.	H 01 003 0000 01 through H 01 003 0000 43.	Alabama Development Office, Office of State Planning, State Office Building, 501 Dexter Avenue, Montgomery, AL 36104. Alabama Insurance Department, Room 453, Administrative Building, Montgomery, Ala. 36104.	Office of the County Building Inspector, Baldwin County, Bay Minette, Ala. 36507.	Jan. 12, 1973.
South Dakota	Stanley	Fort Pierre, City of.	H 46 117 1030 01 through H 46 117 1030 03.	South Dakota Planning Agency, Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Building, Pierre, S. Dak. 57501.	City Auditor's Office, City of Fort Pierre, Stanley County Court House, Fort Pierre, S. Dak. 57532.	Jan. 12, 1973.
Texas	Taylor	Abilene, City of	H 48 441 0030 13 through H 48 441 0030 18.	Texas Water Development Board, Post Office Box 13087, Capitol Station, Austin, TX 78711. Texas Insurance Department, 1110 San Jacinto Street, Austin, TX 78701.	City Engineer's Office, City Hall, Room 208, 555 Walnut Street, Abilene, TX 79604.	July 23, 1971.
Wisconsin	Eau Claire	Unincorporated areas.	H 55 035 0000 01 through H 55 035 0000 06.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Office of the Zoning Administrator, Eau Claire County Office, Court House Annex, 731 Oxford Avenue, Eau Claire, WI 54701.	Jan. 12, 1973.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–571 Filed 1–11–73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical se quence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Dare	Manteo, Town of	H 37 055 2870 01.	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, Post Office Box 27687, Raleigh, NC 27611. North Carolina Insurance Department, Post Office Box 26387, Raleigh, NC 27611.	Town Hall, 307 Budleigh Street, Manteo, NC 27954.	Jan. 5, 1973.
Wisconsin	Buffalo	Unincorporated areas.	H 55 011 0000 01 through H 55 011 0000 09.	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett Street, Madison, WI 53703.	Buffalo County Zoning Committee, Alma, Wis. 54610.	Do.
Do.	St. Croix	North Hudson, Village of.	H 55 109 3450 01.	....do....	Office of the Building Inspector, Village of North Hudson, North Hudson, Wis. 54016.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: January 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–573 Filed 1–11–73;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 3—Department of Health, Education, and Welfare

PART 3–1—GENERAL

PART 3–3—PROCUREMENT BY NEGOTIATION

Miscellaneous Amendments

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to provide a policy governing the use of contracts conditioned upon the availability of funds and to prohibit the use of certain types of agreements not authorized by the Federal Procurement Regulations.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, the amendments herein involve administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

Subpart 3–1.3—General Policies

1. Table of contents of Subpart 3–1.3 is amended to add the following:

Sec.
3–1.354 Contracts conditioned upon availability of funds.

2. Subpart 3–1.3 is amended to add a new § 3–1.354 which reads as follows:

§ 3–1.354 Contracts conditioned upon availability of funds.

(a) *General.* In those situations where it is necessary to initiate a procurement properly chargeable to funds of the new fiscal year prior to the availability of such funds, contracts may be entered into conditioned upon the availability of funds. In these cases, the supplies or services shall not be accepted until the funds are available to the contracting officer for the procurement and until the contracting officer has given notice, confirmed in writing, to the contractor of the availability of funds. Appropriate records shall be maintained to ensure adequate control of funds.

(b) *Limitations.* Contracts conditioned upon the availability of funds shall be used only for operation, maintenance and continuing services (e.g., janitorial services, garbage removal, utilities, rentals) which are necessary for normal operation and for which the Congress consistently appropriates funds.

(c) *Contract clause.* The following clause shall be inserted in all solicitations and resultant contracts:

AVAILABILITY OF FUNDS

Funds are not presently available for this procurement. The Government's obligation hereunder is contingent upon the availability of appropriated funds from which payment for the contract can be made.

No legal liability on the part of the Government for payment of any money shall arise unless and until funds are made available to the Contracting Officer for this procurement and notice of such availability, to be confirmed in writing by the Contracting Officer, is given to the Contractor.

Subpart 3–3.4—Types of Contracts

1. Table of contents of Subpart 3–3.4 is amended to add the following:

Sec.
3–3.450 Unauthorized types of agreements.
3–3.450–1 Letters of intent.
3–3.450–2 Memorandums of understanding.

§ 3–3.450 Unauthorized types of agreements.

§ 3–3.450–1 Letters of intent.

(a) *Description.* A letter of intent is an informal, unauthorized agreement between the Government and a prospective contractor which indicates that products or services will be produced after completion of funding and/or other contractual formalities. Such letters of intent are often solicited by prospective contractors or may be originated by Government personnel.

(b) *Policy.* (1) The practice of issuing letters of intent is not authorized by the Federal Procurement Regulations and is therefore prohibited. HEW personnel shall not issue such letters for the following reasons:

(i) While such letters of intent may disclaim Government liability, they may induce potential contractors to initiate costly preparations in anticipation of contract award.

(ii) Procurements announced in such letters do not always materialize. The result may be costly to the Government, the prospective contractor, or both. If the author of the letter of intent is an authorized contracting agent of the Department, the Government may be bound by his action, even though the action is contrary to sound procurement practices and/or fiscal regulations. If the author of the letter of intent lacks procurement authority, the prospective contractor may incur substantial expenditures for which he may not recover from the Government, but for which he may seek to hold the unauthorized author personally liable. (See Subparts 1–1.4, of this title and 3–1.4 of this chapter.)

(iii) The issuance of a letter of intent may violate the "Anti-Deficiency Act" (31 U.S.C. 665).

(2) It is recognized that potential contractors have a need to obtain procurement information at the earliest possible moment in order to make timely preparations. To this end, procurement personnel are expected to move as efficiently and expeditiously as possible on all procurement actions. It is not permissible, how-

ever, to issue letters of intent to circumvent the requirements of FPR and HEWPR.

(c) *Exceptions.* The prohibition against letters of intent does not preclude the award of contracts conditioned upon the availability of funds under conditions which warrant such contracts (see § 3–1.354 of this chapter).

§ 3–3.405–2 Memorandums of understanding.

(a) *Description.* A "memorandum of understanding" is an unauthorized agreement, usually drafted during the course of negotiations, to modify mandatory FPR and HEWPR provisions in such a manner as to make them more acceptable to a prospective contractor. Such memorandums may bind the contracting officer and his successors not to exercise rights given the Government under the contract, or may contain other matters directly contrary to the language of the solicitation or prospective contractual document.

(b) *Policy.* Use of memorandums of understanding described in Paragraph (a) of this section, is not authorized. Any change in a solicitation or contract shall be made by amendment or modification to that document. When a change to a prescribed contract clause is considered necessary, a deviation shall be requested in accordance with § 3–16.5003 of this chapter.

(5 U.S.C. 301, 40 U.S.C. 486(c))

Effective date. These amendments shall be effective on January 12, 1973.

Dated: January 5, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73–710 Filed 1–11–73;8:45 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

PART 1280—CLASSIFICATION AND DECLASSIFICATION OF NATIONAL SECURITY INFORMATION AND MATERIAL

The following regulations are issued pursuant to Executive Order 11652 of March 8, 1972 (37 FR 5209), entitled "Classification and Declassification of National Security Information and Material" and the National Security Council Directive of May 17, 1972, implementing that Executive order.

The Interstate Commerce Commission security regulations have been approved by the Interagency Classification Review Committee; the following parts thereof affecting the public are published as required by the above-cited Executive order and directive.

Sec.
1280.1 Purpose.
1280.2 Authority to classify.
1280.3 Commission review committee.
1280.4 Review of classified materail for declassification purposes.
1280.5 Historical research and access by former Government officials.

AUTHORITY: Executive Order 11652 (37 FR 5209, Mar. 10, 1972) and National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972)

§ 1280.1 Purpose.

To set forth those provisions of the Interstate Commerce Commission Security Regulations to the extent they affect the general public.

§ 1280.2 Authority to classify.

Classifying authority of national security information or material is vested in and only may be exercised by the Chairman of the Interstate Commerce Commission.

§ 1280.3 Commission review committee.

The Commission review committee shall consist of the Chairman of the Interstate Commerce Commission who shall serve as Chairman; the General Counsel, who shall serve as Vice Chairman; the Secretary of the Commission; and the Managing Director; and the Administrator of the Bureau or Office originating a document which has to be classified.

§ 1280.4 Review of classified material for declassification purposes.

(a) *Mandatory review of exempted material.* All classified information and material originating in the Interstate Commerce Commission after March 1, 1973, which is exempt from the General Declassification Schedule, and classified information originating in the Commission prior to March 1, 1973, assigned to Group 1, 2, or 3 of Executive Order 10501, as amended, shall be subject to a classification review by the originator at any time after the expiration of 10 years from the date or origin provided:

(1) A department or member of the public requests a review;

(2) The request describes the record with sufficient particularity to enable the Commission to identify it; and

(3) The record can be obtained with only a reasonable amount of effort.

(b) *Systematic reviews.* All information and material classified after March 1, 1973, and determined in accordance with Chapter 21, 44 U.S.C. to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis by each Bureau or Office of the Commission for the purpose of making such information and material available to the public in accordance with the determination regarding declassification made by the classifier. During each calendar year, each Bureau or Office shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year, the Commission or the Archives of the United States if transferred thereto, shall make the declassified information and material available to the public to the extent permitted by law.

(c) *Review for declassification of classified material over 10 years old.* Members of the public or departments may direct requests for mandatory review for declassification under section 5 (C) and (D) of Executive Order 11652 (hereafter referred to as the Order) to the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423. The Secretary shall in turn assign the request to the appropriate bureau or office head for action. In addition, the Secretary of the bureau or office which has been assigned action shall immediately acknowledge receipt of the request in writing. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to 31 U.S.C. 483(a) the requester shall be so notified. The bureau or office which has been assigned action shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the Commission review committee for a determination. Should the bureau or office assigned action on a request for review determine that under the criteria set forth in section 5(B) of the Order a continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the Commission review committee and the notice of determination shall advise him of this right.

(d) *Appeals to the Commission review committee for declassification.* The Commission review committee shall establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The review committee is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of section 5(B) of the Order it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(e) *Review of classified material over 30 years old.* A request by a member of the public or by a Department, to review for declassification, documents more than 30 years old, shall be referred directly to the Archivist of the United States and he shall have the requested documents reviewed for declassification. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the Chairman of the Commission, have the requested documents reviewed for declassification. Classification shall be continued in either case only where the Chairman of the Inter-

state Commerce Commission makes at that time the personal determination required by section 5(E)(1) of the Order. The Archivist shall promptly notify the requester of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(f) *Burden of proof for administrative determinations.* For purposes of administrative determinations under paragraph (c), (d), or (e) of this section, the burden of proof is on the originating Agency to show that continued classification is warranted within the terms of the Order.

(g) *Availability of declassified material.* Upon a determination under paragraph (c), (d), or (e) of this section, that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under section 552(b) of title 5 U.S.C. (Freedom of Information Act) or other provision of law. As required by section 5(C) of the Order, a request for classification review must describe the document with sufficient particularity to enable the Commission to identify it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the grounds that it is unduly burdensome, the requester should be asked to limit his request to records that are reasonably obtainable. If nontheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken and of his right to appeal such decision.

§ 1280.5 Historical research and access by former Government officials.

(a) Upon written request, persons outside the executive branch engaged in historical research projects or persons who have previously occupied policy-making positions to which they were appointed by the President, other than those referred to in section II of the Order, may have access to classified national security information if the Chairman:

(1) Determines that access is clearly consistent with the interests of national security; and

(2) Takes appropriate steps to assure that classified information or material is not published or otherwise compromised.

Access granted a person by reason of his having previously occupied a policy-making position shall be limited to those papers which the former official originated, reviewed, signed or received while in public office.

(b) Every applicant for access shall, beforehand, agree in writing to the following:

(1) That he will protect any classified information made available to him in accordance with provisions of the Order.

(2) To a review of his notes and manuscript for the sole purpose of determining that no classified information or material is contained therein.

These regulations are effective March 1, 1973.

Dated: January 3, 1973.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-721 Filed 1-11-73;8:45 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 918]

FRESH PEACHES GROWN IN GEORGIA

Findings and Determination Regarding Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketng Agreement No. 99, as amended, and Order No. 918, as amended (7 CFR Part 918), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), notice was given in the FEDERAL REGISTER (37 FR 24914) that a referendum would be conducted among the growers who, during the period January 1, 1972, through October 31, 1972 (which period was determined to be a representative period for the purpose of such referendum), were engaged, in Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted durng the period December 1 to December 12, 1972, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in Georgia, is not favored by the requisite majority of such growers.

Dated: January 8, 1973.

PHILIP C. OLSSON,
Deputy Assistant Secretary.

[FR Doc.73-694 Filed 1-11-73;8:45 am]

[7 CFR Part 928]

PAPAYAS GROWN IN HAWAII

Proposed Handling Limitations

This proposal, if accepted, would extend the currently effective grade and size requirements for Hawaiian Papayas through December 31, 1973 which are as follows: For interstate shipments, Hawaii No. 1 with a 10 ounce minimum size. For intrastate shipments, Hawaii No. 2 with a 12 ounce minimum size, except Hawaii No. 1, and Hawaii Fancy which have a 14 and 16 ounce minimum size, respectively.

Consideration is being given to the following proposal submitted by the Papaya Administrative Committee, established pursuant to the marketing agreement and Order No. 928 (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposal is to amend § 928.303 (Papaya Regulation 3; 37 FR 28410) to continue the effective period of said regulation to include all papaya shipments during 1973. It is the committee's recommendation that said regulation be continued through December 31, 1973 in order to continue to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) improving returns to producers pursuant to the declared policy of the act. The present regulation ends January 31, 1973.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 22, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

As proposed to be amended § 928.303 paragraph (a) preceding subparagraph (1), will read as follows:

§ 928.303 Papaya Regulation 3.

(a) *Order.* During the period January 1, 1973 through December 31, 1973 no handler shall ship any container of papayas:

* * * * *

Dated: January 9, 1973.

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

[FR Doc.73-728 Filed 1-11-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

UNDERGROUND ELECTRIC DISTRIBUTION PLANT

Specification for 15 kv. and 25kv. Underground Primary Cable

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to amend REA Bulletin 44–1, Specifications and Standards for Materials and Equipment, to provide for the issuance of revised specifications for power cable for underground electric distribution plant.

Persons interested in the revised specification may submit written data, views, or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than February 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed revision of this REA specification, designated as REA U–1, may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division. A summary of the proposed changes in each section of the specification is as follows:

PROPOSED CHANGES IN REA SPECIFICATION FOR 15 KV. AND 25 KV. PRIMARY UNDERGROUND POWER CABLE

SECTION 1—Changed to include conductor sizes No. 2 AWG through 1000 kcmil for both 15 kv. and 25 kv. cable.

SEC. 3—Changed to allow for compressed and compact conductor stranding.

SEC. 4—Changed to allow only extruded semiconducting conductor shield.

SEC. 6—Changed to provide for insulation shield thickness to be a function of cable size, in accordance with the specifications of the Insulated Power Cable Engineers Association (IPCEA).

SEC. 7—Changed to allow a reduced concentric neutral with the minimum number of No. 14 AWG copper wires as follows:

Insulated conductor size (AWG or kcmil) copper or aluminum	*Number of neutral wires*
No. 2 AWG through No. 3/0 AWG	6
4/0 through 349 kcmil	9
350 kcmil through 700 kcmil	12
701 kcmil through 1,000 kcmil	18

The maximum length of lay was decreased to 8 times the cable diameter unless other provisions are made to control the spacing between wires, in which case the maximum length of lay may be 10 times the cable diameter.

The minimum thickness of a flat trap neutral is changed to .025 inch. The provision for 90 percent coverage was changed to provide coverage and conductance at least equal to the round wire construction.

SEC. 8—The dimension requirements were modified slightly to agree with specifications by the association of Edison Illuminating Cos.

There were also a few minor editorial changes to coordinate references in this specification to other national specifications.

Dated: January 5, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-699 Filed 1-11-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 7175]

BRITISH AIRCRAFT CORPORATION VISCOUNT MODEL 744, 745D, AND 810 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39-231 (31 FR 6790), AD 66-12-3 requires inspection of the nacelle structure tubes and end fittings for cracks, corrosion, and replacement, as necessary, on British Aircraft Corporation Model 744, 745D, and 810 series airplanes. After issuing Amendment 39-231, due to reports of further internal corrosion of the tubular nacelle structure aft of the engines, that could cause failure of the nacelle structure tubes and end fittings, the FAA determined that the requirement should be revised to require periodic inspections of the nacelle structure tubes and end fittings for cracks and corrosion. Therefore, the FAA is considering superseding Amendment 39-231 with a new AD that requires periodic inspection of the nacelle structure tubes and end fittings for cracks and internal corrosion, and replacement, if necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments, as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before February 12, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORPORATION. Applies to Viscount Model 744, 745D, and 810 series airplanes.

Compliance is required as indicated.

To prevent failures of the nacelle structure tubes and end fittings on high time engine nacelle structures due to fatigue and corrosion, accomplish the following:

(a) For airplanes which have not been inspected in accordance with paragraph (h) of AD 66-12-3 prior to the effective date of this AD,

(1) Within the next 500 landings or 12 calendar months, whichever occurs sooner, after the effective date of this AD, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraph (e); and

(2) Within the next 500 landings after the effective date of this AD or before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraph (d).

(b) For airplanes which have accumulated more than 5,500 landings since compliance with paragraph (h) of AD 66-12-3, within the next 2,000 landings after the effective date of this AD, or before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraphs (d) and (e).

(c) For airplanes which have accumulated less than 5,500 landings since compliance with paragraph (h) of AD 66-12-3 on the effective date of this AD, within 7,500 landings after compliance with paragraph (h) of AD 66-12-3 or, before an accumulation of 19,000 total landings, whichever occurs later, and thereafter at intervals not to exceed 7,500 landings from the last inspection, comply with paragraphs (d) and (e).

(d) Inspect the engine nacelle structure tubes and end fittings for cracks at the positions specified for the applicable technique in figures 1 and 2 of British Aircraft Corporation (BAC) Ltd., Preliminary Technical Leaflet (PTL) No. 258, Issue 4 (700 Series), dated August 31, 1971, or No. 122, Issue 4 (800/810 Series), dated August 31, 1971, using dye penetrant, radiographic, and ultrasonic resonance methods in accordance with Techniques 1, 3, and 4, respectively, of the applicable PTL or an FAA-approved equivalent.

(e) Inspect the engine nacelle structure tubes for internal corrosion at the positions specified for Technique 2 in figures 1 and 2 of BAC Ltd. PTL No. 258, Issue 4 (700 Series), dated August 31, 1971, or No. 122, Issue 4 (800/810 Series), dated August 31, 1971, using the radiographic method in accordance with Technique 2 of the applicable PTL or an FAA-approved equivalent.

(f) If, during an inspection required by paragraph (a), (b), or (c), any end fittings are found cracked, or any tubes are found cracked or corroded beyond the limits specified in the applicable PTL, before further flight replace the affected parts with serviceable parts of the same part number.

This supersedes Amendment 39-231 (31 FR 6790), AD 66-12-3.

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

Issued in Washington, D.C., on January 4, 1973.

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

[FR Doc.73-707 Filed 1-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 212, 378]

[Docket No. 25092; EDR-240; SPDR-3136]

INCLUSIVE TOUR CHARTERS BY TOUR OPERATORS AND FOREIGN TOUR OPERATORS

Authorization

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 207 and 212 of its economic regulations (14 CFR Parts 207, 212) to authorize certificated route air carriers and, subject to certain conditions, foreign route air carriers to perform inclusive tour charters, and related amendments to Part 378 of the special regulations (14 CFR Part 378). The principal features of the proposed amendments are discussed in the attached explanatory statement, and the proposed amendments are set forth in the proposed rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, and 416(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, and 771; 49 U.S.C. 1301, 1324, 1371, 1372, and 1386).

Interested persons may participate in the proposed rule making by 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 February 12, 1973, will be considered by the Board before taking final action on the proposed rules. 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: January 9, 1973.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Part 378 of the Board's Regulations (14 CFR Part 378) authorizes, subject to conditions, inclusive tour charters (ITC's) by tour operators and foreign tour operators. Basically, an ITC is one in which the charterer is a tour operator who arranges a package tour, consisting of air and surface transportation and ground accommodations, which he in turn sells at a fixed price to individual members of the public. Part 378 reflects the fact that, at the present time, only U.S. supplemental air carriers and certain foreign charter air carriers[1] are authorized under Part 208 and their applicable section 402 permits, respectively, to perform the air transportation portion of such tours, i.e., to charter all or part of an aircraft to tour operators.

Trans World Airlines, Inc. (TWA) has filed a petition for rule making which would amend Parts 207 and 378 so as to authorize certificated route air carriers to perform inclusive tour charters. Answers to this petition have been filed by Capitol International Airways, Inc. (Capitol), the National Air Carrier Association, Inc. (NACA), acting on behalf

[1] Those holding permits expressly authorizing them to perform inclusive tour charters.

of its member supplemental air carriers,[2] and the Department of Transportation (DOT). A parallel petition has also been filed by KLM Royal Dutch Airlines (KLM), for rule making which would amend Parts 212 and 378 so as to authorize foreign route air carriers to operate inclusive tour charters in foreign air transportation. No answers have been filed to KLM's petition.

Upon consideration of these petitions and answers, the Board has determined, for the reasons hereinafter discussed, to institute rule making proceedings with respect to the proposals of TWA and KLM.

Before discussing the reasons for taking this action, we shall first dispose of two motions separately filed by NACA with respect to the instant petitions.

By these motions, NACA has requested the Board to consolidate the petitions of TWA and KLM with the three rule making petitions which NACA filed on August 31, 1972, and to consider all five rule making petitions in a single proceeding.[3] The three NACA petitions request, inter alia: (1) Liberalization of certain provisions of Part 378 so as to authorize the supplemental carriers to perform one-stop inclusive tour charters; (2) substantial contraction of the existing charter authority of U.S. and foreign route air carriers through amendment of Parts 207 and 212; and (3) adoption of a policy statement with respect to passenger fares in foreign air transportation.

In support of its instant motions, NACA argues that the relief sought by its three rule making petitions constitutes a single integrated package of regulatory reform involving issues which are closely interrelated with those raised by the petitions of TWA and KLM. NACA contends that extending ITC authority to the scheduled carriers will have an adverse competitive impact on the supplemental carriers, unless the Board undertakes a concomitant expansion of the ITC market and adoption of what NACA urges to be a realistic policy with respect to passenger fares in international air transportation.

An answer opposing the motions has been filed jointly by a number of trunkline air carriers (referred to herein as the "trunkline carriers"). TWA and KLM have also filed answers opposing the motions. The opponents argue that NACA's petitions should be rejected as lacking merit, and that, in any event, NACA's petitions should not be consolidated with those of TWA and KLM, since each of NACA's proposals is far-reaching and raises significant questions of both law and policy, as compared with the simple and straightforward proposals of TWA and KLM. Consolidation of NACA's petitions would thus unduly delay the grant to scheduled carriers of ITC authority, which is clearly in the public interest. The trunkline carriers further argue that NACA's motions are a "transparent attempt" to have the Board simultaneously expand the authority of the supplementals as a "trade off," if it decides to grant the petitions of TWA and KLM.

We have determined to deny NACA's motions. Although all the five petitions in question involve charters, there is no close interrelationship between the relief sought in the NACA petitions and that requested by the petitions of TWA and KLM. In our view, the narrow issue of whether the Board should permit scheduled carriers to operate inclusive tour charters can and should be considered independently of the broader revisions to the Board's charter regulations proposed by NACA, since the former would merely equalize the charter authority of the scheduled and supplemental carriers, with respect to participation in the ITC market, while the latter would entail consideration of many important and multifaceted issues involving the basic nature of inclusive tour services as well as of the competition between scheduled and supplemental carriers for the charter market. Moreover, consolidation of NACA's proposals would transform the present rule making into an omnibus proceeding in which the limited issue of scheduled carrier ITC authority is likely to become obscured. Thus, consolidation of NACA's petitions would unduly delay consideration of the proposed charter authority which is the subject of the instant proceeding, and would not be conducive to the proper dispatch of the Board's business.

We turn now to the legal issue involved in our consideration of the petitions in this proceeding.

TWA contends that the 1968 amendment to section 401(e)(6) of the Act[4]—the so-called Pickle amendment—requires the Board to grant the authority requested in its petition. That section, as amended, reads:

> Any air carrier, other than a supplemental air carrier, may perform charter trips (including inclusive tour charter trips) or any other special service, without regard to the points named in its certificate, or the type of service provided therein, under regulations prescribed by the Board.

TWA argues that by adding the parenthetical phrase "(including inclusive tour charter trips)," Congress created a new substantive legal right for scheduled carriers to perform ITC's, which statutory right cannot be withheld by the Board.

At the opposite extreme, DOT argues the Board cannot grant the proposed authority unless and until it finds that such action is justified under the "conventional standards of public convenience and necessity." Support for this view, it is said, can be found in a statement made by Senator Monroney, the then Chairman of the Senate Aviation Subcommittee, with respect to the Pickle amendment, to the effect that: "[t]he Senate assumes that such authority would not be granted without satisfactory demonstration that an expansion of inclusive tour charter programs was required by the conventional standards of public convenience and necessity."

Viewing the legislative history of the Pickle amendment as a whole, we cannot accept DOT's contention that a finding of public convenience and necessity is a prerequisite to the grant of authority to scheduled carriers to perform inclusive tour charters. We believe that the language quoted by DOT can properly be construed to mean no more than that it was assumed by the Senate that the Board's exercise of control over route carriers' ITC authority would be consistent with the public interest, just as in the Board's regulation of the other types of charter service. Indeed, in addition to his remarks which are cited by DOT, Senator Monroney also stated, with respect to the Pickle amendment:

> Since the House amendment clearly makes it clear that inclusive tour charters are indeed charters for the purposes of section 401(e)(6) and does not otherwise alter that section or any other provision of the Act conferring regulatory jurisdiction on the Board, it follows that the Board will continue to enjoy precisely the same control over the scheduled carriers' charters that it had under existing law. (Cong. Rec., Sept. 15, 1968, at S. 10721)

On the other hand, since, for the reasons hereinafter discussed, we have decided to institute rule making proceedings looking toward the extension of ITC authority to route carriers we need not now reach the question whether TWA is correct in contending that we are statutorily required to grant such authority.

Turning to the merits of the petition, the Board is of the tentative opinion that it is in the public interest to authorize all U.S. scheduled air carriers and all foreign route air carriers to operate inclusive tour charter services. Accordingly, we are proposing to amend Parts 207, 212, and 378 of our regulations to reflect such authority.[5]

To begin with, it is the announced policy of the U.S. Government that "both scheduled carriers and supplemental carriers should be permitted a fair opportunity to compete in the bulk air transportation market."[6] Consistent

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[2] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[3] NACA has also filed a separate motion requesting simultaneous consideration of its three rule making petitions. Seaboard World Airlines, Inc. and certain trunkline carriers, jointly, have filed answers opposing the motion. An answer in support of the motion has been filed by Johnson Flying Service, Inc. We will dispose of this motion in the course of considering the subject petitions.

[4] Public Law 90-514 (S. 3566), Sept. 26, 1968.

[5] The attached proposed rules also include amendments to various provisions of Part 378 which prescribes substantive requirements for carriers which operate inclusive tour charters.

[6] "Statement of International Air Transportation Policy," approved by the President, June 22, 1970.

with that policy we recently expressed the view in the course of our disapproval of IATA Resolution 045, that the scheduled carriers should be able to provide charter services to the full extent which the Board has found to be required in the public interest.[7] Since inclusive tour charters are a well established part of the charter market we now believe that the scheduled carriers' freedom to compete for this charter business should no longer be impaired.

Although ITC authority has heretofore been confined to supplemental carriers, the Board has never regarded the ITC market to be inherently and necessarily the exclusive province of these carriers, or that such exclusive authority is essential to insure indefinitely the continued economic viability of the supplemental industry. Rather, we think that, as has been expressed by both Congress and the Board on several occasions, ITC's are designed to provide one of several alternative methods for facilitating low-cost travel by large numbers of the traveling public who could not otherwise afford to use air transportation services. Addition of the scheduled carriers to the ITC market will further this objective considerably, since making available to the public a wider range of tour programs, frequencies and destinations, than are offered under present regulations, will provide immediate benefit to both the public and the scheduled carriers. In light of the broad promotional objectives of the Act, the need to meet the ever-burgeoning demand for low-cost charter travel, and the desirability of achieving greater uniformity in our regulation of the various classes of direct air carriers, we have therefore tentatively concluded that we should authorize the United States and foreign route air carriers to participate in the inclusive tour charter market.

A related question is whether the route carriers' access to the ITC market should be circumscribed by conditioning their authority to perform such charters in a manner which is more restrictive than that in which our present regulations restrict supplementals' ITC authority. Capitol and NACA request that the proposed authority be limited solely to markets in which the route carriers provide regularly scheduled nonstop service. In support of this request, they argue that there is no conceivable public need for granting unconditional and unrestricted ITC authority to route carriers; that a grant of such unlimited authority would cause untold economic damage to the supplemental carriers in both international and domestic markets at a time when they can ill afford to suffer a further decline in their operating revenues; and that since the route carriers have already made substantial inroads into ITC markets through the use of various promotional fares, they should not now be further enabled to overrun this market through the grant of new unrestricted ITC authority.

We are not prepared, at this juncture, to circumscribe the proposed charter authority as urged by the supplemental carriers. Historically, ITC's have constituted but a small fragment of the supplementals' total charter business, so that the proposed authority will clearly not invite massive invasion, by the route carriers, into charter markets which have heretofore been the lifeblood of the supplemental operators. Moreover, as previously indicated, NACA has filed a petition for rule making which seeks substantial restriction of the on-route and off-route charter authority of the scheduled carriers. In the interest of expeditiously providing equal authority[8] for all classes of direct air carriers to perform ITC services, we believe it is more appropriate to consider the proposals of the aforementioned parties—insofar as they are directed only toward the limited issue of ITC authority—in the context of the broader issues raised by the NACA petition.

We turn now to the question of the scope of the proposed authority for U.S. scheduled carriers in relation to international air transportation. Experience has shown that inclusive tour programs offered in international markets typically involve a series of tours spanning an entire charter season, with ITC flights scheduled to depart at regular intervals until the program is completed. Whereas U.S. scheduled carriers may perform "on-route" charters without limitation, their "off-route" charters are subject, inter alia, to restrictions on frequency and regularity.[9] These restrictions, which are designed to prevent any semblance of "scheduled off-route charter" services, would clearly preclude U.S. route carriers from operating as off-route charters the transportation services needed to sustain the typical international ITC program. For this reason, we believe that the ITC authority we propose to confer on U.S. route carriers will, as a practical matter, permit substantial operations only in on-route ITC markets in the international market even if the proposed authority is not expressly so limited.

Since it is reasonable to expect that foreign governments will desire comparable authority for their scheduled carriers, under considerations of comity and reciprocity, we are also proposing to authorize foreign route carriers to perform inclusive tour charters. However, we believe that any new ITC authority for foreign route carriers should, to the extent feasible, be reasonably coextensive with that which, as the foregoing discussion makes clear, we expect to be actually usable by U.S. route carriers. The regulatory scheme which we have designed to accomplish this purpose is described hereinbelow.

1. *ITC authority.* Under the proposed rule, foreign route carriers would have authority to perform ITC's only in homeland-U.S. markets wherein they perform comparable individually ticketed services. Thus, they would be authorized to perform inclusive tour charter trips between points in the United States and points in the particular foreign carrier's home country between which it is authorized by permit to and does, in fact, provide regularly scheduled service.[10] With the exception next discussed, no other ITC trips by a foreign scheduled carrier would be authorized under the proposed authority, whether such trips are to be performed "on-route" or "off-route" for the purposes of Part 212.[11]

2. *Additional ITC authority.* We have tentatively concluded that an exception to the foregoing should be made so as to enable the Board to grant to foreign route carriers ITC authority broader in scope than that outlined above. To that end, the proposed rule includes a provision under which ITC operations which do not fall within the aforedescribed category of charter services may be performed to the extent that prior approval, in the form of a Statement of Authorization, to conduct such operations is obtained from the Board, just as we now require approval of all charter trips which are considered "off-route" for a foreign route carrier under Part 212. It will be our intention to confine this exception to instances where such additional ITC authority has been agreed to by the United States in a bilateral intergovernmental understanding with respect to nonscheduled services, unless

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[7] Order 72-3-112, Mar. 31, 1972. Resolution 045 of the International Air Transportation Association (IATA) had embodied the member carriers' agreement on rules with respect to charters in international air transportation. Several of those rules were more restrictive than the Board's own charter regulations.

[8] We note in this connection our recent authorization, on an experimental basis, of Travel Group Charters (TGC's) to be operated by all certificated air carriers and foreign air carriers having section 402 permits (SPR-61, Sept. 27, 1972).

[9] These restrictions are particularly stringent in the transatlantic, transpacific and mainland-Hawaii markets, where they are imposed on an "area" basis, rather than on a point-to-point single market basis. Thus, any flight between a point in the 48 contiguous States and a point in one of these "areas" is counted against the total number and frequency of flights authorized between a single pair of points; however, with respect to the transatlantic and transpacific markets, the "area" wide restrictions do not apply to off-route charter trips performed by a carrier between a point in the United States and a point in a country to which said carrier is certificated to serve.

[10] A carrier will be deemed to have engaged in regularly scheduled service in a particular market if it performs at least two round trips per week in such markets pursuant to published schedules.

[11] For example, an inclusive tour charter trip performed by a foreign route carrier between a point in the United States named in its permit and a point in a country intermediate to the carrier's homeland (and also so named) would not be authorized, although such trip would be considered "on-route" for said carrier under Part 212.

special or unusual circumstances are shown to exist which would warrant granting the authority requested.

Statements of authorization to perform inclusive tour charters for which prior approval is required will be issued to the extent and for such periods of time as the Board deems in the public interest.[12] As indicated, it will be our policy to authorize inclusive tour charter operations which are covered by, and consistent with, the terms of a nonscheduled air services agreement between the United States and the foreign nation which is the domicile of the applicant and the terms of the applicant's foreign air carrier permit.

All of the procedural requirements prescribed in § 212.5 with respect to applications for Statements of Authorization to conduct off-route charter trips will apply also to applications which request authority to perform inclusive tour charters; however, applicants for ITC authority will be required to refer, in their applications, to the nonscheduled air services agreement or understanding between the United States and the foreign nation which is the domicile of the applicant wherein the applicant has been designated to provide the services covered by the application. The proposed rule requires such applications to be filed with the Board not less than 90 days prior to the date when the applicant proposes to commence inclusive tour charter operations.

One final matter requires discussion. Consistent with present regulations, the proposed authority will apply to foreign-originated inclusive tours as well as to ITC's originating in the United States. Yet, except with respect to foreign charter carriers whose permits expressly provide otherwise,[13] our present regulations require all ITC's, including those which originate in a foreign country to conform to the exact regulatory framework which we have prescribed for ITC's in Part 378. We are aware that many foreign countries have laws and regulations governing inclusive tours which, in various respects, are less restrictive than our own ITC regulations. Accordingly, we would be prepared to grant waivers from our own ITC requirements to the extent necessary to sanction the performance of an inbound ITC, so long as it is operated in accordance with the originating country's ITC rules which are, in turn, consistent with the basic ITC concept embodied in Part 378, to insure that the ITC travel is sufficiently distinguishable from individually ticketed service. The foregoing policy would be extended also to U.S. direct air carriers including supplemental air carriers, insofar as they may operate ITC's originating in such foreign countries.

It is proposed to amend Parts 207, 212, and 378 of the Board's regulations (14 CFR Parts 207, 212, 378) as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

1. Amend § 207.11 (b) and (c) by adding new subparagraphs (8) and (6), respectively, as follows:

§ 207.11 Charter flight limitations.

Charter flights (trip) in air transportation shall be limited to the following:

* * * * *

(b) * * *

(8) By a tour operator or a foreign tour operator as defined in Part 378 of this chapter; or

(c) * * *

(6) By a tour operator or foreign tour operator as defined in Part 378 of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more sets: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

1. Amend the table of contents by changing the title of § 212.4, the table as amended to read in pertinent part as follows:

Sec.

212.4 Limitation on the operations of off-route charter trips and certain inclusive tour charter trips.

2. Amend § 212.1 by inserting in alphabetical order, a new definition of "inclusive tour charter trip" to read as follows:

§ 212.1 Definitions.

For the purposes of this part:

* * * * *

"Inclusive tour charter trip" means a charter trip performed in accordance with the provisions of Part 378 of this chapter.

* * * * *

3. Amend the title and text of § 212.4 to read as follows:

§ 212.4 Limitation on the operation of off-route charter trips and certain inclusive tour charter trips.

A foreign air carrier shall not perform any off-route charter trips or inclusive tour charter trips for which prior approval is required unless specific authority in the form of a statement of authorization to conduct such charter trip has been granted by the Board: *Provided, however*, That no Statement of Authorization shall be required for the performance of a charter trip as provided in § 212.8(a)(4-a) in cases of emergency: *Provided, also*, That emergency charters for commercial traffic shall be reported in accordance with § 212.14. An emergency charter within the meaning of this section shall not include such circumstances as cancellation of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft, and a foreign air carrier may not provide emergency charter trips on any day in each of three or more successive calendar weeks for any single direct air carrier without a statement of authorization.

4. Amend paragraphs (a) and (b) of § 212.5, the paragraphs as amended to read as follows:

§ 212.5 Statements of authorization; application.

(a) Application for a statement of authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the attention of the Director, Bureau of Operating Rights. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone: *Provided, however*, That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4–a)) must be submitted on CAB Form 433, and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and upon each certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of Operating Rights, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any; a description of the proposed operations, type of aircraft to be flown; and, if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers. Applications to perform inclusive tour charter trips for which prior approval is required shall refer to the bilateral agreement or understanding between the United States and the foreign nation which is the domicile of the applicant whereunder the applicant has been designated to provide the charter services covered by the application. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of Operating Rights, as soon as practicable, but in no event later than fifteen (15) days after consummation.

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[12] Under present regulations, statements of authorization to perform off-route charters are issued on an individual-trip basis; however, with respect to applications to operate inclusive tour charters, such statements could authorize a limited or unlimited number of charter flights over a definite or indefinite period of time, depending on the scope of the international agreement applicable to the ITC operations covered by the application.

[13] With several exceptions, these permits authorize the performance of inbound ITC's in accordance with the terms, conditions and limitations in licenses issued to such carriers by the country in which the tour originates.

(b) Applications shall be filed with the Board at least 5 days in advance of the date of the commencement of the proposed flight, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight:

Provided, however, That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4-a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights; *And provided further,* That an application for authority to perform inclusive tour charter trips for which prior approval is required shall be filed with the Board not less than 90 days prior to the date of the commencement of the proposed flights. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

* * * * *

5. Amend § 212.6 by revising paragraph (a) and adding a new paragraph (b-1), the section as amended to read in pertinent part as follows:

§ 212.6 Issuance of Statement of Authorization.

(a) If the Board finds that the proposed charter trip or trips meet the requirements of this part, that the foreign nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers, and that such charter trip or trips are otherwise in the public interest, it will issue a Statement of Authorization for the conduct of the trip or trips set forth in the application. Such Statement of Authorization may be withheld, conditioned or limited by the Board as the public interest may require.

(b) In passing upon the requirements of the public interest * * *

(b-1) Statements of Authorization to perform inclusive tour charter trips for which prior approval is required will be granted to the extent and for such periods of time as the Board deems in the public interest. In determining whether such charter trips are in the public interest the Board will consider whether the authority sought is covered by and consistent with the terms of a nonscheduled air services agreement or understanding between the United States and the foreign nation which is the domicile of the applicant and the terms of the applicant's foreign air carrier permit.

* * * * *

6. Amend § 212.8 (a) and (b) by adding new subparagraphs (8) and (6), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually way-billed basis—

(a) Where the entire capacity * * *

(8) By a tour operator or foreign tour operator as defined in Part 378 of this chapter when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to, and does in fact, provide regularly scheduled service; or, in all other cases, if authority in the form of a Statement of Authorization (see § 212.4) to conduct such charter flights has been granted by the Board. For the purposes of this section a carrier shall be deemed to provide regularly scheduled service between a particular pair of points on its permit if it provides at least 2 round trips per week between such points and publishes flight schedules which specify the times, days of the week and places between which such flights are performed.

(b) * * *

(5) By a travel group charter organizer on behalf of a travel group, pursuant to Part 372a of this chapter;

(6) By a tour operator or foreign tour operator as defined in Part 378 of this chapter when such charter flights are performed between points in the United States and points in the foreign nation which is the domicile of the chartering carrier between which it holds authority under a foreign air carrier permit to, and does in fact, provide regularly scheduled service; or, in all other cases, if specific authority in the form of a Statement of Authorization (see § 212.4) to conduct such charter flights has been granted by the Board. The term "regularly scheduled service shall have the meaning set forth in paragraph (a)(8) of this section."

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further,* That paragraph (b) of this chapter shall not be construed to apply to movements of property.

PART 378—INCLUSIVE TOUR CHARTERS

1. Amend the title to Part 378 to read as set forth above.

2. Amend the Table of Contents by changing the title of § 378.19, the table as amended to read in pertinent part as follows:

Sec.
378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

3. Amend § 378.1 to read as follows:

§ 378.1 Applicability.

This part establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certificated route air carriers and tour operators, and in foreign air transportation by foreign route air carriers, certain foreign charter air carriers and foreign tour operators. This part also relieves tour operators from various provisions of the Act and the Board's regulations for the purpose of enabling them to provide inclusive tours to members of the general public utilizing aircraft chartered from supplemental air carriers, certificated route air carriers, foreign route air carriers, and certain foreign charter air carriers. It also sets forth the circumstances and conditions under which supplemental air carriers, certificated route air carriers, and foreign route air carriers may charter to foreign tour operators, and contains a limited declination of exercise of jurisdiction over the latter. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

4. Amend § 378.2 by: Revising paragraphs (a) and (d); deleting and reserving paragraph (f); and adding new paragraph (h), the section as amended to read in pertinent part as follows:

§ 378.2 Definitions.

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

(a) "Inclusive tour charter" means the charter of the entire capacity of an aircraft or of less than the entire capacity of an aircraft (provided that the remaining capacity of the aircraft is under charter by a person or persons authorized to charter aircraft under § 207.11 (c), § 208.6(c), or § 212.8(b), respectively, of this chapter) by a tour operator or, with respect to tours which originate in a foreign country, by a foreign tour operator for the carriage by a direct air carrier of persons traveling in air transportation on inclusive tours.

* * * * *

(d) "Tour operator" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act, as amended, 49 U.S.C. 1301(13) (other than a direct U.S. air carrier), authorized hereunder to engage in the formation of groups for transportation on inclusive tours.

* * * * *

(f) [Reserved]

* * * * *

(h) "Direct air carrier" means (1) a route air carrier holding a certificate of public convenience and necessity issued under section 401(d)(1) of the Act; (2) a supplemental air carrier holding a certificate of public convenience and necessity issued under section 401(d)(3) of the Act to perform inclusive tour charters; (3) a foreign route air carrier holding a permit issued under section 402 of the Act authorizing it to engage in foreign air transportation on an individually ticketed or individually

waybilled basis; and (4) a foreign charter air carrier which holds a permit issued under section 402 of the Act authorizing it to perform inclusive tour charters, but only to the extent that such tours are to be performed subject to the provisions of this regulation.

5. Amend paragraph (i) of § 378.13 to read as follows:

§ 378.13 Tour prospectus.

The prospectus shall be filed in duplicate and shall include two copies of the following: * * *

* * * * *

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the direct air carrier to be utilized).

6. Amend § 378.14 to read as follows:

§ 378.14 Charter contract.

The charter contract between the tour operator or foreign tour operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contact.

7. Amend § 378.15 to read as follows:

§ 378.15 Tariffs to be filed for charter trips.

No direct air carrier shall perform any charter trips for inclusive tours unless such carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and showing the rules, regulations, practices, and services in connection with such transportation.

8. Amend paragraphs (b) and (c), respectively, of § 378.16, the paragraphs as amended to read as follows:

§ 378.16 Surety bond.

* * * * *

(b) The direct air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraph (b) (1) and (2) of this section as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That, the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided*, That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to paragraph (b)(2) (ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraph (b)(2) (iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: The amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further*, That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraph (b)(2) (ii), (iii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities, in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix A following § 378.31.[14] Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: *Provided, however*, That these data may be set forth in an addendum attached to the bond which addendum must be signed by the tour operator and the surety company. It shall be effective on or before the date the Tour Prospectus is filed with the Board. If the bond

[14] Filed as part of reissued document (SPR-40).

does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

* * * * *

9. Amend the title and text of § 378.19 to read as follows:

§ 378.19 Inclusive tours operated by U.S. certificated air carriers or foreign route air carriers for foreign tour operators.

(a) At least 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S.-certificated air carrier or foreign route air carrier for a foreign tour operator as defined in § 378.2(d-1)(i), such carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S.-certificated air carrier or foreign route air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

10. Amend paragraph (a) of § 378.20 to read as follows:

§ 378.20 Post tour reporting.

(a) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours terminated during such 6 months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached described in Appendix A to this part.[15]

* * * * *

11. Amend § 378.30 to read as follows:

§ 378.30 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a direct air carrier of a written request therefor: *Provided*, That such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

[FR Doc.73-722 Filed 1-11-73;8:45 am]

[15] Filed as part of SPR-62 (37 FR 22854).

Notices

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Delegation Order No. 48]

CHIEF, TECHNICAL SERVICES DIVISION

Authority To Maintain the National Firearms Register and Transfer Record

1. Pursuant to the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by 26 CFR 179.101, there is hereby delegated to the Chief, Technical Services Division, the custody and control of the National Firearms Registration and Transfer Record, and the authority to execute certifications relative thereto.

2. The authority delegated herein may be redelegated to Criminal Investigators, Firearms Enforcement Analysts and Explosives Enforcement Analysts in the Technical Services Division.

3. This order supersedes Alcohol, Tobacco and Firearms Division Order No. 71-20, dated September 23, 1971.

Date of issue and effective date: December 29, 1972.

[SEAL] JOHN L. WEST,
Acting Director.

[FR Doc.73-689 Filed 1-11-73;8:45 am]

Bureau of Customs

[T.D. 73-14]

FOREIGN CURRENCIES

Rates of Exchange

JANUARY 3, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which vary by 5 percent or more from the quarterly rate published in Treasury Decision 72-285 for the Australia dollar and the Ceylon rupee. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Australia dollar:	
Dec. 26, 1972	$1.2726
Dec. 27, 1972	1.2730
Dec. 28, 1972	1.2730
Dec. 29, 1972	1.2732
Ceylon rupee:	
Dec. 28, 1972	0.1480

[SEAL] G. R. DICKERSON,
Assistant Commissioner,
Office of Operations.

[FR Doc.73-690 Filed 1-11-73;8:45 am]

Office of the Secretary

RECORD CHANGERS FROM THE UNITED KINGDOM

Determination of Sales at Not Less Than Fair Value

On November 2, 1972, there was published in the FEDERAL REGISTER a notice of tentative negative determination (37 FR 23365) that record changers from the United Kingdom are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act").

The statement of reasons for the tentative determination was published in the above-mentioned notice and interested parties were afforded an opportunity to make written submissions and to present oral views in connection with the tentative determination.

No written submissions or requests to present oral views having been received, I hereby determine that, for the reasons stated in the tentative determination, record changers from the United Kingdom are not being, nor are likely to be, sold at less than fair value (section 201 (a) of the Act; 19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)) and § 153.33(c), Customs Regulations (19 CFR 153.33(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

JANUARY 9, 1973.

[FR Doc.73-821 Filed 1-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN INSPECTION

Change in Inspection Agency Name

Notice is hereby given that the Beaumont Board of Trade, which is designated under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate the official inspection agency at Beaumont and Port Arthur, Tex., has changed its name to Gulf Coast Inspection & Weighing, Inc. The name change does not involve a change in management or ownership.

Done in Washington, D.C., on January 5, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-693 Filed 1-11-73;8:45 am]

Soil Conservation Service

RED BOILING SPRINGS WATERSHED PROJECT, TENN.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, Department of Agriculture has prepared a draft environmental statement for the Red Boiling Springs Watershed Project, Macon and Clay Counties, Tenn., USDA-SCS-ES-WS-(ADM)-73-21(D).

The environmental statement concerns a plan for flood prevention and land treatment in the Red Boiling Springs area, Macon and Clay Counties, Tenn. The planned works of improvement include conservation land treatment, supplemented by five floodwater retarding structures.

This draft environmental statement was transmitted to CEQ on January 4, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Red Boiling Springs Watershed Project, Tenn., Notice of Availability of Draft Environmental Statement.

Please use name and number of statement above when ordering. The estimated cost is $4.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Paul M. Howard, State Conservationist, Soil Conservation Service, 561 U.S. Courthouse, Nashville, Tenn. 37203.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

WILLIAM B. DAVEY,
Deputy Administrator for Watersheds Soil Conservation Service.

JANUARY 8, 1973.

[FR Doc.73-698 Filed 1-11-73;8:45 am]

DEPARTMENT OF COMMERCE

Office of Minority Business Enterprise

EXECUTIVE COMMITTEE OF ADVISORY COUNCIL FOR MINORITY ENTERPRISE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776) notice is hereby given that a public meeting of the Executive Committee of the Advisory Council for Minority Enterprise will be held on January 24, 1973, in the Savoy Room of the Ramada Inn, 14th and Thomas Circle NW., Washington, D.C. The meeting will convene at 8:30 a.m. and will be open to the public. Any member of the public who wishes to do so may file a written statement with the Committee, before or after the meeting. Such statements may be filed at 1000 Vermont Avenue, Washington, D.C. (202/967-3922). Interested persons may make oral statements at the meeting to the extent that the time available for the meeting permits.

The Executive Committee develops plans and policies and serves as an overall steering committee for review and coordination of the work of the Advisory Council for Minority Enterprise and its committees. The January 24, 1973 meeting will be held for these purposes.

Dated: January 5, 1973.

CHARLES STEIN,
Executive Secretary of the Executive Committee.

[FR Doc.73-680 Filed 1-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

BIOLOGICAL PRODUCTS

Status of Biological Substances Used for Detecting Bacterial Endotoxins

This notice is issued to inform all interested persons of the applicability of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and the regulations promulgated thereunder (21 CFR Part 273) to biological substances for detecting bacterial endotoxins in human blood and in drugs for human use.

Section 351 of the Public Health Service Act prohibits the sale, barter, or exchange, in interstate or foreign commerce, or within the District of Columbia, of any virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, or analogous product or arsphenamine or its derivatives (or any other trivalent organic arsenic compound) applicable to the prevention, treatment, or cure of diseases or injuries of man, unless such products have been propagated or manufactured and prepared at an establishment holding an unsuspended and unrevoked license, issued by the Secretary of Health, Education, and Welfare, to propagate or manufacture, and prepare such products.

It has come to the attention of the Commissioner of Food and Drugs that a lysate prepared from the circulating blood cells (amebocytes) of the horseshoe crab (*Limulus polyphemus*) has been shown to be a sensitive indicator of the presence of bacterial endotoxins. Such a product can be employed as an in vitro test in detecting clinical endotoxemia, and for the detection of bacterial endotoxins (pyrogens) in biological products and other drugs or fluids for parenteral administration to man. It is well known that the administration of fluids containing bacterial endotoxins can produce shock, fever, and death.

The Commissioner of Food and Drugs, who is charged with administering section 351 of the Public Health Service Act and the provisions of 21 CFR Part 273, finds that such a product is a biological product applicable to the prevention or treatment of disease in man, in that utilization for the detection of bacterial endotoxins to prevent unsafe drugs from being administered or to diagnose the existence of endotoxemia in man renders it subject to section 351 of the Publice Health Service Act, and to the 21 CFR Part 273 regulations, particularly § 273.101 (i) and (k).

The Commissioner recognizes the value of such a product when employed for the prevention or treatment of disease in man by the detection of bacterial endotoxins to prevent the administration of unsafe drugs or to diagnose the presence of endotoxemia in man. Standards designed to insure their continued safety, purity, and potency, therefore are in the process of being developed and will be set forth in regulations as soon as feasible. Until such standards are established, a license for such a product will not be issued.

At the present time, all drugs subject to a pyrogen test are required to be tested by the rabbit pyrogen test. The Limulus test therefore cannot be used as the final pyrogen test on a drug to determine whether it is suitable for administration to man. Information has been received, however, indicating that this test has value as an in-process test because results are obtained quickly. Although the Commissioner finds that such a use is subject to licensing under section 351 of the Public Health Service Act, he has concluded that the Limulus test shall be exempt at this time from the requirement for a license solely for use as an in-process test, pending the development of suitable additional standards. This exemption is conditioned upon the requirement that the labeling on such a product clearly limits its use to in-process testing of drugs, and states that the test is not suitable either as a replacement for the official rabbit pyrogen test or as a diagnostic tool for determining the presence of endotoxemia in man.

This notice is issued pursuant to the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner.

Dated: January 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-648 Filed 1-11-73;8:45 am]

[DESI 11073; Docket No. FDC-D-541; NDA 11-073]

WAMPOLE LABORATORIES

Vastran Forte Capsules; Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Application

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Vastran Forte Capsules containing niacin (375 mg.) with ascorbic acid, riboflavin, thiamine mononitrate, cyanocobalamin, pyridoxine hydrochloride, and calcium pantothenate; marketed by Wampole Laboratories, 35 Commerce Road, Stamford, CT 06904 (NDA 11-073).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug, offered for hypercholesteremia, will have the effects that it purports or is represented to have under the conditions of use prescribed, recommended or suggested in the labeling.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug

application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, MD 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 12, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before February 12, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 12, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 12, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 27, 1972.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-647 Filed 1-11-73;8:45 am]

Health Services and Mental Health Administration

MENTAL HEALTH NEW CAREERS TRAINING REVIEW COMMITTEE

Notice of Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of January 1973.

Committee name	Date/time/place	Type of meeting and/or contact person
Mental Health New Careers Training Review Committee.	Jan. 18-19, 1 p.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open, 1-2 p.m., Jan. 18, closed, remainder of meeting; contact Vernon R. James, Room 8C-06, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301—443-1333.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program area administered by the New Careers Training Branch, Division of Manpower and Training Programs, National Institute of Mental Health, related to mental health new careers training and makes recommendations to the Division of Manpower and Training Programs, the Director of the National Institute of Mental Health, and the National Advisory Mental Health Council.

Agenda. The Committee will be open for reports and announcements of administration and program developments from 1-2 p.m. on January 18. From 2 p.m. on January 18 thru January 19, 1973, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 91-463, section 10(d).

Items for discussion are subject to change due to priorities as directed by the President of the United States, or the Secretary of Health, Education, and Welfare.

A roster of members may be obtained from the contact person listed above.

Dated: January 4, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-708 Filed 1-11-73;8:45 am]

HEALTH CARE TECHNOLOGY STUDY SECTION

Notice of Meeting; Correction

In FR Doc. 72-22166 appearing at page 28532 in the issue for Wednesday, December 27, 1972, the committee meeting place for the Health Care Technology Study Section should be changed from "Holiday Inn, 8120 Wisconsin Avenue, Bethesda, Md." to "Linden Hill Hotel, 5400 Pooks Hill, Bethesda, Md."

Dated: January 4, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-709 Filed 1-11-73;8:45 am]

Social Security Administration

HEALTH INSURANCE BENEFITS ADVISORY COUNCIL

Notice of Public Meeting

Notice is hereby given, pursuant to Executive Order No. 11671, published in the FEDERAL REGISTER of June 7, 1972 (37 FR 11307), that the Health Insurance Benefits Advisory Council, established pursuant to section 1867 of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on medicare and medicaid matters, will meet on Friday, January 19, 1973, and Saturday, January 20, 1973, at 9 a.m. in Room G-10, East Building, Social Security Administration, Woodlawn, Baltimore County, Md. The meeting is open to the public. The Council will consider matters relating to the medicare and medicaid programs.

Further information on the Council may be obtained from Mr. Max Perlman, Executive Secretary, Health Insurance

Benefits Advisory Council, Room 585, East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, telephone 301-594-9134. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

Dated: January 3, 1973.

MAX PERLMAN,
Executive Secretary, Health Insurance Benefits Advisory Council.

[FR Doc.73-718 Filed 1-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-329A, 50-330A]

CONSUMERS POWER CO.

Notice and Order for Third Prehearing Conference

Take notice that a third prehearing conference will be held in the subject proceeding on January 25, 1973, at 10 a.m., local time, in Courtroom No. 3, U.S. Court of Claims, 717 Madison Place NW., Washington DC 20005.

The primary purpose of the proposed prehearing conference is to:

1. Hear oral argument on applicant's "Motion for Order Modifying Procedural Schedule" and have the Board rule on such motion;
2. Determine the status of outstanding subpenas and notices for the taking of depositions; and
3. Discuss procedures for expediting this case.

Issued at Washington, D.C., this 10th day of January 1973.

It is so ordered.

THE ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.73-828 Filed 1-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24770]

BEA AIRTOURS, LTD.

Notice of Hearing Regarding Foreign Air Carrier Permit Application, United Kingdom-United States-All Other Countries Charter Flights

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on February 20, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] JAMES S. KEITH,
Administrative Law Judge.

[FR Doc.73-723 Filed 1-11-73;8:45 am]

[Docket No. 24808]

PACIFIC WESTERN AIRLINES, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on February 6, 1973, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] ARTHUR S. PRESENT,
Administrative Law Judge.

[FR Doc.73-724 Filed 1-11-73;8:45 am]

[Docket No. 21136 etc.]

REMANDED RENO-PORTLAND/SEATTLE NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding will be held before the undersigned administrative law judge on February 6, 1973, at 10 a.m. (local time), in the Coliseum South Room, Caesar's Palace, 3570 Los Vegas Boulevard South, Las Vegas, NV, which will be limited to the presentations of the civic parties.

Notice is further given that upon conclusion of the Las Vegas session, the hearing will resume on February 13, 1973, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, for the purpose of receiving the presentations of the remaining parties.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 4, 1972, the supplemental prehearing conference report served on October 20, 1972, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., January 8, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-725 Filed 1-11-73;8:45 am]

[Docket No. 22364; Order 73-1-21]

U.S. MAINLAND-HAWAII FARES

Order Regarding Reduction in Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 9th day of January 1973.

By petition dated December 22, 1972, Western Air Lines, Inc. (Western) requests that the Board amend Order 72-5-100 (U.S. Mainland-Hawaii Fares case) to the extent necessary to permit it to establish lower coach fares in the Sacramento-Hawaii market than are prescribed by the aforesaid order.

In support of its request, Western asserts that at present there is no single-plane service in the Sacramento-Honolulu market, but that it plans to schedule single-plane service via San Francisco as of January 5, 1973.[1] However, present Sacramento-Honolulu coach fares involve a $30 round trip add-on to the San Fransico-Honolulu fares, and many people avail themselves of less costly methods of transportation between Sacramento and San Francisco. Western alleges that a reduction in fares is required if its planned single-plane service is to be competitive, and proposes to reduce present one-way peak and offpeak coach fares in this market $7.[2]

In the 12 months ended October 31, 1972, Western carried less than two passengers per day in each direction between Sacramento and Honolulu at other than first-class fares. The annual reduction in revenues resulting from application of the proposed reduced fares to existing traffic would be $10,248, or $28 per day. Consequently, a gain of one round-trip passenger per day would more than offset the reduction in revenues from existing passengers. Western expects to carry 40 passengers per day in each direction as a result of its revised service pattern and reduced fares.

No objections have been filed.

In our opinion, a valid basis exists in this case for an exception to the fare construction formula established in Order 72-5-100. Western believes that it can develop the Sacramento-Hawaii market by providing single-plane service, but not at the present fare level which exceeds the San Francisco-Hawaii fares by

[1] Western's service to Hawaii from Sacramento has been provided via connection at Los Angeles.

[2] Western notes that the Sacramento-San Francisco fare reduction would not apply to local traffic (which Western cannot carry because of a closed-door restriction) and would be a proportional reduction only, viz. the reduction between Sacramento and San Francisco would apply only when the ultimate destination is Hawaii.

$30 round trip. We are inclined to agree that the additional traffic required to support through service from Sacramento to Hawaii could not be developed at the present fare level, in light of less costly alternative means of traveling to the San Francisco gateway. In view of the particular circumstances of this case, a $7 (one-way) reduction in the Sacramento-Hawaii coach fares appears warranted.

Procedures. The exception made herein to Order 72-5-100 will become effective on the fifth day following service of this order if no objections are filed within that time. Tariffs implementing the exception made herein will not be accepted prior to the expiration of the time for the filing of objections hereto. In light of the fact that the through service is to be introduced on January 5, 1973, tariffs may be filed in conformity with the findings herein on 1 day's notice if no objections are filed within such period. If objections are filed, further proceedings shall be conducted in such manner as the Board may deem appropriate, and tariffs inconsistent with Order 72-5-100 will not be accepted until the Board rules on the objections.

Accordingly, upon consideration of the foregoing:

It is ordered, That:

1. An exception to the provisions of paragraph 5 of the ultimate findings in Order 72-5-100 is granted Western Air Lines, Inc., to the extent that such provisions preclude the establishment of a YH class one-way fare of $130 and a YL class one-way fare of $115 between Honolulu and Sacramento.

2. If no objections to the preceding ordering paragraph are filed with the Board within 5 days of the date of service of this order, that paragraph will become final. If objections are filed within 5 days of the service of this order, further proceedings in connection therewith shall be conducted in such manner as the Board may deem appropriate.

3. Except to the extent granted herein, the request of Western Air Lines, Inc., to amend Order 72-5-100 is denied; and

4. A copy of this order will be served upon Western Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-726 Filed 1-11-73;8:45 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON ECONOMIC ANALYSIS AND LOAD PROJECTION

Agenda of Meeting

Meeting to be held in Room GO-3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 9 a.m.

Presiding: Dr. Dale E. Swanson, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
a. Income, population and the economy.
b. Population pattern.
c. Changes in demand for power.
d. Projection of power requirements.
e. Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-685 Filed 1-11-73;8:45 am]

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON ENVIRONMENTAL CONSIDERATIONS AND CONSUMER AFFAIRS

Agenda of Meeting

Meeting to be held in Room GO-3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 3 p.m.

Presiding: Commissioner Max C. Brewer, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
(a) Environmental considerations.
(b) Consumer affairs.
(c) Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-687 Filed 1-11-73;8:45 am]

ALASKA POWER SURVEY—TECHNICAL ADVISORY COMMITTEE ON RESOURCES AND ELECTRIC POWER GENERATION

Agenda of Meeting

Meeting to be held in Room GO-3, Federal Building, Anchorage, Alaska, on January 24, 1973, at 10:30 a.m.

Presiding: Commissioner Charles F. Herbert, Chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Chairman's statement.
B. Progress reports:
a. Oil and gas.
b. Coal.
c. Uranium.
d. Hydroelectric.
e. Geothermal.
f. Existing, authorized, and projected generation.
g. Requirements.
h. Thermal generation.
i. Emerging technology.
j. Report preparation.
C. Review of study scope.
D. Work plan to complete subcommittee assignment.
E. Time schedule.
F. Other business pertinent to subcommittee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee, which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-684 Filed 1-11-73;8:45 am]

[Docket No. CP66-369]

AMOCO GAS CO.

Notice of Redesignation

JANUARY 4, 1973.

By petition filed November 20, 1972, Amoco Gas Co. informed the Commission that its corporate name has been changed from Pan American Gas Co. to Amoco Gas Co. by certificate of amendment of certificate of incorporation dated January 18, 1971, effective February 1, 1971.

Accordingly the declaration of exemption issued to Pan American Gas Co. in Docket No. CP66-369 (35 FPC 983) pursuant to section 1(c) of the Natural Gas Act is redesignated as that of Amoco Gas Co.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-654 Filed 1-11-73;8:45 am]

[Docket No. RI73-174]

AMOCO PRODUCTION CO.

Order Providing for Hearing

JANUARY 3, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness

of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI73-174..	Amoco Production Co.....	568	[4] 3	Phillips Petroleum Co. (Guymon-Hugoton Field, Texas County, Okla., Hugoton Area).	$165	12-4-72	.....	[1] 12-5-72	[2] 11.5961	[2] [3] 13.89129	

*The pressure base is 14.65 p.s.i.a.
[1] Pursuant to Opinion No. 586.
[2] Rates computed on basis of 172.928 percent of Amoco's base price of 7.9056 cents plus applicable tax reimbursement (172.928 percent=16.22 cents—Phillips' current resale rate+9.3796 cents—Phillips' base price as of Jan. 18, 1965, the date Phillips amended its contract with Michigan-Wisconsin to provide for fixed periodic price escalations only). Phillips contends that correct contractually due rate should be computed on base of 157.891 percent of 7.9056 cents. (157.891 percent=16.22 cents+10.2729 cents—Phillips' current base price.)
[3] Sweet gas rate. Subject to deduction of 0.4466 cent if gas is sour.
[4] Includes unexecuted quality statement filed Dec. 4, 1972, such statement is accepted subject to the understanding that the filing reflects an incorrect rate of 14.26 cents instead of the proper rate of 13.89129 cents, assuming arguendo that Amoco's contract interpretation here is correct.

Amoco's proposed increased rate does not exceed the applicable area rate ceilings established in Opinion No. 586 for the Hugoton-Anadarko Area. There is, however, a dispute between Amoco and Phillips as to whether the rate proposed here is authorized under the subject contract. Accordingly, the proposed rate is suspended for 1 day from the date of filing (the date an acceptable filing would be effective under Opinion No. 586), pending completion of Dockets Nos. RI71-691 and RI73-70 which involve the same contractual issues presented here.

Amoco's proposed increased rate and charge exceed the applicable area price level for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56).

CERTIFICATION OF ABBREVIATED SUSPENSION

Pursuant to § 300.16(i)(3) of the Price Commission rules and regulations, 6 CFR 300 (1972), the Federal Power Commission certifies as to the abbreviated suspension period in this order as follows:

(1) This proceeding involves producer rates which are established on an area rather than company basis. This practice was established by Area Rate Proceeding, Docket No. AR61-1, et al., Opinion No. 468, 34 FPC 159 (1965), and affirmed by the Supreme Court in Permian Basin Area Rate Case, 390 U.S. 747 (1968). In such cases as this, producer rates are approved by this Commission if such rates are contractually authorized and are at or below the area ceiling.

(2) In the instant case, the requested increases do not exceed the ceiling rate for a 1-day suspension.

(3) By Order No. 423 (36 FR 3464) issued February 18, 1971, this Commission determined as a matter of general policy that it would suspend for only 1 day a change in rate filed by an independent producer under section 4(d) of the Natural Gas Act (15 U.S.C. 717c(d)) in a situation where the proposed rate exceeds the increased rate ceiling, but does not exceed the ceiling for a 1-day suspension.

(4) In the discharge of our responsibilities under the Natural Gas Act, this Commission has been confronted with conclusive evidence demonstrating a natural gas shortage. (See Opinions Nos. 595, 598, and 607, and Order No. 435.) In these circumstances and for the reasons set forth in Order No. 423 the Commission is of the opinion in this case that the abbreviated suspension authorized herein will be consistent with the letter and intent of the Economic Stabilization Act of 1970, as amended, as well as the rules and regulations of the Price Commission, 6 CFR 300 (1972). Specifically, this Commission is of the opinion that the authorized suspension is required to assure continued adequate and safe service and will assist in providing for necessary expansion to meet present and future requirements of natural gas.

[FR Doc.73-653 Filed 1-11-73;8:45 am]

[Project No. 2600]

BANGOR-HYDRO ELECTRIC CO.

Further Postponement of Hearing

JANUARY 5, 1973.

The hearing in the above matter is further postponed until February 11, 1973, for the reasons stated in the notice issued September 7, 1972 (see 37 FR 13575, 18582).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-655 Filed 1-11-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON COORDINATED SYSTEM DEVELOPMENT AND INTERCONNECTION

Agenda of Meeting

Alaska Power Survey, Agenda for the meeting of the Technical Advisory Committee on Coordinated System Development and Interconnection, to be held in Room GO-3, Federal Building, Anchorage, Alaska, January 24, 1973, 1:30 p.m.

Presiding: Mr. Willard C. Rhodes, chairman.

1. Meeting call to order.
2. Objectives and purposes of meeting.
A. Introduction of new members and visitors.
B. Reading and approval of the minutes for the September 19, 1972 meeting.
C. Chairman's report.
D. Progress reports by committee members having previous work assignments.
E. Time schedule for completing assignment.
F. Presentation by the Resource Planning Team of the Alaska Land Use Planning Commission on the subject of utilities corridors.
G. Other business pertinent to the committee assignment.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-688 Filed 1-11-73;8:45 am]

NATIONAL POWER SURVEY—EXECUTIVE ADVISORY COMMITTEE

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street, NW., Washington, DC, 9:30 a.m., January 18, 1973, Hearing Room A (Fourth Floor).

1. Meeting called to order and introductory remarks by FPC Chairman John N. Nassikas.
2. Objectives and purposes of meeting.
A. Remarks by Committee Chairman Shearon Harris.
B. Review of current energy studies and their relationship to the National Power Survey—Daniel G. Lewis.
C. Report of Coordinating Committee meeting and discussion of basic assumptions for the National Power Survey—Bernard B. Chew.
D. Brief reports on Technical Advisory Committee activities by Committee Chairmen:

Mr. M. F. Hebb, Jr.
Mr. Paul D. Martinka.
Mr. Gordon R. Corey.
Dr. H. Guyford Stever.
Dr. Bruce Netschert.

E. Other business.
F. Dates for future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-683 Filed 1-11-73;8:45 am]

NATIONAL POWER SURVEY—COORDINATING COMMITTEE

Agenda of Meeting

Meeting to be held at the Federal Power Commission Offices, 441 G Street NW., Washington, DC, 2 p.m., January 17, 1973, Room 2043.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
A. Opening remarks—Committee Chairman Sheeron Harris.
B. Presentation of revised basic assumptions for the National Power Survey—Bernard B. Chew.
C. Reports on Technical Advisory Committee activities by Committee Chairmen:

Mr. M. F. Hebb, Jr.
Mr. Paul D. Martinka.
Mr. Gordon R. Corey.
Dr. H. Guyford Stever.
Dr. Bruce Netschert.

D. Discussion of committee schedules for meetings and reports.
E. Other business.
F. Dates for future meetings.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-686 Filed 1-11-73;8:45 am]

[Project No. 2493—Washington]

PUGET SOUND POWER & LIGHT CO.

Availability of Environmental Statement

JANUARY 5, 1973.

Notice is hereby given that on December 29, 1972, as required by the Commission rules and regulations under Order 415, as amended, a final staff environmental statement prepared by the Commission's staff pursuant to section 102 (2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Puget Sound Power & Light Co., for its constructed Snoqualmie Falls project.

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 and its San Francisco Regional Office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project is located on the Snoqualmie River in the region of Snoqualmie and Falls City in King County, Wash.

The project consists of a small concrete diversion dam and two generating plants with a combined installed capacity of 40,850 kw. Plant No. 1 was constructed in a cavern beneath the falls. Plant No. 2 is located one-quarter-mile downstream from the falls.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-673 Filed 1-11-73;8:45 am]

[Docket No. CI73-293, etc.]

BELCO PETROLEUM CORP. ET AL.

Extension of Time and Postponement of Hearing

JANUARY 5, 1973.

On December 29, 1972, Texaco Inc. (Docket No. CI73-335), Tenneco Oil Co. (Docket No. CI73-336), and Belco Petroleum Corp. Agent (Docket No. CI73-293), (Applicants) filed a request for an extension of time to and including January 29, 1973, within which Applicants and all the intervenors in support thereof shall file their direct cases, and for a postponement of the hearing from January 25, 1973, to February 15, 1973. The Applicants also request that February 9, 1973, be established as the date for the filing of reply evidence by the other intervenors and Commission Staff, and that parties having common interests be permitted to combine for the purpose of presenting evidence and participating in the hearing.

Upon consideration, notice is hereby given that the dates set by the order issued December 26, 1972, are modified as follows:

Service of direct case of each of the applicants and all intervenors in support thereof—January 26, 1973.
Service of Commission Staff's direct case—February 12, 1973.
Service of direct case of the intervenors in opposition—February 12, 1973.
Rebuttal by applicants—February 21, 1973.
Commencement of hearing—February 28, 1973 (10 a.m., e.s.t.).

Disposition of the request that parties having common interests be permitted to combine for the purpose of presenting evidence and participating in the hearing will be made by subsequent order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-656 Filed 1-11-73;8:45 am]

[Dockets Nos. E-7738, E-7784]

BOSTON EDISON CO.

Extension of Time

JANUARY 4, 1973.

On December 19, 1972, Commission Staff Counsel filed a motion for extension of service dates as established by the order issued July 28, 1972.

Upon consideration, notice is hereby given that the procedural dates fixed by the order issued July 28, 1972, in the above-designated matter are postponed as follows:

Staff service date—February 2, 1973.
Intervenors service date—February 16, 1973.
Company rebuttal service date—March 2, 1973.
Prehearing conference—March 13, 1973 (10 a.m., e.s.t.).
Hearing date—March 20, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-657 Filed 1-11-73;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Change in Tariff

JANUARY 5, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia), on November 30, 1972, tendered for filing certain revised tariff sheets to its FPC Gas Tariff, Original Volume No. 1, proposed to become effective as of August 1, 1972. The proposed tariff sheets are submitted pursuant to the Commission's Order Nos. 452 and 452-A in Docket No. R-406, permitting natural gas pipeline companies to submit a purchased gas cost adjustment provision (PGA clause) to be included in their tariffs under § 154.38 (d)(4) of the Commission's regulations under the Natural Gas Act.

Columbia requests that the Commisson waive the notice requirements and certain other provisions of the regulations: (i) to permit the determination of PGA rate changes by Columbia's rate zones, rather than on an overall basis; (ii) to permit Columbia to limit rate changes tracking pipeline supplier rate changes to twice a year, except in the event of major pipeline rate changes; and (iii) to permit this filing to become effective as of August 1, 1972. Columbia indicates that the propriety of waivers (i) and (ii) were recognized by the Commission in its order issued September 11, 1972, in Docket No. RP73-12.

Columbia submitted a cost and revenue study based upon the 12-month period ended July 31, 1972, adjusted for the annualization of both costs and revenues, particularly including the "Blue Water Project" costs. The study shows that revenues at Commission approved rate levels for August 1, 1972, are deficient by $1.2 million. Columbia's filing also indicates that the net effect of changes in gas supplier rates since August 1, 1972, would increase its purchased gas

cost $8.3 million annually by December 31, and that by March 1, 1973, Columbia will have paid approximately $5.2 million in increased charges not reflected in the August 1 rate levels approved by Commission order issued October 19, 1972, in Docket No. RP71-18, et al.

Copies of the filing have been mailed to all jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Columbia's proposed tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-658 Filed 1-11-73;8:45 am]

CONSUMERS POWER CO.

[Docket No. E-7803]

Order Providing for Hearing, Suspending Proposed Increased Rates Charges, and Granting Interventions

JANUARY 5, 1973.

Consumers Power Co. (Consumers Power) on November 6, 1972, tendered for filing proposed changes to its contracts with 19 customers in the State of Michigan as supplements to its FPC rate schedules applicable to wholesale electric service, to become effective on January 6, 1973.[1]

The rate schedule changes would increase rates and charges in the annual amount of approximately $1,542,000 based upon operations in the calendar year 1971, representing a 20-percent overall increase in charges to the 19 customers. The new rate increase demand charges by 77 cents per kilovoltampere per month and increase energy charges by 0.05 cent (½ mill) per kilowatt hour. In addition, the contract changes would increase the billing demand interval for all wholesale customers from a 15-minute interval to a 30-minute interval and also change the method of calculating the minimum charge for partial purchase customers.

In support of the proposed rate increase, Consumers Power states that its earnings have become inadequate due to inflation; that its current rates yield only a 4.5-percent return from wholesale service on a 1971 test year basis; that it is experiencing construction expenditures of approximately $379 million in 1972; and that it expects to expend over $2 billion in construction activities by the end of 1976. The rate filing includes cost of service and financial data based upon rate of return allowance of 8.0 percent.

Copies of the filing were served upon Consumers' jurisdictional customers and the Michigan Public Service Commission. The Commission issued notice of the filing which was published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26547). Petitions for leave to intervene were filed by Edison Sault Electric Co., the "Cities/Co-ops" group, jointly,[2] and Alpena Power Co.

The Cities/Co-ops petition also included a motion to reject the filing, or in the alternative, to provide for hearing and suspend it for 5 months. In support of its motion to reject the filing, Cities/Co-ops alleges that Consumers engages in unlawful anticompetitive practices. Petitioner contends, furthermore, that the Commission has a "duty not to allow increased rates to go into effect which would further this unlawful purpose" and it, alternatively, requests that the Commission "refuse to accept [the] filing * * * except upon the imposition of conditions", i.e., that Consumers perform certain acts presumably related to abatement of its charges of unlawful practices.

Alpena Power also included a motion to reject Consumers' rate filing, citing section 12 (renegotiation of rate) of its contract with Consumers which provides for rate changes by a renegotiation procedure. Alpena's motion also indicates that in 1971 the contract was amended by the parties in several respects, one of which was the addition to section 6 (Rates), of the following:

> Charges Approved by Regulatory Authorities:
>
> The foregoing provisions of this rate are subject to such future revisions and amendments thereof, supplements thereto or substitutions therefor, as may be approved from time to time by any governmental regulatory authority or authorities having jurisdiction in the premises.

Alpena's motion contends that Consumers has made a "unilateral" rate filing "in advance of renegotiation," that there is no language in the contract, as amended, which permits such change, and it therefore must be rejected on the grounds of the holding in Mobile and Sierra.[3] We disagree with Alpena's construction of its contract as amended for we find nothing in the contract which indicates that renegotiation is required as a prerequisite to the contract rate's being reviewed by this Commission in any of the procedures authorized by the provisions of the Federal Power Act, including either section 205 or 206 thereof. Since the language of the amendment provides for rate changes "from time to time", the rate is a "going" rate, not a "fixed" rate.[4] In our view therefore, the amendment of the rates section 6 has added another, not necessarily exclusive, method of changing the rates. This additional method does not nullify, or reduce to "surplusage," the provisions for renegotiation contained in section 12, as contended by Alpena. Accordingly, we shall deny Alpena's motion to reject the filing.

Our review of the rate filing and the motions of Cities/Co-ops and Alpena indicates that rejection of the filing is not justified. However, the issues raised by the pleading, with the exception of the unilateral rate filing issue on which we have ruled herein, as well as other issues raised by our review of the filing may require development in evidentiary proceedings. The proposed changes in rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in rate schedules as proposed to be amended in this docket, and that the tendered rate schedules be suspended as hereinafter provided.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the rate schedule changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(3) Participation of the above-named persons in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held, commencing with a prehearing conference on May 15, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW.

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[1] The 19 customers are listed in Appendix A below.

[2] Participants in the joint petition: Cities of Bay City, Charlevoix, Coldwater, Harbor Springs, Hillsdale, Marshall, Petoskey, St. Louis, and Union City; the villages of Chelsea and Portland; Northern Michigan Electric Cooperative, Inc., the Southeastern Michigan Rural Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc.

[3] United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956); Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956).

[4] United Gas Pipe Line Co. v. Memphis Light, Gas & Water Div., 358 U.S. 103 (1958). See also Commission orders: issued May 15, 1972 and Jan. 7, 1972, in Central Tel. & Utilities Corp., Docket No. E-7602, 45 FPC 971, 47 FPC ——; Detroit Edison Co., Docket No. E-7687, order issued Jan. 21, 1972, —— FPC ——; Sierra Pacific Power Corp., Docket No. E-7706, orders issued Mar. 31, 1972, and May 26, 1972, 47 FPC ——.

Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Consumers' FPC Electric Rate Schedules as proposed to be revised herein.

(B) At the prehearing conference on May 15, 1973, Consumers' prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice.

(C) On or before May 4, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any or all intervenors shall be served on or before May 22, 1973. Any rebuttal evidence by Consumers shall be served on or before June 5, 1973. Cross-examination of the evidence filed will commence on June 19, 1973.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, and shall prescribe relevant procedural matters not herein provided.

(E) Pending hearing and a final decision in this proceeding, Consumers' proposed rate schedules, tendered on November 6, 1972, are suspended and the use thereof deferred until June 6, 1973.

(F) Cities/Co-ops and Alpena's motions to reject are denied.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene and *provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in these proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

CONSUMERS POWER COMPANY WHOLESALE ELECTRIC SERVICE CUSTOMERS

City of Bay City, City Hall, Bay City, MI 48706.
City of Charlevoix, City Hall, Charlevoix, MI 49720.
City of Eaton Rapids, City Hall, Eaton Rapids, MI 48827.
City of Harbor Springs, City Hall, Harbor Springs, MI 49640.
City of Hillsdale, City Hall, Hillsdale, MI 49242.
City of Marshall, City Hall, Marshall, MI 49068.
City of Petoskey, City Hall, Petoskey, MI 49068.
Village of Chelsea, Village Hall, Chelsea, MI 48118.
City of Portland, City Hall, Portland, MI 48875.

APPENDIX A—Continued

Village of Union City, Village Hall, Union City, MI 49094.
Southeastern Michigan Rural Electric Cooperative, Inc., 1610 East Maumee Street, Adrian, MI 49221.
Alpena Power Co., 310 North Second Avenue, Alpena, MI 49707.
Edison Sault Electric Co., 725 East Portage Avenue, Sault Ste. Marie, MI 49783.
Northern Michigan Electric Cooperative, Inc., Post Office Box 138, Boyne City, MI 49712.
City of St. Louis, City Hall, St. Louis, MI 48880.
Lansing Board of Water and Light, 123 West Ottawa Street, Lansing, MI 48903.
City of Petoskey, City Hall, Petoskey, MI 49770.
City of Coldwater, City Hall, Coldwater, MI 49036.
Wolverine Electric Cooperative, Inc., 302 South Warren Avenue, Big Rapids, MI 49307.

[FR Doc.73-682 Filed 1-11-73;8:45 am]

[Docket No. E-7906]

DETROIT EDISON CO.

Proposed Changes in Rates and Charges

JANUARY 5, 1973.

On December 8, 1972, the Detroit Edison Co. (Edison) tendered for filing a proposed superseding supplements to its present contract as supplemented with its wholesale for resale customer, Consumers Power Co. (Consumers). The proposed change would increase revenues from jurisdictional sales and services by $2,133,572 or 20.84 percent based on test year ending September 30, 1972, to become effective on January 1, 1973, or as soon thereafter as permitted by the Commission.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 22, 1973. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-659 Filed 1-11-73;8:45 am]

[Docket No. CP73-159]

GRAND VALLEY TRANSMISSION CO.

Notice of Application

DECEMBER 26, 1972.

Take notice that on December 18, 1972, Grand Valley Transmission Co. (Applicant), Post Office Box 986, Billings, MT 59103, filed in Docket No. CP73-159 a budget-type application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, for a 1-year period from the date of authorization, and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $30,000, with no single project to exceed a cost of $10,000.

Any person desiring to be heard or make any protest with reference to said application should on or before January 15, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.18 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commssion on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-660 Filed 1-11-73;8:45 am]

[Docket No. RP73-4]

GREAT LAKES GAS TRANSMISSION CO.

Further Extension of Time

JANUARY 4, 1973.

On December 22, 1972, TransCanada PipeLines Limited filed a motion for extension of time of the procedural dates previously fixed by notice issued November 27, 1972, in the above-designated

matter. The motion states that the dates requested were agreed to by all parties at the prehearing conference held on December 19, 1972.

Upon consideration, notice is hereby given that the procedural dates fixed by notice issued November 27, 1972, are further modified as follows:

Service of Great Lake's evidence on original cost issue—February 20, 1973.
Service of intervenor evidence—March 20, 1973.
Service of Great Lake's rebuttal evidence—April 20, 1973.
Commencement of cross-examination—May 8, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-661 Filed 1-11-73;8:45 am]

[Docket No. CI73-143]

GREAT PLAINS LAND CO.

Postponement of Procedural Dates

DECEMBER 27, 1972.

On December 21, 1972, counsel for Great Plains Land Co. requested an extension of time for filing testimony as required by order issued December 13, 1972, in the above matter.

Upon consideration, notice is given that the time for filing testimony by the applicant in the above matter is postponed to and including January 15, 1973, other procedural dates are postponed accordingly as follows:

Testimony and exhibits of intervenor—February 9, 1973.
Hearing—February 13, 1973.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-662 Filed 1-11-73;8:45 am]

[Docket No. E-7900]

IOWA SOUTHERN UTILITIES CO.

Notice of Application

JANUARY 4, 1973.

Take notice that on December 11, 1972, Iowa Southern Utilities Co. (Applicant) filed an application for an order pursuant to section 204 of the Federal Power Act authorizing the issuance of $10 million principal amount of first mortgage bonds.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Centerville, Iowa, and is engaged in the electric utility business in 24 counties in Iowa.

The bonds will be dated February 1, 1973, and mature February 1, 2003, and will bear interest at a rate to be determined by competitive bidding pursuant to the Commission's regulations. It is anticipated bids will be opened February 1, 1973.

The proceeds from the issuance of the bonds will be used to repay bank loans and short-term notes issued in the form of commercial paper and to finance in part the Applicant's construction program for 1973 and 1974, the principal item of which, is $20,500,000 for the Applicant's 28 percent ownership share in a 520,000 kilowatt turbogenerator at the Neal Station near Sioux City, Iowa. Any person desiring to be heard or to make any protest with reference to the application should on or before January 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-664 Filed 1-11-73;8:45 am]

[Dockets Nos. CP70-313, CP64-268]

LONE STAR GAS CO.

Extension of Time

JANUARY 4, 1973.

On December 27, 1972, Lone Star Gas Co. filed a request for an extension of the procedural dates as set forth in the order issued December 18, 1972, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates fixed by order issued December 18, 1972, are modified as follows:

Direct testimony of applicant and intervenor—January 26, 1973.
Hearing—February 12, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-665 Filed 1-11-73;8:45 am]

[Docket No. CI73-169]

MESA PETROLEUM CO.

Extension of Time and Postponement of Hearing

JANUARY 4, 1973.

On December 29, 1972, Kansas Power & Light Co. (KP&L) requested an extension of time within which to file its direct testimony and exhibits as required by order issued December 22, 1972. The request states that none of the parties had any objection to the request. On January 3, 1973, Mesa Petroleum Co. filed a telegram requesting a postponement of the hearing from January 16, 1973, to January 22, 1973. The telegram states that counsel for KP&L, Panhandle Eastern Pipe Line Co., and the Commission staff have no objection to the request and have agreed to the January 22 date.

Upon consideration, notice is hereby given that the time is extended to January 10, 1973, within which all parties shall file direct testimony and evidence as required by the order issued December 22, 1972. The hearing is postponed to January 22, 1973, at 10 a.m., e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-666 Filed 1-11-73;8:45 am]

[Docket No. RI73-3, etc.]

MOBIL OIL CORP. ET AL.

Postponement of Prehearing Conferences

JANUARY 5, 1973.

Mobil Oil Corp., Docket No. RI73-3, Atlantic Richfield Co., Docket No. RI73-4, Mobil Oil Corp., Docket No. RI72-250, Getty Oil Co., Docket No. RI73-44.

On January 4, 1973, Atlantic Richfield Co. and Getty Oil Co. filed a motion for postponement of the prehearing conferences to April 15, 1973, in the above-designated matters. The motion states that counsel for the intervenors and Commission staff have no objection to the motion.

Upon consideration, notice is hereby given that the prehearing conferences in the above-designated matters are hereby postponed to April 10, 1973, at 10 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-663 Filed 1-11-73;8:45 am]

[Docket No. RP72-132]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Further Extension of Time

JANUARY 4, 1973.

On December 26, 1972, Commission staff counsel filed a motion to suspend procedural dates as established by the order issued June 30, 1972, in the above-designated matter as amended by notices issued October 10, 1972, October 27, 1972, and November 28, 1972. On December 27, 1972, Natural Gas Pipeline Company of America also requested an indefinite postponement of procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are postponed as follows:

Service of intervenor evidence—February 1, 1973.
Service of company rebuttal—February 22, 1973.
Commencement of hearing—March 13, 1973 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-667 Filed 1-11-73;8:45 am]

[Docket No. E-7866]

NEW ENGLAND POWER POOL

Order Accepting for Filing, Suspending Proposed Notice for Cancellation and Permitting Intervention

DECEMBER 29, 1972.

By order issued on September 21, 1972, in Docket No. E-7690, the Commission provided that section 12 of the New England Power Pool NEPOOL Agreement

become effective on October 1, 1972. Section 12 deals with the operation of central dispatch of energy.

Braintree, Mass., Electric Light Department (Braintree) was a NEPEX signatory but due to their objection to certain provisions of the NEPOOL Agreement did not choose to become a signatory of NEPOOL. This placed Braintree in the position of losing the benefits of centralized dispatch as provided under both the NEPEX Agreement and the NEPOOL Agreement. Braintree and NEPOOL entered into an agreement on October 1, 1972, allowing Braintree to furnish and receive energy and reserve service through December 31, 1972, as if it were a NEPOOL participant.

By letter dated November 28, 1972, the NEPOOL Management Committee filed a notice of cancellation to the agreement providing that any service Braintree was receiving pursuant to the agreement would be terminated as of December 31, 1972.

The Commission in its December 19, 1972, order upon reconsideration and application for rehearing in Docket No. E-7690 recognized Braintree's situation and made comment as follows:

> While the cancellation of NEPEX services to nonsignatories of the NEPOOL Agreement is not a primary issue in this proceeding, adequate electrical service to all consumers is always of major concern to the Commission. The cancellation of a previously provided service without mutual agreement as to an adequate replacement service will be reviewed by the Commission when the NEPOOL executive committee files its notice of cancellation of the NEPEX service to Braintree, Mass., Electric Department. If deemed appropriate, the Commission can suspend the cancellation of service for as much as 5 months from the date of the notice of cancellation. In the event service arrangements have not been agreed to between the parties at the expiration of any provided suspension period, the Commission can at that time provide a forum for Braintree to seek appropriate protection and relief pursuant to the Federal Power Act.

Pursuant to the notice provided in this docket, Braintree on December 27, 1972, filed comments with regard to the proposed notice of cancellation and requested intervention in the proceeding. Their comments in pertinent part informed the Commission that replacement service would be provided to Braintree by Boston Edison Co. through a previously filed rate schedule (FPC Rate Schedule No. 44) beginning on January 1, 1973.

Braintree further informed the Commission that they are in the course of negotiating with Boston Edison to determine how their agreement might be modified or interpreted, in view of the emergence of NEPEX and NEPOOL in either of the events: (1) Braintree joined NEPOOL, or; (2) remained outside NEPOOL operating under its agreement with Edison. The comments state that while Braintree and Edison have not yet been able to reach agreement on all the terms of their proposed supplemental agreement:

> The discussions have, however, gone far enough so that there have been reached sufficient mutual understandings covering the interpretation of the existing interconnection agreement so that Braintree believes that its best interest will be served by remaining out of NEPOOL for the present. In essence, Braintree believes its agreement with Edison is clear, and Edison will not dispute its utilization to provide to Braintree scheduled and unscheduled outage service at incremental costs plus 12½ percent of such incremental cost, the pricing to be done on an hourly basis upon data furnished by NEPEX after the end of the month. Braintree will provide the same service to Edison at the same rates. If, as may be the case, it is impractical for Edison and Braintree to engage in economy interchanges, it is understood that Braintree is entitled to an economy exchange with NEPOOL on a nonparticipant basis. Meanwhile, Braintree will continue to purchase all capacity, required to serve its firm load, as needed in excess of Braintree's capacity in generating units and unit power entitlements, less 15 percent.

Braintree further states that they have not reached agreement with Boston Edison and the interpretation of such § 15.19 of the NEPOOL Agreement as applied to scheduled or unscheduled outage services by Edison to Braintree. Braintree interprets this provision to apply to such service whether it be supplied to a participant or to a nonparticipant of NEPOOL; therefore Edison capability responsibility will not be affected if it supplies such service during a peak hour, and therefore capability responsibility costs will not enter into the determination of Edison's incremental costs for outage service to Braintree. Braintree however, states that they do not have any belief as to what Edison's position is regarding this point. If the interpretation of the provision is as Braintree believes, Braintree states that they: "should be able to operate adequately on an interchange basis with Edison under the agreement dated March 25, 1969 (FPC Rate Schedule No. 44), and have plans to commence such operations on January 1, 1973." They do, however, further state that: "in view of the fact that Edison and Braintree have not yet executed their contemplated supplemental agreement, Braintree will not be able, until after at least 1 month's experience, to give the Commission assurance that no disputes will arise in connection with the instant matter."

Inasmuch as it appears that all parties are diligently making an effort to reach an agreement which will provide Braintree and its consumers with adequate replacement service to those previously provided by NEPEX, the Commission is constrained to provide Braintree with a reasonable amount of time in which to achieve those goals. Since Boston Edison Co. and Braintree are continuing negotiations with regard to supplemental services to be provided Braintree and since there is no indication that a reasonable suspension of the notice of cancellation of service provided through NEPOOL will adversely affect the NEPOOL Agreement, this Commission shall order a 45-day suspension of the notice of cancellation of NEPOOL services to the Braintree, Mass., Electric Light Department.

The Commission feels that removing the time pressure from the negotiating parties in order to provide a period of further negotiation without the impending threat of cancellation of existing service can only serve the public interest without prejudicing the rights of any of the parties affected hereby. This period will also provide an opportunity for both NEPOOL and Boston Edison Co. to file comments with the Commission.

The Commission will not order at this time any further proceedings in this matter. Should this matter not be terminated to the satisfaction of all the parties concerned at the expiration of the 45-day suspension period on February 15, 1973, the Commission at that time will consider appropriate additional proceedings.

The Commission finds:

(1) The Notice of Cancellation of the Agreement for Energy Exchange between the NEPOOL participants and Braintree Electric Light Department, dated as of October 1, 1972, may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful under the Federal Power Act.

(2) Participation of Braintree, Mass., Electric Light Department in this proceeding may be in the public interest.

(3) It is necessary and proper in the public interest and to aid the enforcement of the provisions of the Federal Power Act that the Commission suspend the notice of cancellation as hereinafter provided.

(4) In the event that this proceeding is not concluded prior to the termination of the suspended period herein ordered, the Commission will enter upon a hearing for purposes of determining what relief if any, the Commission can grant to Braintree, Mass., Electric Light Department.

The Commission orders:

(A) The NEPOOL Management Committee's Notice of Cancellation of the agreement for energy exchange between the NEPOOL participants and Braintree Electric Light Department dated as of October 1, 1972, is hereby accepted for filing and suspended for 45 days until February 15, 1973, as hereinafter provided.

(B) The Braintree, Mass., Electric Light Department is hereby permitted to intervene in this proceeding on the subject of the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting the rights and interests specifically set forth in their statement of comment and petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-668 Filed 1-11-73;8:45 am]

[Docket No. E-7867]

OHIO POWER CO.

Order Accepting for Filing

JANUARY 3, 1973.

On December 4, 1972, Ohio Power Co. (Ohio Power) tendered for filing proposed changes in its FPC Rate Schedule No. 18 which would increase Ohio Power's jurisdictional revenues by $951,065 annually. The changes primarily reflect increased demand and energy charges and a revised fuel adjustment clause.

Notice of the filing was issued on December 19, 1972, requiring petitions to intervene or protest by December 27, 1972. Timely petition to intervene was filed jointly by Allied Chemical Corp., Blaw Knox Co., Mobay Chemical Co., PPG Industries, Inc., and Triangle Conduct & Cable Co. (intervenors). A notice of intervention was filed by the West Virginia Public Service Commission. The petitioners for intervention have requested additional time to study the filing and submit pleadings. Therefore, in order to determine the necessity of an evidentiary hearing, the Commission requests that the intervenor, Allied et al., and the staff submit offers of proof within thirty (30) days from the issuance of this order to support their position as to the lawfulness of the proposed rates. Within 15 days from the service of such offers of proof, Ohio Power may file its answer to such pleadings. Upon review of the pleadings, the Commission will determine if a full evidentiary hearing is justified and set such further procedural dates as may be necessary.

Our review indicates that the applicant's fuel adjustment clause may not conform with the requirements of § 35.14(a)(1) of the Commission's Regulations under the Federal Power Act. A fuel adjustment clause should, in the public interest and as a matter of regulatory policy, be designed, with respect to the fuel cost component of purchased power, to recover the seller's cost of the fuel which is consumed to generate such power, as distinguished from the purchaser's cost of fuel attributable to such power. New England Power Company, Docket No. E-7541 (Opinion No. 633, mimeo p. 17, issued October 30, 1972). The applicant's fuel adjustment clause may be improper in that it may impute its own changes in fuel costs to its power purchases. We will order the applicant, therefore, to show cause by January 31, 1973, why it should not be required to change its fuel adjustment clause in conformity with the principles enunciated in New England Power Company, supra.

Pending the Commission's determination of whether an evidentiary hearing is necessary, it is appropriate that the proposed increased rates be suspended for a period of one (1) day.

The Commission finds:

(1) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission request offers of proof from the intervenors and staff concerning the lawfulness of the rates and charges contained in Ohio Power's Rate Schedule No. 18 as proposed to be amended in this docket, and that the tendered rate schedule be suspended as hereinafter provided.

(3) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(4) The placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The aforementioned proposed rate schedules, tendered for filing on December 4, 1972, are accepted for filing subject to the terms and conditions of this order.

(B) The above-named petition to intervene is hereby granted subject to the Commission's rules of practice and procedure: *Provided, however,* The participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding.

(C) Not more than thirty (30) days after the issuance of this order, the Commission staff and the intervenors shall submit offers of proof as to the lawfulness of the proposed rate increases from which the Commission can make a finding as to the necessity of an evidentiary hearing.

(D) Not more than fifteen (15) days after the service of such offers of proof, Ohio Power may file its answer to such pleadings.

(E) Pursuant to sections 205, 206, and 209 of the Federal Power Act and the Commission's rules of practice and procedure, the applicant shall show cause on or before January 31, 1973, why its fuel adjustment clause should not be changed to conform to the principles set forth in the Commission's Opinion No. 633.

(F) Pending a final decision in this proceeding, Ohio Power's proposed rate schedule tendered December 4, 1972, is suspended and the use thereof deferred until January 6, 1973, subject to refund as provided by section 205(e) of the Federal Power Act and the regulations thereunder.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-670 Filed 1-11-73;8:45 am]

[Docket No. E-7853]

OTTER TAIL POWER CO.

Notice of Application

JANUARY 4, 1973.

Take notice that on December 4, 1972, Otter Tail Power Co. (Applicant) of Fergus Falls, Minn., filed an application seeking an order, pursuant to section 204 of the Federal Power Act, authorizing the issuance of $12 million principal amount of First Mortgage Bonds, Series Due 2003.

The bonds are to be issued under the Applicant's indenture of mortgage dated July 1, 1936, as amended and supplemented and as to be supplemented by a 31st supplemental indenture to be dated as of February 2, 1973. The interest rate of the bonds will be determined by competitive bidding pursuant to the Commission's regulations under the Federal Power Act. The bonds will not be redeemable prior to February 1, 1978, at the option of the company through a refunding which has an interest cost to the company less than the interest cost of the bonds.

Proceeds realized from the issuance and sale of the bonds will be used for refunding of short-term borrowing from commercial banking institutions and through the sale of commercial paper in 1972 and 1973 to pay the expense of the company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should, on or before January 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-669 Filed 1-11-73;8:45 am]

[Docket No. E-7795]

PHILADELPHIA ELECTRIC CO.

Order Denying Rehearing and Amending Prior Order

JANUARY 4, 1973.

The borough of Lansdale (Lansdale), on December 5, 1972, filed an application for rehearing and stay, as supplemented on December 20, 1972, of the Commission's order issued November 22, 1972, in the above-captioned proceeding, as amended and corrected by order issued December 11, 1972. Philadelphia Electric Co. (Philadelphia), on December 21,

1972, filed a petition for waiver of the Commission's rules to permit it to file an answer to Lansdale's application for rehearing, together with the answer. On December 29, 1972, Lansdale filed an answer to Philadelphia's petition.

In our opinion a discussion of the background of this proceeding will be helpful to an understanding of our disposition of Lansdale's application for rehearing. Philadelphia and Lansdale entered into a contract dated March 20, 1964,[1] by which Philadelphia was to furnish electric service to Lansdale up to 8,000 kw. demand. By contract dated November 12, 1971,[2] Philadelphia agreed to furnish Lansdale electric service in excess of 8,000 kw., up to 29,000 kw. Philadelphia, on May 1, 1972, filed in Docket No. E-7726 an increase in rates to Lansdale under the November 12, 1971, contract. The Commission, by order issued August 31, 1972, rejected that increase together with the November 12, 1971, contract as being in violation of the Mobile-Sierra[3] doctrine. On October 24, 1972, Philadelphia tendered for filing a rate schedule for electric service to Lansdale in excess of 8,000 kw. In our November 22, 1972, order, as amended and corrected by the December 11, 1972, order, we suspended Philadelphia's rate schedule for 1 day to November 25, 1972, provided for hearing thereon, and required Philadelphia to submit the November 12, 1971, contract as part of its case-in-chief in order for us to determine whether that contract is in the public interest under the circumstances of this case.

In its application for rehearing Lansdale requests the Commission to reject Philadelphia's rate schedule tendered on October 24, 1972, or otherwise preclude its effectiveness prior to hearing and decision and to clarify its intent as to its asserted investigation of the November 12, 1971, contract to make clear that it is undertaken pursuant to section 206 of the Federal Power Act. In the alternative Landsdale requests that the effective date of the October 24, 1972, filing be stayed pending appeal, or at the very least, suspended for 5 months. In support of its application, Lansdale contends and argues, inter alia: (1) The Commission is inconsistent in directing Philadelphia to file its November 12, 1971, contract with Lansdale and also accepting for filing and suspending for 1 day the October 24, 1972, rate schedule as it results in putting two conflicting rate schedules into effect simultaneously; (2) the filing of October 24, 1972, is barred by the November 12, 1971, contract just as Philadelphia's unilateral filing in Docket No. E-7726 was barred; (3) even if the October 24, 1972, filing were valid under the Sierra-Mobile doctrine, a 5 months' suspension of the filing is required by § 300.307 of the Price Commission regulations; and (4) the error of the order of November 22, 1972, lies in allowing the October 24, 1972, filing to become effective prior to the resolution of section 206 proceedings and it is requested that this part of the November 22, 1972, order be stayed pending appeal by Lansdale. In its supplement to its application for rehearing Lansdale contends that the Commission should require Philadelphia to file the November 12, 1971, contract and that the Commission's orders of November 22, 1972, and December 11, 1972, are irreconcilably inconsistent with the Commission's order of December 15, 1972, in Appalachian Power Company, Docket No. E-7775, in which the Commission rejected a rate increase filing under section 205 of the Federal Power Act as an impermissible unilateral rate increase not authorized by the terms of the existing contracts between the company and the municipalities under the Mobile-Sierra doctrine.

We believe that Philadelphia has shown sufficient reasons to justify the filing of an answer to Lansdale's application for rehearing. In its answer Philadelphia contends and argues inter alia: (1) In view of the fact that the Commission rejected the November 12, 1971, contract the contract of March 20, 1964, which provided only for service of up to 8,000 kw. to Lansdale remains in effect but since Lansdale had begun taking an excess of 8,000 kw. Philadelphia could not render service in excess of that provided for in the March 20, 1964, contract without filing an appropriate rate schedule applicable to such additional service; (2) Philadelphia cannot be barred by the Mobile-Sierra cases from increasing its rates by the November 12, 1971, contract as the Mobile-Sierra cases involved attempts to change existing contracts filed and approved by the Commission whereas the November 12, 1971, contract was a new contract offering Lansdale an entirely different service from that which it was then receiving and that contract was rejected by the Commission; and (3) the October 24, 1972, filing is not an attempt to make a unilateral change in an existing rate schedule but is an initial rate applicable to such demands for power and energy Lansdale may take in excess of the demands Philadelphia is authorized to serve under the March 20, 1964, contract.

In its answer of December 29, 1972, Lansdale contends that the November 12, 1971, contract is a valid agreement effective on that date and that, contrary to Philadelphia's assertions, it is of no consequence with respect to the applicability of the Mobile-Sierra rule that Philadelphia has refused to file the original November 12, 1971, agreement as required by the Federal Power Act and the Commission's regulations.

In our order of August 31, 1972, we referred to Carolina Power and Light Company, Docket No. E-7564 (Opinion No. 608 issued January 13, 1972, rehearing denied, Opinion No. 608A, issued February 22, 1972) wherein we indicated that in our judgment the Mobile-Sierra rule is inconsistent with sound regulatory policy in that it has the effect of limiting our authority under section 206(a) of the Federal Power Act. We have more recently indicated our concern over the fixed rate contract concept in Duke Power Company, Docket No. E-7557 (Opinion No. 641 issued December 18, 1972). In our August 31, 1972, order referred to above we further indicated that the Mobile-Sierra rule is currently the law and that we will continue to be governed by its principles; however, it is our intention in future cases involving new fixed rate contracts to scrutinize the provisions of each such contract in order to determine whether they are in the public interest.

We now add as a guideline for this and future proceedings that inasmuch as we consider fixed rate contracts generally to be not in the public interest it is our intent to strictly construe such existing contracts so as to permit no enlargement of rights or obligations thereunder absent a clear showing of necessity to meet the public interest.

In the instant proceeding there are three possible arrangements under which Philadelphia might render service to Lansdale: (1) The 1964 fixed rate contract for providing service up to 8,000 kw. per day, (2) the alleged fixed rate contract of November 12, 1971, and (3) the proposed rate schedules tendered for filing by Philadelphia on October 24, 1972.

The alleged fixed rate contract of November 12, 1971, has never been accepted nor approved by this Commission. It has, therefore, never become a lawful contract under which service subject to our jurisdiction may be rendered. Consistent with our expressed intent in future cases to scrutinize the provisions of new fixed rate contracts in order to determine whether they are in the public interest we herein find that the alleged fixed rate contract of November 12, 1971, is presumptively not in the public interest. In our August 31, 1972, order our reference to new fixed rate contracts contemplated contracts agreed to by the necessary parties and tendered to this Commission for filing. Philadelphia's refusal in the instant proceeding to file the November 12, 1971, contract and Lansdale's characterization of that instrument as a fixed rate contract subject to the Mobile-Sierra rule satisfies us that it is not in the public interest to require Philadelphia to tender that contract for filing. Submission of such contract is not material to our disposition of the pleadings before us.

The 1964 fixed rate contract providing for service of up to 8,000 kw. per day was duly tendered for filing, accepted by this Commission and made effective. As indicated, supra, it is our intention to strictly construe the provisions of that contract, absent a showing of public interest requiring some other interpretation. Accordingly, we fined that Lansdale is not entitled to full requirements service under the terms of that contract nor partial requirements service in excess of 8,000 kw. per day. In the hearing

[1] Rate Schedule FPC No. 24.
[2] Rate Schedule FPC No. 37.
[3] P.P.C. v. Sierra Pacific Power Company 350 U.S. 348 (1956); United Gas Pipe Line Company v. Mobile Gas Service Corporation 350 U.S. 332 (1956).

hereinafter ordered Lansdale may however proffer evidence, material and relevant, in order to show that an enlargement of the rights and obligations created in that contract is demanded by the public interest.

The rate schedule tendered for filing by Philadelphia on October 24, was suspended for 1 day and set for hearing in our order of November 22, 1972. In that order the proposed rates were to be effective on and after November 25, 1972. Philadelphia indicates that service in excess of 8,000 kw. was rendered to Lansdale starting September 1, 1972, in spite of the fact that no contract or tariff was then on file with this Commission and effective for this service. We are compelled to find that Philadelphia rendered such service at the risk that it would be compensated therefor at the rates contained in the 1964 contract. We will therefore not modify our November 22, 1972, order to provide an earlier effective date. The suspension and hearing provisions of that order are in our opinion correct.

The Commission orders:

(A) Ordering paragraph (A), and the phrase "and its contract with Lansdale dated November 12, 1971", of ordering paragraph (B) of our order of November 22, 1972, are hereby stricken.

(B) Our order of December 11, 1972, is vacated.

(C) All provisions of our orders of August 31, 1972, in Docket No. E-7726 and November 22, 1972, not inconsistent with the provisions of this order remain in full force and effect.

(D) Lansdale's application for rehearing and stay is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-671 Filed 1-11-73;8:45 am]

[Docket No. E-7897]

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE

Proposed Changes in Rates and Charges

JANUARY 4, 1973.

Take notice that Public Service Company of New Hampshire (Company) on December 28, 1971, tendered for filing proposed changes in its FPC Rate Schedule No. 50. The filing consists of an agreement dated August 9, 1971, between New Hampshire Electric Cooperative, Inc. (Cooperative), and the Company for partial requirements resale service and would result in a decrease in the Company's revenues from jurisdictional sales and services of approximately $13,270 based on the 12-month period following October 1, 1970.

The Company states that the provisions of the rate schedule as tendered are similar to those of FPC Rate Schedule No. 50 except modified to the extent necessary to provide for the separation for billing purposes of the ingoing electricity into various categories of electricity. The rate charged for resale service electricity is the same as that in effect under the present rate schedule. No facilities are to be installed or modified in order to supply the electric service under the proposed rate schedule.

The Company requests that the Commission waive the 30-day-notice requirement and permit the rate schedule to become effective as of October 1, 1970.

Copies of this filing were served on the Cooperative and interested State commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-672 Filed 1-11-73;8:45 am]

[Docket No. R-433; Order 459]

MOBIL OIL CORP. AND ASSOCIATED GAS DISTRIBUTORS

Gas Reserves Dedication; Order Denying Rehearing

JANUARY 5, 1973.

Mobile Oil Corp. (Mobil) on December 6, 1972, filed an application for rehearing of the Commission's Order No. 459 issued November 10, 1972, in the above-entitled proceeding. The Commission there established a form for reporting new gas reserves in Texas Gulf Coast and Southern Louisiana by the purchaser upon request of the producer for the purpose of implementing the refund credit and contingent rate escalation provisions of Opinions Nos. 595 and 598.[1]

Mobil in its application for rehearing claims that the Commission erred in making the filing of the form for new gas reserves voluntary, instead of mandatory. In support thereof, Mobil states that certain producers will have no obligation and no incentive to request pipelines to file these reports because they will receive no benefit from the "contingent" area rate escalations for flowing gas in Opinions Nos. 595 and 598. Specifically, Mobil refers to those producers who are (1) new entrants into a given producing area, (2) pipeline affiliates, or (3) applying to sell natural gas under the new optional procedure set forth in the Commission's Order No. 455.

Section 1.4 of the UDC settlement proposal provides that the purchaser upon request by the producer shall file a report with respect to new gas reserves.[2] It is thus clear that reports under that proposal were not to be mandatory. As a result, Order No. 459 made the filing of the form prescribed therein voluntary. Moreover, even though a given producer may receive no specific benefit, it may request its pipeline to report the new gas reserves, and we expect the producer to do so. We shall therefore deny Mobil's application for rehearing.

Associated Gas Distributors (AGD) also filed an application for rehearing of Order No. 459 on December 11, 1972, in which they contend that producers should receive credit only for those new gas reserves coming within the American Petroleum Institute (API) definition of proved reserves. The form adopted in Order No. 459 provides in Item No. 14 for the reporting of proved reserves as that term is defined by the API and in Item No. 15 for the reporting of new reserves that are outside the limits of the API definition but are in conformity with the definition of new gas reserves contained in § 1.4 of the UDC settlement proposal. Reserves reported in both Items Nos. 14 and 15 of the form will count for contingent escalation and refund credit purposes. The use of the UDC definition of new gas reserves in the form not only conforms with the settlement proposal approved in Opinion No. 598, but also eliminates the many problems involved in requiring or permitting changes in previously accepted estimates. Consequently, we shall deny AGD's application for rehearing.

The applications for rehearing of Mobil and AGD present no new facts or principles of law which were not fully considered by the Commission in Order No. 459, or, which having now been considered, warrant any modification of that order.

The Commission orders:

The applications for rehearing of Order No. 459 filed by Mobil on December 6, 1972, and AGD on December 11, 1972, are defined.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.73-674 Filed 1-11-73;8:45 am]

[1] The form will also be used to implement the refund credit provisions of Opinion No. 607-A (Other Southwest Area).

[2] The UDC settlement proposal is the United Distribution Companies' settlement proposal for the Southern Louisiana Area (Opinion No. 598, Appendix A) which was supported by the overwhelming majority of consumer, pipeline, and producer interests. The proposal was not only approved by the Commission in Opinion No. 598, but the refund credit and contingent rate escalations in Opinion No. 595 were patterned after similar provisions in that proposal.

[Docket No. CI73-63]

SOUTHERN UNION GATHERING CO.

Further Extension of Time

JANUARY 4, 1973.

On December 29, 1972, Southern Union Gathering Co. and Aztec Oil & Gas Co. filed a motion for a further extension of time within which evidence is to be filed and a postponement of the date for hearing in the above-designated matter established by order issued September 29, 1972, as amended by notices issued October 10, 1972, November 3, 1972, and November 28, 1972. The motion states that the New Mexico Public Service Commission has no objection to the motion in view of Aztec's agreement to defer the effective date of its rate increase to March 22, 1973.

Upon consideration, notice is hereby given that the time is further extended to and including January 29, 1973, within which prepared testimony and exhibits shall be filed. The hearing is postponed to February 1, 1973, at 10 a.m. (e.s.t.), in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-675 Filed 1-11-73;8:45 am]

[Docket No. CP73-20, etc.]

TRANSCO ENERGY CO. ET AL.

Order Granting Interventions, Request for Disclaimer and Declaratory Order, Dismissing One Application in Whole and Another in Part, and Establishing Procedures

JANUARY 4, 1973.

On July 24, 1972, Transco Energy Co. (Energy) filed in Docket No. CP73-20 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a "substitute natural gas" [1] plant and the sale for resale of the plant output to Transcontinental Gas Pipe Line Corp. (Transco), its corporate parent.[2] The proposed synthetic gas plant would be located at Twin Oaks, Upper Chichester Township, Delaware County, Pa., and would gasify naphtha from unnamed domestic and foreign sources into approximately 250,000 Mcf of synthetic gas per day.

Also on July 24, 1972, Transcontinental Gas Pipe Line Corp. (Transco) filed in Docket No. CP73-21 an application pursuant to section 7(c) of the Natural Gas Act for authorization to construct, install, and operate a purchase meter station, approximately 1,650 feet of 30-inch pipeline, and a tap on its existing Marcus Hook-Woodbury loop facilities in Delaware County, Pa.[3] The proposed facilities are intended to connect Transco's existing facilities with Energy's synthetic gas plant, which is the subject of Energy's companion certificate application in Docket No. CP73-20. Transco further requests permission to include the cost of synthetic gas purchased from Energy within the operation of its purchased gas adjustment tariff which is the subject of the application filed in Docket No. RP73-3.

On November 2, 1972, Energy filed in Docket No. CP73-20 a request for disclaimer of jurisdiction over the facilities for which it had sought authorization in that docket, or, alternatively a temporary certificate of public convenience and necessity to construct them.[4] Energy in its request for disclaimer relies, inter alia, on the decision of the Presiding Examiner (now Administrative Law Judge) issued in the Algonquin SNG proceedings, cited above.

On September 1, 1972, Gulf Oil Corp. (Gulf) filed in Docket No. CI73-168 a petition requesting that the Commission issue a declaratory order stating that the sale of naphtha by Gulf to Energy for reformation into synthetic gas would not be subject to the Commission's jurisdiction.[5]

A notice of intervention in Dockets Nos. CP73-20 and CP73-21 was timely filed by the Public Service Commission for the State of New York (New York). In its notice, New York requests a formal hearing. Petitions to intervene in the same dockets have been timely filed, except where indicated by an asterisk, as follows:

Name	Docket No. CP73-20	Docket No. CP73-21
Algonquin Gas Transmission Co.	×	×
Atlanta Gas Light Co.*	×	×
Atlantic Richfield Co.	×	
R. Lee Bennington*	×	
Brooklyn Union Gas Co.	×	×
Carolina Pipeline Co.	×	×
Coastal States Gas Producing Co.*	×	
Columbia Gas Transmission Corp.	×	
Columbia LNG Corp.* [1]	×	
Commonwealth Natural Gas Corp.	×	
Consolidated Edison Co. of New York	×	×
Continental Oil Co.	×	
Elizabethtown Gas Co.	×	×
Gulf Oil Corp.	×	×
Humble Oil & Refining Co.	×	
Long Island Lighting Co.	×	×
Alfred P. McLaughlin*	×	
Natural Gas Pipeline Co. of America*	×	
The City of New York	×	×
North Penn Gas Co.*	×	×
Petrochemical Group [2]	×	×
Philadelphia Electric Co.	×	×
Philadelphia Gas Works Division of UGI Corp.*	×	×
Phillips Petroleum Co.	×	×
Piedmont Natural Gas Co., Inc.	×	×
Public Service Electric & Gas Co.*	×	×
Southern Natural Gas Co.*	×	
South Jersey Gas Co.	×	×
Sun Oil Co.	×	
Texaco, Inc.	×	×
Texas Eastern Transmission Corp.*	×	
Transcontinental Gas Pipe Line Corp.		×
Washington Gas Light Co.*	×	×
United Natural Gas Co.	×	×

[1] For reasons unknown Columbia LNG Corp. filed two late petitions to intervene in Docket No. CP73-20, one on Sept. 11, 1972, and one on Nov. 17, 1972.

[2] The companies who make up the Petrochemical Group are listed in its petition to intervene.

A formal hearing was requested by the Petrochemical Group, and by Philadelphia Gas Works.

A notice of intervention was timely filed in Docket No. CI73-168 by New York. Petitions to intervene were timely filed in that docket by Columbia LNG Corp., Long Island Lighting Co., Phillips Petroleum Co., and Southern Natural Gas Co.

The disposition of Energy's application in Docket No. CP73-20, of Energy's subsequent request for disclaimer in that docket and of Gulf's petition for declaratory order in Docket No. CP73-168 is controlled, we believe, by our Opinion No. 637, issued December 7, 1972, in the above-cited Algonquin SNG proceedings. In the Algonquin SNG case we adopted the Administrative Law Judge's holding that naphtha, its sale and transportation, is not subject to our jurisdiction. We similarly concluded that the synthetic gas to be produced at Algonquin SNG's proposed plant is not "natural gas" as a matter of law, and, accordingly, that the facilities to be employed in the manufacture and transportation of purely synthetic gas are not subject to our jurisdiction. As a consequence of our holdings in Algonquin SNG, we dismissed the application filed pursuant to section 7(c) of the Natural Gas Act requesting authorization to construct and operate the proposed synthetic gas manufacturing plant, pipelines and related facilities to carry synthetic gas, and to sell synthetic gas to Algonquin Gas Transmission Co. A similar result is required here. Accordingly, we hereby dismiss Energy's application, described above, in Docket No. CP72-20, grant Energy's request for disclaimer of jurisdiction in the same docket, and grant Gulf Oil Corp.'s petition for declaratory order filed in Docket No. CI73-168.

That portion of Transco's filing in Docket No. CP73-21 which requests authorization to construct and operate pipeline and related facilities for the transportation of synthetic gas must also be dismissed under the Algonquin SNG rationale. Transco's request that the cost of synthetic gas be included within the operation of its purchased gas adjustment tariff, on the other hand,

[1] We shall refer to the product of the proposed Energy plant as synthetic gas, in keeping with our Opinion No. 637, issued Dec. 7, 1972, in Algonquin SNG Inc. et al., Docket No. CP72-35 et al.

[2] Notice of the application was issued Aug. 4, 1972, and published in the FEDERAL REGISTER on Aug. 11, 1972 (37 FR 16238).

[3] Notice of the application was issued Aug. 4, 1972, and published in the FEDERAL REGISTER on Aug. 11, 1972, (37 FR 16238).

[4] Energy had maintained in its application in Docket No. CP73-20 that it would become a "natural gas company" upon receipt of the certification requested.

[5] Notice of Gulf petition was issued Sept. 25, 1972, and published in the FEDERAL REGISTER on Sept. 30, 1972 (37 FR 20595).

is clearly a matter within the Commission's jurisdiction. As we stated in Algonquin SNG, a mixture of synthetic and natural gas is "natural gas" subject to Commission regulation. The rate treatment to be afforded such gas, and other matters related to its purchase, transportation, and sale for resale including public interest considerations under sections 4, 5, and 7 of the Act, thus raise issues appropriately addressed in evaluating the desirability of the project proposed.

We note in this connection that the Transco application does not seek authorization to purchase, transport, or sell the jurisdictional pipeline mixture. We shall, however, construe its application as seeking such authorization, and we require such amendment of the Transco application as may be necessary to furnish the basis for the hearing hereinafter provided for.

Owing to the relatively high price of the synthetic gas Transco would purchase, transport, and sell under the instant proposal, and in light of, inter alia, the existing natural gas shortage which dictates the need for conservation and careful allocation of gas, we consider it appropriate that Transco should present data explaining what part such gas will fill in serving the needs of Transco's customers. Accordingly, we shall by separate letter order require Transco and certain of its customers to submit detailed end-use data pertinent to the transportation and sale of its proposed synthetic and natural gas mixture. Upon satisfactory response to our letter order, we shall set the proceedings herein for formal hearing as requested by New York and petitioners whose intervention is hereby allowed.

We find it appropriate in the public interest that each of the petitions to intervene listed in the above-named dockets be granted. So that the rights and interests of those filing to intervene in Docket No. CP73–20, hereby dismissed, may be properly represented, we shall allow their intervention in Docket No. CP73–21 without the need for an additional filing.

The Commission finds:

(1) The transportation and sale of naphtha is not subject to Commission jurisdiction.

(2) The facilities proposed for the manufacture and transportation of unmixed synthetic gas are not subject to our jurisdiction.

(3) It is necessary and appropriate that end-use data as specified in a companion letter order to be issued herein should be submitted and evaluated in connection with these proceedings.

(4) It is desirable that the above-listed petitioners be allowed to intervene in the dockets in which they have filed, and that those filing in Docket No. CP73–20 be deemed intervenors in Docket No. CP73–21.

The Commission orders:

(A) The application of Transco Energy Co. in Docket No. CP73–20 is hereby dismissed.

(B) Transco Energy Co.'s request for disclaimer of jurisdiction in Docket No. CP73–20 is hereby granted.

(C) The Petition of Gulf Oil Co. for declaratory order in Docket No. CI73–168 is hereby granted.

(D) Each of the above-named petitioners and State commissions is permitted to intervene in the proceedings in which they filed, subject to the rules and regulations of the Commission. Petitioners filing to intervene in Docket No. CP73–20 are hereby deemed intervenors in Docket No. CP73–21: *Provided, however,* That the participation of all such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in these proceedings.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73–676 Filed 1–11–73;8:45 am]

[Docket No. E–7836]

WISCONSIN POWER & LIGHT CO.

Proposed Changes in Rates and Charges

JANUARY 5, 1973.

Take notice that Wisconsin Power & Light Co. (Company) on November 10, 1972, tendered for filing proposed changes in its FPC Rate Schedule No. 81, Supplement No. 1. The filing consists of a wholesale power contract dated October 9, 1972, between the city of Wisconsin Dells, Wis., and the Company which is intended to supersede, replace, and cancel the above rate schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–677 Filed 1–11–73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Granting Conditional Approval of Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 USC 1842(a)(3)), to acquire the successors by acquisition of assets and assumption of liabilities to (1) Highland Village State Bank (Highland Village), Houston, and (2) First State Bank of Clear Lake City (Clear Lake), Clear Lake City, Tex. The successor banks to Highland Village and Clear Lake have no significance except as a means to facilitate the acquisition of voting shares of Highland Village and Clear Lake. Accordingly, the proposed acquisitions are treated herein as proposed acquisitions of the shares of Highland Village and Clear Lake.

Notice of the applications affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with total deposits of approximately $1.6 billion, representing about 5.2 percent of deposits of commercial banks in Texas and is the third largest banking organization in the State.[1] Applicant also has interests in 15 other banks, ranging from 0.02 to 14.3 percent of voting shares. Acquisition of Highland Village (deposits of about $29 million) or Clear Lake (deposits of about $9 million), or both, would not result in a significant increase in the concentration of banking resources in Texas.

The Department of Justice filed comments with regard to the proposed acquisition of Highland Village and concluded that Applicant's acquisition of that bank would have a significantly adverse effect on competition in the Houston market. The Department takes the position that the Houston market is concentrated and that acquisition by Applicant, which is the largest banking organization in the market (on the basis of deposits), of Highland Village, which ranks as the 40th largest bank in the Houston market, would be anticompetitive. The Department further states that the present affiliation between Applicant and Highland Village is tenuous and

[1] All banking data are as of Dec. 31, 1971, and reflect bank holding company formations and acquisitions approved by the Board through Sept. 15, 1972.

there is a reasonable probability that the affiliation would be dissipated in the relatively near future. The Board has received no comment from the Department of Justice with respect to the application relative to Clear Lake.

Applicant asserts that Highland Village is closely tied to Applicant and that essentially the proposed acquisition is merely a corporate reorganization. Applicant further states that its lead bank, the largest in the Houston market, is a wholesale institution and does not compete with Highland Village which is a rather small retail bank located in one of the Houston suburbs. In addition Applicant contends that the Houston market is not a concentrated one, that concentration of resources there has decreased over the past 10 years, and is likely to continue in that direction.

Applicant presently controls approximately 19 percent of deposits in the Houston market and ranks as the largest banking organization there.[2] Clear Lake is a small bank and is located almost 22 miles from the City of Houston. Highland Village, although substantially larger than Clear Lake, is not a large bank by the standards of the Houston market, and its location, almost 6 miles from the downtown Houston area, is not particularly attractive for purposes of entry. In fact, neither Highland Village nor Clear Lake is an attractive point of entry into the Houston market for bank holding companies located outside of that market.

On the basis of the aforestated facts, the Board regards competitive considerations as consistent with approval of the applications. However, Applicant's present share ownership and influence with with respect to South Main and Heights Bank,[3] both located in Houston, Tex., present some adverse competitive considerations with respect to the applications herein. In the Board's judgment, common control over (1) Highland Village and Clear Lake, and (2) South Main and Heights banks, four banks located in the Houston market, would be anticompetitive. Although Applicant's ownership of voting shares in South Main is only 8.9 percent and, in Heights Bank only 0.5 percent, it is clear, from the record, that Applicant has more than a little influence over those banks; the existence of common stockholders and interlocking directors (between (a) Applicant's system and (b) South Main and Heights banks) add to Applicant's influence with respect to those banks. The Board has denied approval for the acquisition of additional shares in South Main and Heights State banks by Applicant (Order dated Jan. 4, 1973) because the Board concluded that an extension of Applicant's influence over those banks would be anticompetitive and not in the public interest. Consistent with those conclusions, the Board is of the view that Applicant's retention of its present influence over the South Main and Heights banks presents competitive considerations adverse to approval of Applicant's acquisition of the two Houston market banks subject of the applications herein. Accordingly, the Board proposes to approve the applications herein on condition that Applicant divest itself of direct or indirect control, or control through one or more other persons, of any and all voting shares, in excess of 5 percent of the voting shares, of (1) South Main Bank and (2) of Heights State Bank, such divestiture to be effected within 6 months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas.

The financial and managerial resources and prospects of Applicant, its subsidiaries, and of Clear Lake and of Highland Village are regarded as generally satisfactory, particularly in view of the commitment of Applicant to provide additional capital for its lead bank. These considerations are consistent with approval of the applications. The convenience and needs of the community to be served are also consistent with approval of the applications. The Board finds that the two proposed acquisitions are in the public interest, provided the Applicant effects the aforementioned divestitures, and should be approved on condition that such divestitures are effected within a 6-month period.

On the basis of the record, and for the reasons summarized above,[4] the applications are approved, on condition that Applicant divest itself on or before June 4, 1973, of direct or indirect control, or control through one or more persons, of any and all voting shares in excess of 5 percent of the (a) South Main Bank and (b) Heights State Bank. The acquisitions shall not be consummated (a) before February 3, 1973, nor (b) later than April 4, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority. The time allowed herein for divestiture may be extended for good cause by the Board or by the Federal Reserve Bank of Dallas.

By order of the Board of Governors,[5] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-586 Filed 1-11-73;8:45 am]

[2] The Houston banking market is approximated by the Houston Standard Metropolitan Statistical Area (SMSA), which includes Clear Lake City.

[3] The record supporting the Board's Order (of Jan. 4, 1973) denying approval with respect to applications for acquisition of shares of these two banks is incorporated herein by reference.

[4] Statement concurring in part and dissenting in part of Governors Daane and Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[5] Voting for approval: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher. Voting for conditioning of approval: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Bucher. Voting against imposition of a condition: Governors Daane and Sheehan.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Denying Approval for Acquisition of Banks

First City Bancorporation of Texas, Inc., Houston, Tex., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire the successors by acquisition of assets and assumption of liabilities to (1) South Main Bank (South Main) and (2) Heights State Bank (Heights Bank), both located in Houston, Tex. The successor banks to South Main and Heights Bank have no significance except as a means to facilitate the acquisition of voting shares of South Main and Heights Bank. Accordingly, the proposed acquisitions are treated herein as proposed acquisitions of the shares of South Main and of Heights Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 10 banks with total deposits of approximately $1.6 billion, representing about 5.2 percent of deposits of commercial banks in Texas and is the third largest banking organization in the State.[1] Applicant also has interests in 15 other banks ranging from 0.02 to 14.3 percent of voting shares. Acquisition of South Main (deposits of about $72 million) and acquisition of Heights Bank (deposits of about $60 million) would result in no significant increase in the concentration of banking resources in Texas.

The Department of Justice filed comments on each of the proposed transactions and concluded that the acquisition by Applicant of either South Main or Heights Bank (or both) would have significantly adverse effects on competition in the Houston market. The Department takes the position that the Houston market is concentrated and that an acquisition by Applicant, which is the largest banking organization in the market on the basis of deposits, of either (or both) of the two additional banks, which rank respectively 14th and 17th in the Houston market, would be anticompetitive. The Department further states that the affiliation between Applicant and each of the

[1] All banking data are as of Dec. 31, 1971, and represent bank holding company formations and acquisitions approved by the Board through Sept. 15, 1972. Applicant's share of Texas and Houston area deposits does not include the deposits of Highland Village State Bank, Houston, Tex., and First State Bank of Clear Lake City, Clear Lake City, Tex., the acquisitions of which by Applicant have been conditionally approved by the Board as of this date.

two banks sought to be acquired is tenuous and that there is a reasonable probability that it would be dissipated in the relatively near future.

In reply to Justice's comments, Applicant asserts that the Houston market is not a concentrated one, particularly when compared to banking markets of comparable size. Applicant also urges that the level of concentration in Houston has decreased over the past 10 years and there is every indication of such a trend continuing into the future. Applicant further asserts that South Main and Heights Bank are strongly tied to Applicant and that the proposed acquisitions are a corporate reorganization rather than acquisitions of independent units. Applicant also states that its lead bank is a wholesale institution and does not compete with either South Main or Heights Bank which are oriented toward a different type of customer and business than is the lead bank.

Applicant presently controls about 19 percent of the deposits in the Houston market and ranks as the largest banking organization there.[3] Both South Main and Heights Bank are in or immediately adjacent to the downtown Houston area; South Main is only 1 mile south of Applicant's lead bank and Heights Bank is approximately 2.5 miles north and west of the lead bank of Applicant. On the basis of location and size, each of the two proposed acquisitions is an attractive entry vehicle for a holding company wishing to enter the Houston market.

The Board recognizes that the Houston banking market is an attractive one for entry, and deems it important that banks of the size and location of South Main and Heights Bank be available as entry points by outside banking organizations that would be able to provide meaningful competition to large banking organizations, such as Applicant. The Board also concludes that the addition of South Main's or Heights Bank's market shares to Applicant's would strengthen the market position of Applicant in Houston without providing any offsetting public benefits.

Applicant has strongly urged that the acquisitions of South Main and Heights Bank are not acquisitions of independent banks, but constitute rather the restructuring of existing corporate relationships. Applicant acquired a stock interest in Heights Bank about 12 years after it was organized and owns approximately 0.5 percent of the voting shares of Heights Bank. Applicant asserts that itself, its lead bank, and Heights Bank have many officers and directors in common. However, this common sharing of officers and directors appears to rest on shares held by a large number of individuals (rather than corporate entities) who have interests in both Applicant and Heights Bank. It appears that directors and officers of Applicant own approximately 15.3 percent of Heights Bank stock, and 146 shareholders who own 50 percent of Applicant's stock own approximately 55 percent of Heights Bank stock. Such individual holdings lack the permanence of a corporate holding and on the facts herein, a termination or diffusion would tend to lead to the end of the sharing of common officers and directors. This is particularly likely inasmuch as the number of individuals in the smallest "control group" postulated by Applicant apparently exceeds 15.

The same analysis can be made with regard to South Main. Applicant owns a larger share of the voting stock of South Main than of Heights Bank, but the total still is only 8.9 percent. Applicant did not acquire a stock interest in South Main until some 8 years after it was initially chartered. Again the fact that there are common officers and directors existing among Applicant, its lead bank, and South Main is not a compelling consideration in view of the fact that this control rests on shares owned by a large number of individuals associated with Applicant. It appears that 137 shareholders who own over 50 percent of Applicant's stock own 44 percent of South Main's stock. Many of these individuals have greatly disparate interests in Applicant and its lead bank on the one hand, and South Main on the other; i.e., a shareholder with a large equity interest in Applicant generally seems to have a small equity in South Main. As in Heights Bank, the number of individuals in the smallest "control group" apparently exceeds 15. It is not an unlikely prospect that common ownership will be diminished or terminated in the foreseeable future and that South Main may become a viable competitor in the market, independent of the influence of Applicant.

The Board concludes, therefore, that competitive considerations weigh against approval of the acquisition of either South Main or Heights Bank by Applicant.

The financial and managerial resources and prospects of Applicant and its subsidiaries are regarded as generally satisfactory, particularly in view of the commitment of Applicant to provide additional capital for its lead bank. The financial and managerial resources and prospects of South Main and Heights Banks are also regarded as generally satisfactory whether as subsidiaries of Applicant or as independent institutions. These considerations are consistent with approval of the applications, but lend no weight for approval. The convenience and needs of the community involved are also consistent with approval of the applications, but do not present considerations to outweigh adverse competitive effects which would arise from acquisition of South Main or Heights Bank by Applicant. The Board finds that neither of the proposed acquisitions is in the public interest and each should be denied.

On the basis of the record, the applications are denied for the reasons summarized above.[3]

By order of the Board of Governors,[4] effective January 4, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-587: Filed 1-11-73;8:45 am]

RENEGOTIATION BOARD

EXCESSIVE PROFITS AND REFUNDS

Notice of Interest Rate

Notice is hereby given that, pursuant to section 105(b)(2) of the Renegotiation Act of 1951, as amended, the Secretary of the Treasury has determined that the rate of interest applicable, for the purposes of said section 105(b)(2) and section 108 of such act, to the period beginning on January 1, 1973, and ending on June 30, 1973, is 7⅛ percent per annum.

Dated: January 9, 1973.

RICHARD T. BURRESS,
Chairman.

[FR Doc.73-651 Filed 1-11-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

MAXIMUM INTEREST RATES

Establishment

Notice is hereby given that the Small Business Administration has established as the maximum interest rate per annum that participating lending institutions may charge on guaranteed loans (except revolving line of credit) approved on or after January 1, 1973, pursuant to section 7(a) of the Small Business Act, as amended, section 402 of the Economic Opportunity Act of 1964, as amended, and section 502 of the Small Business Investment Act, as amended, the following interest rate: eight and three-quarters (8¾%) per centum per annum. On immediate participation loans approved on or after January 1, 1973, the maximum interest rate shall be seven and three-quarters (7¾%) per centum per annum. Said maximum interest rates shall remain in effect until further amendment or revision.

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[3] The Houston banking market is approximated by the Houston Standard Metropolitan Statistical Area (SMSA).

[3] Dissenting statement by Governors Daane and Sheehan filed as part of the original document and available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[4] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Brimmer, and Bucher. Voting against this action: Governors Daane and Sheehan.

This notice implements the notification of maximum interest rates as provided in § 120.3(b)(2)(vi) of Part 120 (36 FR 21332).

Effective date: January 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-691 Filed 1-11-73;8:45 am]

[License Application No. 05/05-5091]

GLENCO ENTERPRISES, INC.

Notice of Application for License as a Limited Small Business Investment Company

An application for a license to operate as a limited small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Glenco Enterprises, Inc. (applicant) with the Small Business Administration (SBA) pursuant to Section 107.102 of the SBA rules and regulations governing Small Business Investment Companies (13 CFR 107.102 (1972)).

The officers and directors of the applicant are as follows:

Edward L. Wilkerson, President, Director, 1464 East 105th Street, Cleveland, OH 44106.

Lewis F. Wright, Jr., Vice President, Director, 18502 Scottsdale Boulevard, Shaker Heights, OH 44122.

Griffin M. Allen, Secretary-Treasurer, Director, 1257 East 105th Street, Cleveland, OH 44106.

The applicant, an Ohio corporation, with its principal place of business located at 1257 East 105th Street, Cleveland, OH 44106, will begin operations with $150,000 of paid-in capital, consisting of 3,000 shares of common stock. All of the issued and outstanding stock will be owned by six stockholders, each owning 500 shares.

According to the company's stated investment policy its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under that management, including adequate profitability and financial soundness in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, not later than January 29, 1973, submit written comments to SBA on the proposed licensee. Any such communication should be addressed to the Associate Administrator for Operations and Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Cleveland, Ohio.

Dated: January 3, 1973.

ANTHONY G. CHASE,
Deputy Administrator.

[FR Doc.73-692 Filed 1-11-73;8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

[Docket No. 73-1]

TRADE INFORMATION COMMITTEE

Notice of Public Hearing

Notice of public hearing requesting views regarding Trade Agreement between European Economic Community and the United Arab Republic effective January 1, 1973.

Notice is hereby given pursuant to § 2003.2 of the regulations of the Trade Information Committee of the Office of the Special Representative for Trade Negotiations (36 FR 23620, Dec. 11, 1971) that a public hearing will be held beginning at 10 a.m. on February 9, 1973, in Conference Room 730, 1800 G Street NW., Washington, DC, for the purpose of providing an opportunity to the public to present all facts and views pertaining to the effect on the United States of the arrangements provided in the Trade Agreement between the European Economic Community and the United Arab Republic effective January 1, 1973.

Interested parties are invited to express their views on this subject in person at the aforementioned public hearing provided they notify the Chairman of the Trade Information Committee, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Room 725, Washington, DC 20506, by January 26, 1973, of their desire to appear. Requests should be submitted in an original and fifteen copies which must be legibly typed, printed, or duplicated and must include the following information:

(a) The name, address, and telephone number of the party submitting the request;

(b) The name, address, telephone number, and official position of the person submitting the request on behalf of the party referred to in subparagraph (a);

(c) A brief indication of the interest of, and the position to be taken by, the party;

(d) The name, address, and telephone number of the person or persons who will present oral testimony; and

(e) The amount of time desired for the presentation of oral testimony.

Requests to present oral testimony should not contain any confidential information. Any requests marked "For Official Use Only" or similarly marked will not be accepted.

Each party will be notified if his request to appear has been granted. If not, the reasons for the denial shall be given. If so, he will be notified of the date on which he is scheduled to appear and the amount of time allotted for his presentation. (The Committee reserves the right to restrict the time allotted for presentation of oral testimony.) Each party desiring to present oral testimony will also be required to submit a written brief to the Chairman of the Trade Information Committee which must be received by February 2, 1973. The brief must include a statement in nonconfidential form of the position taken and supporting arguments. It must be submitted in not less than 20 copies which must be legibly typed, printed, or duplicated.

Interested parties not wishing to appear in person may also submit written briefs to the Chairman of the Trade Information Committee.

Parties are encouraged to support their briefs with all available information, including material that may be of a confidential nature. Reference should be had to § 2003.8 of the regulations of the Committee governing information exempt from public inspection. All written materials other than confidential information filed with the Committee in connection with the hearing will be open to public inspection by appointment, at Room 725, 1800 G Street NW., Washington, DC 20506.

Interested parties should note that pursuant to § 2003.4(d), a "written brief shall state clearly the position taken and shall describe with particularity the evidence supporting such position." Among the subjects which parties discuss in their briefs, it would be useful if at least the following were presented in detail:

(a) The exact nature of the foreign trade arrangements and actions which are to be examined, and the evidence supporting a description of these arrangements and actions;

(b) The effect upon the United States of the arrangements and actions described, and in particular, whether and to what extent U.S. industries, firms, or workers are harmed;

(c) A careful legal analysis of U.S. and foreign country international obligations relating to the arrangements and actions;

(d) Possible responses or actions of the United States to the arrangements or actions discussed in (a);

(e) The effect of such U.S. responses or actions not only on the United States but on foreign countries, including countries participating in arrangements and actions discussed in (a); and

(f) The responses or actions of the United States discussed in (d) which the interested party recommends or prefers.

JOHN JACKSON,
General Counsel, Acting Chairman, Trade Information Committee.

JANUARY 9, 1973.

[FR Doc.73-729 Filed 1-11-73;8:45 am]

TARIFF COMMISSION

[AA1921-113]

MANUAL HOISTS FROM LUXEMBOURG

Notice of Investigation and Hearing

Having received advice from the Treasury Department of December 29, 1972, that manual hoists from Luxembourg 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, 8th and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t. on February 20, 1973. 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, Thursday, February 15, 1973.

Issued: January 9, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-711 Filed 1-11-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary's Order No. 39-72]

CONTROL OF DATA AND INFORMATION COLLECTED BY THE BUREAU OF LABOR STATISTICS

DECEMBER 29, 1972.

1. *Purpose.* To establish policy and procedures for the handling of data and information collected by the Bureau of Labor Statistics and employed or processed either by the Bureau, by or for some other Administration or Office within the Department, or by persons or agencies outside the Department in order to protect the confidentiality of information regarding specific firms or individuals. Among other things, this order is intended to centralize and clarify the authority and responsibility for application to such data and information of the provisions of 5 U.S.C. 552 and 29 CFR Part 70.

2. *Background.* The Bureau of Labor Statistics of the Department of Labor (referred to hereinafter as BLS) collects a large quantity of individual and establishment data in the course of its operations. A great deal of this data is provided voluntarily by individuals and establishments who would not themselves make it available to members of the public. This voluntary cooperation is facilitated by informants' understanding that information supplied by them will not be publicly disclosed or used in such a way as to constitute an unwarranted invasion of personal privacy, a serious financial disadvantage to such informant, or a disclosure of privileged or confidential trade secrets and commercial or financial information. The continuing availability of such information furnished voluntarily and accepted under a pledge of confidentiality is essential to the maintenance of BLS and various other departmental programs. In recent years there has been a growth in the number of Federal-State and intra and interdepartmental cooperative programs as well as an expanded use of contractors and of computer technology in information processing. Consequently, the application of the Department of Labor's policy on confidentiality needs to be clarified in the light of these changed circumstances.

3. *Policy.* It is the policy of the Department of Labor:

(a) That all data collected by BLS shall, at all times, be subject to the primary jurisdiction and control of the Commissioner of Labor Statistics in regard to any matter involving the public or intragovernmental disclosure of such data.

(b) That all employees of the Department shall be subject to rules promulgated by the Commissioner of Labor Statistics governing the disclosure of confidential data and information collected by BLS. (Commissioner's Administrative Order No. 6-2.)

(c) That no official or employee of the Department regardless of the subdivision he represents who, under rules promulgated by the Commissioner of Labor Statistics, has access to or knowledge of data collected by BLS, shall disclose any information from or pertaining to such data in such a way as to identify any individual respondent or other data source to any person except pursuant to the written approval of the Commissioner of Labor Statistics.

4. *Scope.* This policy applies to all administrations and offices of the Department of Labor and to all programs and projects including Federal-State cooperative programs sponsored or participated in by the Department in which BLS data is processed or employed.

5. *Definitions.* For the purposes of this Secretary's order:

(a) Data includes, but is not limited to, information provided by individuals subject to a pledge of confidentiality.

(b) Individual includes, but is not limited to, a person, household, corporation, or other business or public service enterprise.

6. *Assignment of responsibilities.* (a) The "Commissioner of Labor Statistics" is responsible for approving the confidentiality policies and procedures relating to the protection of BLS data in connection with any activities of non-BLS organizations within or outside the Department of Labor which provide collection or processing support services to BLS programs or are otherwise allowed access to such data. The Commissioner will certify that all relevant activities of such an organization meet the appropriate standards of confidentiality before any BLS data is entrusted to that organization for any purpose. In addition, he will have the responsibility pursuant to 29 CFR Part 70 for passing upon all requests for public disclosure of data collected by BLS whether the data requested is in the physical possession of that Bureau or not.

(b) The "Solicitor of Labor" is responsible for reviewing and approving the confidentiality policies and procedures promulgated by the Commissioner of Labor Statistics in the light of the Department's general disclosure regulations, 29 CFR Part 70, the Freedom of Information Act (5 U.S.C. 552) and any other pertinent provisions of law.

(c) The "heads of Administrations and Offices" of the Department of Labor are assigned the responsibility for promulgating, implementing, and insuring continued compliance with procedures and policies consistent with this Secretary's Order.

7. *Directives Affected.* Secretary's Order No. 25-72 is canceled by this order.

8. *Effective date.* This order is effective immediately.

Signed at Washington, D.C., this 29th day of December 1972.

J. D. HODGSON, *Secretary of Labor.*

[FR Doc.73-720 Filed 1-11-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 154]

ASSIGNMENT OF HEARINGS

JANUARY 9, 1973.

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-29392 Sub 18, Les Johnson Cartage Co., now assigned January 22, 1973 (1 week), at Chicago, Ill., is postponed to February 12, 1973, at the Holiday Inn, 644 North Lake Shore Drive, Chicago, IL.

MC 113362 Sub 249, Ellsworth Freight Lines, Inc., now being assigned hearing February 1, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

No. 35655, Clougherty Packing Company v. Burlington Northern, Inc., et al., now assigned January 31, 1973, at Washington, D.C., postponed indefinitely.

RRA-No. MC 1289, Aacon Auto Transport, Inc., now assigned January 30, 1973, at Washington, D.C., postponed to February 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134477 Sub 24, Schanno Transportation, Inc., now assigned February 5, 1973, at New York, N.Y., is canceled and application dismissed.

MC 136849 Sub 1, E & H Distributing Co., now assigned February 13, 1973, at Carson City, Nev., canceled and reassigned to February 13, 1973, at the auditorium of Atomic Energy Commission, 2753 South Highland, Las Vegas, NV.

MC-C-7166, Travel Center of Waterbury, Inc. v. Continental Trailways, Inc., et al., MC-C-7631, Travel Center of Waterbury, Inc. v. Eastern Ski Tours, Inc., et al., now assigned January 29, 1973, at New York, N.Y., will be held in Room B-2231, 26 Federal Plaza, New York, N.Y.

MC-F-11644, Maplewood Equipment Co.—Control & Merger—Inter-City Transportation Co., Inc., et al., FD 27179, Maplewood Equipment Co., now assigned January 31, 1973, at Newark, N.J., will be held at the Robert Treat Hotel, 50 Park Place.

MC 1367 Sub 5, Owl Transfer and Storage Co., Inc., now assigned February 5, 1973, at Seattle, Washington, will be held in Room 4054, Federal Office Building, 909 First Avenue.

MC 42894, Frank M. Herbert, Inc., now assigned January 15, 1973, at New York, N.Y., is cancelled and transferred to modified procedure.

MC 98701 Sub 3, Cleveland Express, Inc., now being assigned hearing April 2, 1973, at Knoxville, Tenn., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-713 Filed 1-11-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 29, 1973.

FSA No. 42601—*Iron or Steel Articles to Harlingen, Tex.* Filed by Southwestern Freight Bureau, Agent (No. B-371), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in eastern, southern, southwestern and western territories, to Harlingen, Tex.

Grounds for relief—Rate relationship.

Tariff—Supplement 355 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4753. Rates are published to become effective on February 8, 1973.

FSA No. 42602—*Blacks from Points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-374), for interested rail carriers. Rates on blacks (carbon gas or oil blacks) and blacks, chemical carbon, in carloads, as described in the application, from specified points in Louisiana and Texas, to Institute, W. Va.

Grounds for relief—Rate relationship.

Tariff—Supplement 44 to Southwestern Freight Bureau, Agent, tariff I.C.C. 4983. Rates are published to become effective on February 16, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-714: Filed 1-11-73;8:45 am]

[Notice 191]

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 applications. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 1, 1973. 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-74110. By order entered December 15, 1972, the Motor Carrier Board approved the transfer to Sallee Horse Vans, Inc., Lexington, Ky., of the operating rights set forth in Certificate No. MC-107933, issued March 8, 1966, to Murlogg Farm Van Co., Inc., Louisville, Ky., authorizing the transportation of livestock, other than ordinary, for breeding, racing, show, and other special purposes, and in the same vehicle with such livestock, personal effects of attendants, trainers, and exhibitors, and supplies and equipment used in the care and exhibition of such animals, between points in New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida, Louisiana, Texas, Oklahoma, Nebraska, Kansas, Iowa, Missouri, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, and Arkansas. R. Bruce Lankford, 217 East Main Street, Georgetown, KY 40324, and Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036, attorneys for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-716 Filed 1-11-73;8:45 am]

[Notice 1]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JANUARY 9, 1973.

The following are notices of filing of applications* for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 9279 (Sub-No. 5 TA), filed December 27, 1972. Applicant: C. P. CRASKA, INC., 207 Cosby Manor Road, Utica, NY 13502. Applicant's representative: Murray Kishtein, 118 Bleecker Street, Utica, NY 13501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products and meat packinghouse articles, from Syracuse, N.Y.*, to points in the Counties of Bradford, Cameron, Crawford, Elk, Erie, Forest, McKean, Potter, Tioga, Venango, and Warren in the State of Pennsylvania, *returned, refused, and rejected commodities of the same description in the reverse direction*, for 180 days. Supporting shipper: Claude Stewart, Traffic Manager, John Morrel & Co. (1400 North Weber Avenue), Sioux Falls, SD 57103. Send protests to: District Supervisor Morris H. Gross, Interstate Commerce Commission, Room 104 O'Donnell Building, 301 Erie Boulevard West, Syracuse, NY 13202.

*Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 20546 (Sub-No. 17 TA), filed December 22, 1972. Applicant: C. MALONE TRUCKING, INC., Rear 154 Newton Street, Waltham, MA 02154. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Lumber* from Providence, R.I., to points in Maine, Massachusetts, Connecticut and Rhode Island, for 180 days. Supporting shippers: Shepard & Morse Lumber Co., 2001 Beacon Street, Brooklyne, MA 02146; Blanchard Lumber Co., Mill Pond Road, Walpole, Mass. 02081 and A. C. Dutton Lumber Corp., Providence R.I. Terminal, Poughkeepsie, N.Y. 12603. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 27754 (Sub-No. 17 TA), filed December 21, 1972. Applicant: FRANK J. KUBLY TRANSFER, INC., Post Office Box 135, Highway 11–81 East, Monroe, WI 53566. Applicant's representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Hopkinton, Delaware County, Iowa, to Monroe, Wis., and return of *cheese factory supplies*, for 180 days. Supporting shipper: J. S. Hoffman Co., Division Anderson Clayton Foods, Post Office Box 295, 1301 18th Street, Monroe, WI 53566. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 56679 (Sub-No. 71 TA), filed October 24, 1972. Applicant: BROWN TRANSPORT CORP., 125 Milton Avenue SE., Atlanta, GA 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment because of size or weight), serving the terminal site of Harper Motor Lines, Inc., at the junction of U.S. Highway 29 and South Carolina Highway 8, near West Pelzer, S.C., as an off-route point in connection with applicant's present regular route operations between Elberton, Ga., and Greenville, S.C., under Docket MC–56679 Sub 61TA (permanent authority application pending in Docket MC 56679 Sub 63), for 180 days. NOTE: Applicant states that the requested authority can be joined with its present authority held in Docket MC 56679 and effective subs thereunder, in order to provide through service to, from, and between the above-named terminal site near West Pelzer, S.C., on the one hand, and, on the other, all of applicant's presently authorized service points, and for the purpose of interchanging with connecting carrier's at the above-named terminal site near West Pelzer, S.C. Supporting shipper: Brown Transport Corp., 125 Milton Avenue SE., Atlanta, GA 30315. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 94350 (Sub-No. 1 TA), filed December 29, 1972. Applicant: TRANSIT HOMES, INC., Post Office Box 1628, Haywood Road at Transit Drive, Greenville, SC 29602. Applicant's representative: Mitchell King, Sr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture from North Windham, Maine, to points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, and Vermont, for 180 days. Supporting shipper: New England Heritage Homes, Inc., North Windham, Maine. Send protests to: E. E. Strotheid, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 Columbia Building, 1200 Main Street, Columbia, SC 29201.

No. MC 98964 (Sub-No. 11 TA), filed December 4, 1972. Applicant: PALMER BROTHERS, INCORPORATED, 960 North 1200 West, Post Office Box 37, Orem, UT 84057. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *General commodities* (except commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment and handling), (1) between Salt Lake City, Utah, and Fillmore, Utah, over U.S. Highway 91, serving all intermediate points between Levan and Fillmore, including Levan; (2) between Salt Lake City and Delta, Utah, serving points within the area of Delta extending 50 miles on the west, 32 miles on the north, 20 miles on the east, 13 miles on the south of Delta, as follows: (a) Between Salt Lake City and Santaquin over U.S. Highway 6; (b) between Salt Lake City and Holden over U.S. Highway 91, thence to Delta over Utah Highway 91, thence to Delta over Utah Highway 26; (c) between Salt Lake City and Nephi, over Highway 91, thence to Delta over Utah Highways 132 and 148, and return over the same route, serving all intermediate points and the off-route point of Jericho, Utah; (3) between Salt Lake City, Utah, and Silver City, Utah, over U.S. Highway 91 to Santaquin, Utah, and U.S. Highway 6 from Santaquin, Utah, to Silver City, Utah, and all intermediate points between Payson, Utah, and Silver City, Utah; (4) between Payson, Utah, and Santaquin, Utah, over U.S. Highway 91, serving all intermediate points; (5) between Santaquin, Utah, and Jericho, Utah, serving all intermediate points, over U.S. Highway 6, service to off-route points south of Payson, Utah; (6) between Delta, Utah, and the Utah-Nevada State line over U.S. Highway 6, serving all off-route points 25 miles on either side of said Highway 6; (7) between Salt Lake City, Utah, and Provo, Utah, over U.S. Highway 91, serving all intermediate points in Utah County;

(8) Between Salt Lake City, Utah, on the one hand, and points including and lying between (a) Fairview and Kanab; and (b) Mona and Pigeon Hollow Junction, on the other hand, over the following routes: (a) Between Salt Lake City and Spanish Fork over U.S. Highway 91; (b) between Springville and junction of U.S. Highways 50 and 6, about 4 miles east of Spanish Fork, over U.S. Highway 50; (c) between Spanish Fork and Thistle over U.S. Highway 6; (d) between Thistle and Utah-Arizona State line over U.S. Highway 89, and alternate U.S. Highway 89; (e) between Salina and, but not including Emery over Utah Highway 10; (f) between Spanish Fork and Nephi over U.S. Highway 91; (g) between Nephi and Pigeon Hollow Junction over Utah Highway 11; (h) between Moroni and Mount Pleasant over Utah Highway 116; (i) between Nephi and Gunnison over U.S. Highway 91 and Utah Highway 28, serving all intermediate points and all off-route points which are located in Sanpete County, and off-route points of Auroro, Sigurd, Venice, Glenwood, Annabella, Austin, and Monroe in Sevier County; and points between the junction of U.S. Highway 89 and Utah Highway 22, over Utah Highway 89 and Utah Highway 22, over Utah Highways 22 and 54 to and including Escalante and serving Ruby's Inn and all off-route points within 10 miles of U.S. Highway 89 in Kane County; (9) between Salt Lake City, Utah, and points intermediate between Salt Lake City and Sigurd, Utah, on the one hand, and points in Wayne County, Utah, on the other, over U.S. Highways 91 and 89 and Utah Highways 28, 24, and 117, serving the off-route points of Burriville, Koosharem, and Greenwich on Utah Highway 62 and Fish Lake on Utah Highway 25; and between Green River, Utah, and Hanksville, Utah, over Utah Highway 24; (10) between Richfield, Utah, and Sigurd, Utah, and all points in Wayne County, Utah, and between all points in Wayne County over U.S. Highway 89 and Utah Highways 28, 24, and 117; also serving the off-route points of Burriville, Koosharem, and Greenwich on Utah Highway 62 and Fish Lake on Utah Highway 25; also serving between Green River, Utah, and Hanksville, Utah, over Utah Highway 24; also the right to use Utah Highways 50 and 24 as an alternate route in serving points in Wayne County, particularly Hanksville, in case of emergency only, such emergency, being an event which would make the use of Utah Highway 24 between U.S. Highway 89 and points to be served by applicant impassible.

Over irregular routes: Between points in Kane, Garfield, Sevier, Piute, Millard, and Juab Counties, Utah; *Provided, however,* That such service is restricted against transportation service to all points situated on U.S. Highway 91 or Interstate 15 in Millard County south of the town of Fillmore; (11) between Fredonia, Ariz., and Kanab, Utah, over U.S. Highway 89A; (12) between Kanab, Utah, and Page, Ariz., serving Page, Ariz., and a 25-mile radius of Page, Ariz., from Kanab, Utah, over U.S. Highway 89 to Page, Ariz., and return over the same route, serving all intermediate points and points within 25 miles of Page, Ariz. (B) Regular routes: *Coal,* from Salt Lake City, Utah, to Dugway, Utah, as follows: From Salt Lake City to Mills Junction, Tooele County, over U.S. Highway 40, from Mills Junction to the intersection of the road going to St. John and Utah Highway 36 over said Highway 36; thence to St. John, Utah, over Utah Highway 58; thence to Dugway, Utah, over Army access road, and return together with service from railroad at St. John and/or Stockton, Utah, to Dugway Proving Grounds, together with the alternate route from Salt Lake City to Timpie, Utah, over U.S. Highway 40, thence over unnumbered State Highway to Dugway, and return, with the right to serve the intermediate point of Timpie, Utah; and (C) *salt,* from the plants of Morton Salt Co., at Saltair, Utah, to points including lying between (a) Fairview and Marysdale and (b) Mona and Pigeon Hollow Junction, Utah, over U.S. Highway 40 between Saltair and Salt Lake City and thence over U.S. Highway 89. No local service shall under this certificate be rendered between Saltair or Salt Lake City, on the one hand and points north of Fairview and Mona on the other, for 180 days. NOTE: Applicant states that it does intend to interline with all existing carriers at Salt Lake City, Utah, and Page, Ariz., applicant is presently authorized in certificate of registration to transport general commodities between Salt Lake City, Utah, and points south to the Utah-Arizona line. This application includes request for the authority issued in the registered authority, MC-98964, plus additional authority request from the State line to Page and Fredonia, Ariz. Supported by: There are approximately 26 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, 125 South State Street, Salt Lake City, UT 84111.

No. MC-103786 (Sub-No. 6 TA), filed December 7, 1972. Applicant: SCHJONEMAN TRUCKING, INC., Post Office Box 237, 703 South Main Street, Colby, WI 54421. Applicant's representative: Nancy J. Johnson, Suite 100, The Tregent Building, 4506 Regent Street, Madison, WI 53705. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum products,* in bulk, in tank vehicles, from Winona, Minn., to points in Wisconsin except counties of Jackson, Clark, Wood, Marathon, Portage, Adams, Juneau, Monroe, and Vernon, Wis., for 150 days. Supporting shipper: American Oil Co., 500 North Michigan Avenue, Chicago, IL 60611. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC-107010 (Sub-No. 46 TA), filed December 21, 1972. Applicant: BULK CARRIERS, INC., Post Office Box 423, Auburn, NE 68305. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer material, and ammonium nitrate,* in bulk, or in bags, from Farmland Industries, Inc., plantsite or warehouse at or near Hastings, Nebr., to points in Colorado, Kansas, South Dakota, and Wyoming, for 180 days. Supporting shipper: Robert E. Chipley, Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and Courthouse, Lincoln, Nebr. 68508.

No. MC 111729 (Sub-No. 366 TA), filed December 18, 1972. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds,* between Madison, Wis., on the one hand, and, on the other, Gray, South Bend, and Terre Haute, Ind., Bloomington, Joliet, Springfield, Ill., Cincinnati, and Columbus, Ohio; and (2) *biological laboratory samples, blood specimens, serum specimens, and business papers, records, and accounting media* moving therewith, between Morristown, N.J., on the one hand, and, on the other, Boston, Mass., and Providence, R.I., for 90 days. Supporting shippers: Management Data Systems, 315 West Gorham Street, Madison, WI 53703; Diagnostic Sciences, Inc., 146 Speedwell Avenue, Morris Plains, NJ 07950. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112014 (Sub-No. 19 TA), filed December 20, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., Post Office Box 400, Office: 1417 McLean Road, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs,* when transported in vehicles equipped with mechanical refrigeration, between points in Oregon and Washington; and (2) *fish feed,* from La Conner, Wash., to points in Oregon and Idaho, for 180 days. Suporting shippers: Chiquita Brands, Inc., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632; Kelley Farquhar & Co., Post Office Box 1737, Tacoma, WA 98401; Lynden Farms, Division of Western Farmers Association, 201 Elliott Avenue West, Seattle, WA 98119; Moore-Clark Co., Division of R. V. M. Inc., Post Office Box M, La Conner, WA 98257; Terminal Ice & Cold Stg. Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: L. D. Boone, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, 909 First Avenue, Seattle, WA 98104.

No. MC 112014 (Sub-No. 20 TA), filed December 20, 1972. Applicant: SKAGIT VALLEY TRUCKING CO., INC., 1417 McLean Road, Post Office Box 400, Mount Vernon, WA 98273. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs,* when transported in vehicles equipped with mechanical refrigeration, between points in Oregon and Washington; (2) *Fish feed,* from La Conner, Wash., to points in Oregon and Idaho, for 180 days. Supporting shippers: Chiquita Brands, Inc., 140 Sylvan Avenue, Englewood Cliffs, NJ 07632; Kelley, Farquhar & Co., Post Office Box 1737, Tacoma, WA 98401; Lynden Farms, Division of Western Farmers Association, 201 Elliott Avenue, West, Seattle, WA 98119; Moore-Clark Co., Division of RVM, Inc., Post Office Box M, La Conner, WA 98257; and Terminal Ice & Cold Storage Co., 1618 Southwest First Avenue, Portland, OR 97201. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 112963 (Sub-No. 31 TA), filed December 22, 1972. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, Boston Road, Billerica, Mass. 01821. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Animal feed ingredients,* dry, in bulk, in tank vehicles, from Gibson City, Ill., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., Box 89, 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, Boston, MA 02114.

No. MC 113908 (Sub-No. 248 TA), filed December 21, 1972. Applicant: ERICKSON TRANSPORT CORPORATION,

2105 East Dale Street, Post Office Box 3180, Glenstone Station, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Chicago, Ill., to Nixa and Springfield, Mo., for 180 days. Supporting shipper: Standard Brands, Inc., 625 Madison Avenue, New York, NY 10022. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 116459 (Sub-No. 47 TA), filed December 21, 1972. Applicant: RUSS TRANSPORT, INC., Pineville Road, Route 5, Post Office Box 4022, Chattanooga, TN 37405. Applicant's representative: Sam Speer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from points in Knox County, Tenn., to points in Kentucky, Virginia, and Tennessee, for 180 days. Supporting shipper: Cargill Salt, 801–B West Eighth Street, Cincinnati, OH 45203. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite 803, 1808 West End Building, Nashville, Tenn. 37203.

No. MC 117565 (Sub-No. 75 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper* from points in Pennsylvania to the plantsite and warehouse facilities of the Stone Container Corp., Coshocton, Ohio, for 180 days. Supporting shipper: Stone Container Corp., North Fourth Street, Coshocton, Ohio 43812. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 76 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled vehicles*, weighing each less than 15,000 pounds (except motor homes), in initial movements, from points in Ross County, Ohio, to points in the United States and Alaska, for 180 days. Supporting shipper: Floater Vehicles, Inc., Route 2, Kingston, Ohio 45644. Send protests to: Frank L. Calvery, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 77 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, fiberboard, and paper products*, from the plantsite and warehouse facilities of Stone Container Corp., Coshocton, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Pennsylvania, and West Virginia, for 180 days. Supporting shipper: Stone Container Corp., North Fourth Street, Coshocton, Ohio 43812. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117565 (Sub-No. 78 TA), filed December 21, 1972. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Office: Route 3, Coshocton, OH 43812. Applicant's representative: Jack R. Hafner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsite and warehouse facilities of Castle Manufacturing, at or near Mason, Ohio, to points in Michigan, Indiana, Kentucky, West Virginia, and Pennsylvania, for 180 days. Supporting shipper: Castle Manufacturing, Inc., Castle Drive, Post Office Box 195, Mason, OH 45040. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 119639 (Sub-No. 8 TA), filed December 27, 1972. Applicant: INCO EXPRESS, INC., 3600 South 124th Street, Seattle, WA 98168. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 207 and 766 (except hides and commodities in bulk), from points in King and Pierce Counties, Wash., to ports of entry on the United States-Canada international boundary at or near Blaine, Wash., for 180 days. Supporting shipper: Cudahy Co., 2203 Airport Way South, Post Office Box 3545, Seattle, WA 98124. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 123048 (Sub-No. 240 TA), filed December 22, 1972. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53403, Post Office Box A 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefinished and unfinished plywood*, from Baltimore, Md., Camden and Newark, N.J., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Wisconsin, and Pennsylvania west of U.S. Highway 219, for 180 days. Supporting shipper: Weyerhaeuser Co., Tacoma, Wash. (John T. Morgans, Assistant Manager, Highway Transportation Analysis). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124344 (Sub-No. 6 TA), filed December 26, 1972. Applicant: HINER TRANSPORT, INC., 1317 South Jefferson Street, Post Office Box 621, Huntington, IN 46750. Applicant's representative: Robert W. Loser, Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream, ice cream mix, ice milk, sherbert, water ices, and vegetable-fat frozen desserts*, in containers, in mechanically refrigerated vehicles, *and ice novelities*, including *water ice bars, fudge bars, ice creams bars, ice creams cups, ice cream sandwiches, ice cream cake rolls, ice cream pies, and articles* of a like nature, in containers, in mechanically refrigerated vehicles, from Green Bay, Wis., to Huntington, Ind., Cincinnati, Ohio, and Louisville, Ky., and from Huntington, Ind., to Madison, Wis., restricted to operations performed under a continuing contract or contracts with Sealtest Foods Division Kraftco Corp., for 180 days. Supporting shipper: Sealtest Foods Division Kraftco Corp., 435 West State Street, Huntington, IN. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 124708 (Sub-No. 41 TA), filed December 21, 1972. Applicant: MEAT PACKERS EXPRESS, INC., 222 72d Street, Omaha, NE 68114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in Section 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 Emporia, Kans., Dakota City and West Point, Nebr., Fort Dodge and Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsites

and warehouse facilities of Iowa Beef Processors, Inc., for 180 days. Supporting shipper: Iowa Beef Processors, Inc., Dakota City, Nebr. 68731. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, 106 South 15th Street, Omaha, NE 68102.

No. MC 124904 (Sub-No. 3 TA), filed December 27, 1972. Applicant: GIBNEY DISTRIBUTORS, INC., 2335 Waterbury Avenue, Bronx, NY 10462. Applicant's representative: Arthur J. Piken, Suite 1515, 1 Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Girl Scout cookies*, between the warehouse and storage facilities of Gibney Distributors, Inc., located in Bronx County and Smithtown Township, Suffolk County, N.Y., on the one hand, and, on the other, points in New Jersey and the counties of Nassau, Suffolk, Rockland, and Westchester, N.Y., for 180 days. Supporting shipper: Southern Biscuit Co., Terminal Place, Richmond, Va. 23261. Send protests to: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 133684 (Sub-No. 9 TA), filed December 18, 1972. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, WA 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt liquors and advertising materials*, in connection therewith, from Los Angeles and San Francisco, Calif., to Olympia, Tacoma, and Vancouver, Wash., for 180 days. Supporting shippers: Lucky Breweries, Inc., 615 Columbia Street, Vancouver, WA 98660; O'Farrell Distributing Co., 540 East 15th Street, Tacoma, WA 98421, and Capitol Beverages, Port of Olympia, Post Office Box 292, Olympia, WA 98507. Send protests to: L. D. Boone, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 134182 (Sub-No. 9 TA), filed December 29, 1972. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Post Office Box 505, Lawrence, KS 66044. Applicant's representative: Warren H. Sapp, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C to 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 plantsite of Dubuque Packing Co., at or near Mankato, Kans., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, for 180 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Dubuque Packing Co., Post Office Box 283, Mankato, KS 66956. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 134565 (Sub-No. 3 TA), filed December 26, 1972. Applicant: J&W TRANSPORT, INC., 2212 Hazelwood Avenue, Fort Wayne, IN 46805. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in driveaway service from Topeka, Ind., to points in the United States (including Alaska, excluding Hawaii), for 180 days. Supporting shipper: Starcraft Co., Div. Bangor-Punta Operations, Inc., Topeka, Ind. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 136159 (Sub-No. 10 TA), filed December 22, 1972. Applicant: AVIS HIGGINS, doing business as, A.B.S. MOVERS, 824 Valley View Drive, Richland Center, WI 53581. Applicant's representative: Michael J. Wyngaard, 125 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Signs, sign parts, sign poles, sign pole parts, electrical advertising displays, and accessories* when moving therewith, from Arlington, Tex., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Federal Sign and Signal Corp., 3015 Avenue E E., Arlington, TX 76011. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 136772 (Sub-No. 2 TA), filed December 26, 1972. Applicant: EARL L. CLYMER AND STANLEY D. BRAMMER, doing business as, B & C TRANSPORT, Route 1, Henderson, Iowa 51541. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Travel trailers*, with goose neck connectors, from the plantsite and storage facilties of Klassic Manufacturing Co., Inc., at or near Sedalia, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Nebraska, Oklahoma, Tennessee, and Texas, and (2) *repurchased or repossessed travel trailers*, with goose neck connectors, from the destination States named above, to Sedalia, Mo., for 180 days. Supporting shipper: Klassic Manufacturing Co., Inc., Sedalia, Mo. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 106 South 15th Street, 711 Federal Office Building, Omaha, NE 68102.

No. MC 138245 (Sub-No. 1 TA), filed December 22, 1972. Applicant: SUNFLOWER PACKING CO., INC., doing business as, SUNFLOWER TRANSPORTATION, 800 East 37th Street N., Wichita, KS 67208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fresh and frozen meats, meat products, and meat by-products;* between Wichita, Kans., on the one hand, and, on the other, Birmingham, Mobile, and Montgomery, Ala.; Phoenix, Ariz.; Fort Smith and Little Rock, Ark.; Los Angeles, Marysville, San Francisco, and San Diego, Calif.; Denver, Fort Pierce, Hialeah, Homestead, Jacksonville, Miami, Naples, Orlando, Riveria Beach, and Tampa, Fla.; Atlanta, Augusta, Columbus, and Decatur, Ga.; Chicago, Ill.; Cedar Rapids, Council Bluffs, Des Moines, Mason City, Sioux City, and Spencer, Iowa; Covington, Fort Campbell, Louisville, and Owersboro, Ky.; Alexandria, Baton Rouge, and New Orleans, La.; Baltimore and Landover, Md.; Washington, D.C.; Detroit, Mich.; Jackson and West Point, Miss.; Kansas City, St. Joseph, and St. Louis, Mo.; Newark, Jersey City, Paterson, and Elizabeth, N.J.; New York and Boroughs, N.Y.; Charlotte, Kinston, and Raleigh, N.C.; Dakota City, Gering, Grand Island, Lincoln, Minden, Omaha, Schuyler, Scottsbluff, and York, Nebr.; Cincinnati, Ohio; Guymon, Oklahoma City, and Tulsa, Okla.; Philadelphia, Pa.; Charleston, and Columbia, S.C.; Chattanooga, Clarksville, Jackson, Knoxville, Memphis, Nashville, and Union City, Tenn.; and Roanoke, Va.; under contract with Sunflower Beef, Inc., of Wichita, Kans.; and (2) *hides*, (a) from Great Bend, Hutchinson, and Mankato, Kans., to Wichita, Kans., and (b) from Wichita, Kans., to San Francisco, Calif.; under contract with Wichita Packer Hides, Inc., of Wichita, Kans., for 180 days. Supporting shippers: Sunflower Beef, Inc., 800 East 37th Street N., Wichita, Kans.; Wichita Packer Hides, Inc., Wichita, Kans. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138248 (Sub-No. 1 TA), filed December 29, 1972. Applicant: P. B. L., INC., 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Alabama, Arkansas, Louisiana, Missouri, Mississippi, and Oklahoma to Tennyson, Wis., for 180 days. Supporting shipper: Quality Wood

Treating Co., Post Office Box 175, Potosi, WI 53820. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138248 (Sub-No. 2 TA), filed December 29, 1972. Applicant: P. B. L., INC, 8 South Madison Street, Evansville, WI 53536. Applicant's representative: Marvin L. Mohr (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and conduit and materials, supplies, and tools* used in the installation of plastic pipe, from Madison, Wis., to points in Alabama, Arkansas, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Nebraska, North Carolina, Oklahoma, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Hurlbut Plastic Pipe Corp., 1241 Gilson Street, Madison, WI 53703. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 138272 (Sub-No. 1 TA), filed December 20, 1972. Applicant: ALBERT ANDERSON AND ALBERT B. ANDERSON, doing business as ANDERSON TRUCKING, 310 South Grove Street, Lexington, IL 61753. Applicant's representative: Robert T. Lawley, 300 Reisch Building, 4 West Old State Capitol Plaza, Springfield, IL 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, in bags and bulk, from Lincoln, Ill., to points in Kentucky and Missouri, for 180 days. Supporting shipper: Clifford H. Dekesel, Manager, Transportation Service Department, Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 138285 TA, filed December 22, 1972. Applicant: KANSAS WAREHOUSE CO., INC., 245 North Rock Island Avenue, Wichita, KS 67202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household goods and personal effects*, between Wichita, Kans., on the one hand, and, on the other, points in the counties of Allen, Barber, Barton, Bourbon, Butler, Chase, Chautauqua, Cherokee, Clark, Comanche, Cowley, Crawford, Edwards, Elk, Ford, Greenwood, Harper, Harvey, Hodgeman, Kingman, Kiowa, Labette, Marion, McPherson, Montgomery, Neosho, Ness, Pawnee, Pratt, Reno, Rice, Rush, Sedgwick, Stafford, Sumner, Wilson, and Woodson, Kans., for 180 days. NOTE: Applicant states it will join with other carriers at Wichita, Kans. Supporting shipper: U.S. Military, McConnell Air Force Base, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

MOTOR CARRIERS OF PASSENGERS

No. MC 138254 (Sub-No. 1 TA), filed December 29, 1972. Applicant: MT. SNOW SHUTTLE SERVICE, INC., Dix Hills Road, Wilmington, VT 05363. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in 12-passenger limousines, including driver, in a door-to-door service, from Boston, Mass., and New York, N.Y., to Vermont communities ton, Jacksonville, Wardsboro, West of East and West Dover, Dover, Wilming-Wardsboro, South Newfane, and Marlboro and return, for 90 days. Supported by: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Martin P. Monaghan, Jr., Bureau of Operations, Interstate Commerce Commission, 52 State Street, Room 5, Montpelier, VT 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-715 Filed 1-11-73;8:45 am]

[No. MC-128648 (Sub-No. 7)]

TRANS UNITED, INC.

Extension of Additional Points

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 17th day of November 1972.

Investigation of the matters and things involved in this proceeding having been made, and said review board, on the date hereof, having made and filed a report herein containing its findings of fact and conclusions thereon:[1]

It is ordered, That said application, except to the extent granted in said report, be, and it is hereby, denied.

And it is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 218, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority made in said report shall be considered as null and void and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-712 Filed 1-11-73;8:45 am]

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[1] Filed as part of the original document.

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Volume 38 ■ Number 8

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

Area wage determination decisions. Area Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions. Modifications and Supersedeas Decisions to Area Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and 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 FR 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 (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in 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.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 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 has been set forth in the original Area Wage Determination Decision.

Set forth below in this document are the following: A new Area Wage Determination Decision number AP–602 for the States of Illinois, Indiana, Kentucky, Missouri, Ohio, and West Virginia.

Modifications to Area Wage Determination Decisions for the following States (the numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State):

Arizona	AP–223(AP–258), Aug. 18, 1972.
Georgia	AP–106(AP–149); AP–107 (AP–148), July 21, 1972.
Idaho	AM–6,711(AP–257), March 24, 1972.

Supersedeas Decisions to Area Wage Determination Decisions for the following States (the numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; the Supersedeas Decision numbers are in parentheses following the numbers of the decisions being superseded):

Arkansas	AP–319, Aug. 25, 1972. AP–365, Dec. 8, 1972.
Idaho	AP–228, Aug. 25, 1972.
Kansas	AP–500, Aug. 11, 1972. AP–516; AP–517, Dec. 8, 1972.
Louisiana	AP–363, Dec. 1, 1972.
Massachusetts	AP–415, Sept. 1, 1972.
Missouri	AP–516; AP–517, Dec. 8, 1972.
Pennsylvania	AM–1,855; AM–1,858; AM–1,861; AM–1,866, Aug. 20, 1971. AP–423; AP–424, Sept. 29, 1972. AP–429; AP–430, Oct. 6, 1972.
Texas	AP–343; AP–344; AP–345, Sept. 29, 1972. AP–355, Nov. 3, 1972. AP–371, Dec. 22, 1972.

Signed at Washington, D.C., this 5th day of January 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATES: Illinois, Indiana, Kentucky, Missouri, Ohio, and West Virginia

DECISION NUMBER: AP-502 DATE: Date of Publication

DESCRIPTION OF WORK: Dredging on the Illinois River between Miles 0.0 and 80.0; the Ohio River between Miles 950.0 and 122.0; and the Upper Mississippi River between Miles 0.0 and 195.0.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Area I - Within the geographical jurisdiction of the St. Louis District, Corps of Engineers.						
Leverman, Engineer, Mechanic, and Boatman	$8.73					
Oiler and Helper	7.83					
Area II - Within the geographical jurisdiction of the Louisville District, Corps of Engineers.						
Leverman, Engineer, Mechanic, and Boatman	$8.23					
Oiler	6.85					
Helper	7.07					
Area III - Within the geographical jurisdiction of the Huntington District, Corps of Engineers.						
Leverman	$8.19					
Engineer, Mechanic & Boatman	7.85					
Oiler	6.33					
Helper	6.68					

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-319 - Mod. #3 (37 FR 17303 - August 25, 1972) Union County, Arkansas						
Omit:						
Electricians:						
Electrical contracts $3,000 or less:						
Electricians	$6.45	.25	1%		4%	
Cable splicers	6.75	.25	1%		4%	
Electrical contracts over $3,000:						
Electricians	7.15	.25	1%		4%	
Cable splicers	7.45	.25	1%		4%	
Add:						
Electricians:						
Electrical contracts $20,000 or less:						
Electricians	7.00		1%		4%	
Cable splicers	7.30		1%		4%	
Electrical contracts over $20,000:						
Electricians	7.70		1%		4%	
Cable splicers	8.00		1%		4%	
DECISION #AP-365 - Mod. #1 (37 FR 26203 - December 8, 1972) Pulaski County, Arkansas						
Change:						
Sheet metal workers	$6.90	.20	.30			
DECISION #AP-415 - Mod. #6 (37 FR 17919 - September 1, 1972) Hampden County, Massachusetts						
Change:						
Building, heavy & highway construction:						
Bricklayers; Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters:						
Holyoke	$8.60	.45	.40		.02	

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-228 - Mod. #2 (37 FR 17343 - August 25, 1972) Ada, Adams, Blaine, Boise, Butte, Camas, Canyon, Cassia, Custer, Elmore, Gem, Gooding, Jerome, Lemi, Lincoln, Minnedoka, Owyhee, Payette, Twin Falls, Valley and Washington Counties, Idaho						
Change:						
Electricians: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley and Washington Cos.						
Electricians	7.45	.30	1%		2/10%	
Cable Splicers	8.195	.30	1%		2/10%	
Electricians: Remaining Counties						
Electricians	7.40	.25	1%		.08	
Cable Splicers	8.14	.25	1%		.08	
Ironworkers: Remaining Counties and south of the Weiser-Gibbonsville line in Adams, Valley and Washington Counties						
Fence Erectors; Reinforcing; Structural and Ornamental	6.94	.40	.65		.01	
DECISION #AP-500 - Mod. #3 (37 FR 16308 - August 11, 1972) Sedgwick County, Kansas						
Change(Building Construction):						
Electricians	$7.45	.35	1%		1%	
Plumbers; Steamfitters	8.04	.49	.45		.04	
DECISION #AP-363 - Mod. #2 (37 FR 25638 - December 1, 1972) Rapides Parish, Louisiana						
Change:						
Bricklayers - Stonemasons	$6.00					
Roofers:						
Steep	5.30					
Flat	5.05					
Helper	3.75					
Kettleman	4.80					

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-516 - Mod. #1 (37 FR 26206 - December 8, 1972) Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas.						
Change(Building Construction):						
Cass, Clay, Jackson, Platte, & Ray Counties, Missouri:						
Electricians(up to & including 3 stories):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	$6.49	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties	5.89	.20	1%+.25	.70	.03	
Ray County	5.89	.20	1%+.25	.70	.03	
Electricians(4 stories):						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill	8.30	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte, & Cass Counties:						
Electricians(contracts $5,000 & over)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.80	.20	1%+.25	.70	.03	
Ray County:						
Electricians(contracts $5,000 & over)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.25	.20	1%+.25	.70	.03	
Johnson and Wyandotte Counties, Kansas:						
Electricians:						
Johnson County						
Remainder of County	6.49	.20	1%+.25	.70	.03	
Wyandotte County	6.49	.20	1%+.25	.70	.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-517 - Mod. #2 (37 FR 26218 - December 8, 1972) Cass, Clay, Jackson, Platte, & Ray Counties, Missouri; and Johnson & Wyandotte Counties, Kansas.						
Change:						
Building Construction(Cass, Clay, Jackson, Platte, & Ray Counties, Missouri):						
Electricians:						
Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; Northwestern portion of Cass Co. not including Pleasant Hill:						
Electricians	$8.30	.20	1%+.25	.70	.03	
Remainder of Clay, Jackson, Platte and Cass Counties:						
Electricians(contracts over $5,000)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.80	.20	1%+.25	.70	.03	
Ray County:						
Electricians(contracts over $5,000)	8.30	.20	1%+.25	.70	.03	
Electricians(contracts under $5,000)	7.25	.20	1%+.25	.70	.03	
Building Construction(Johnson and Wyandotte Counties, Kansas):						
Electricians	8.30	.20	1%+.25	.70	.03	

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-1,855 - Mod. #8 (36 FR 16281 - August 20, 1971) Lackawanna County, Pennsylvania Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AM-1,858 - Mod. #7 (36 FR 16294 - August 20, 1971) Luzerne County, Pennsylvania Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AM-1,861 - Mod. #5 (36 FR 16310 - August 20, 1971) Northampton County, Pennsylvania Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AP-429 - Mod. #1 (37 FR 21255 - October 6, 1972) Berks County, Pennsylvania Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						
DECISION #AP-430 - Mod. #1 (37 FR 21259 - October 6, 1972) Lehigh County, Pennsylvania Change: Highway Construction: Power Equipment Operators (See Modifications Ps. 6 & 7)						

MODIFICATIONS P. 6

DECISIONS #AM-1,855, #AM-1,858, #AM-1,861, #AP-429, #AP-430 (Cont'd)

PA-22-PEC-3 - H 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP 1						
Pile drivers or engineers working with dock builders and pile drivers All types of cranes All types of buckhoes Draglines Keystones All types of shovels Derricks Trench 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) CMI Autograde Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
Conveyor Loader (Euc Type) Scrapers and Tournapulls Spreaders High or low pressure boilers Concrete pumps Pulldozers and Tractors Asphalt plant engineers Rollers (High grade finishing) All loaders under 4 cu. yds. Mechanic - welders Motor Patrols Machines similar to above	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
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						

DECISIONS #AM-1,855, #AM-1,858, #AM-1,861, #AP-429, #AP-430 (Cont'd)

PA-22-PED-3 - E 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type						
Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

DECISION #AM-1,866 - Mod. #5
(36 FR 16335 - August 20, 1971)
29 Eastern Counties, Pennsylvania

PA-22-PED-3 - E 1 of 2

Changes:

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WAGE GROUP 1					
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					
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)					
CMI Autograde					
Machines similar to above	$8.26	4.6%	6.5%		.7%
WAGE GROUP 2					
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	7.44	4.6%	6.5%		.7%
WAGE GROUP 3					
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					

DECISION #AM-1,866 (Cont'd) MODIFICATIONS P. 9

PA-22-PEC-3 - H 2 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type						
Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AP-423 - Mod. #2 (37 FR 20458 - September 29, 1972) Dauphin County, Pennsylvania					
Change:					
Building Construction:					
Ironworkers:					
Structural, ornamental and reinforcing	$8.14	.47	1.03		.05
Highway Construction:					
Power Equipment Operators (See Modifications Ps. 10 & 11)					
DECISION #AP-424 - Mod. #2 (37 FR 20460 - September 29, 1972) Cumberland County, Pennsylvania					
Change:					
Building Construction:					
Ironworkers:					
Structural, ornamental and reinforcing	8.14	.47	1.03		.05
Highway Construction:					
Power Equipment Operators (See Modifications Ps. 10 & 11)					

DECISIONS #AP-423, #AP-424 (Cont'd) MODIFICATIONS P. 10

PA-22-PEC-3 - H 1 of 2

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Pth
WAGE GROUP 1						
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						
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)						
CMI Autograde						
Machines similar to above	$8.26	4.6%	6.5%		.7%	
WAGE GROUP 2						
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	7.44	4.6%	6.5%		.7%	
WAGE GROUP 3						
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						

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Rollers						
Seaman Pulverizing Mixer						
Power Broom						
Seeding Spreader						
TireMan - (For power equipment)						
Conveyor Loaders other than Euc Type Conveyors						
Machines similar to above	$6.95	4.6%	6.5%		.7%	
WAGE GROUP 4						
Fireman	6.52	4.6%	6.5%		.7%	
WAGE GROUP 5						
Oilers and Deck Hands	5.99	4.6%	6.5%		.7%	
WAGE GROUP 6						
On all machines with booms (including jibs, masts, leads, etc.)						
100 ft. and over	8.51	4.6%	6.5%		.7%	
150 ft. and over	8.76	4.6%	6.5%		.7%	
200 ft. and over	9.01	4.6%	6.5%		.7%	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AP-371 - Mod. #1 (37 FR 28386 - December 22, 1972) Nueces County, Texas					
Change:					
Building Construction:					
Marble setters	$5.70				.02
Terrazzo workers	5.70				.02
Tile setters	5.70				.02
Line Construction:					
Lineman	7.22	.28	1%		1/2%
Cable splicer	7.345	.28	1%		1/2%
Groundman	4.74	.28	1%		1/2%

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-343 - Mod. #7 (37 FR 20488 - September 29, 1972) Bexar County, Texas						
Change:						
Building Construction:						
Plumbers - Pipefitters	$7.13	.25	.35		.10	
DECISION #AP-344 - Mod. #6 (37 FR 20491 - September 29, 1972) Travis County, Texas						
Change:						
Building Construction:						
Cement masons	5.82	.25				
Line Construction:						
Linemen	7.33	.28	1%		1/2%	
Ground mechanics	6.19	.28	1%		1/2%	
Groundmen	5.30	.28	1%		1/2%	
Groundmen (1st 6 mos.)	4.21	.28	1%		1/2%	
DECISION #AP-345 - Mod. #6 (37 FR 20494 - September 29, 1972) El Paso County, Texas						
Change:						
Building Construction:						
Cement masons	4.475	.26				
DECISION #AP-355 - Mod. #3 (37 FR 23523 - November 3, 1972) Lubbock County, Texas						
Omit:						
Building Construction:						
Laborers:						
Asphalt rakers, tampers and spreaders; pot men and kettlemen, well drillers, bell hole men, dumpers and spotters	3.80					

SUPERSEDEAS DECISION

AP-258 P.2

STATE: Arizona COUNTY: Statewide*
DECISION NO.: AP-258 DATE: Date of Publication
Supersedes Decision No. AP-223, dated August 18, 1972, in 37 FR 16750.
DESCRIPTION OF WORK: Heavy and Highway Construction
*Establish a point 35 miles due north from the city hall of the City of Flagstaff and establish another point 35 miles due north from the city hall of the City of Kingman, then draw a straight line from the first point to the second point and extend that same line to the intersection of the Arizona-Nevada State Line. Establish a third point 35 miles due north of the city hall of the City of Holbrook and draw a straight line from the first point to the third point and from the third point extend a line due east to the intersection of the Arizona-New Mexico State Line.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ZONE 1. Phoenix-Tucson + 30 miles radius:						
Linemen	$8.10	.23	5%		3%	
Cable splicers	8.39	.23	5%		3%	
Equipment operators; Hole digger; Ditching	7.62	.23	5%		3%	
Groundmen	6.61	.23	5%		3%	
ZONE 1A. Douglas-Flagstaff-Globe-Kingman-Prescott-Yuma & 10 mile radius:						
Linemen	8.68	.23	5%		3%	
Cable splicer	8.98	.23	5%		3%	
Equipment operator; Hole digger; Ditching	8.20	.23	5%		3%	
Groundmen	7.21	.23	5%		3%	
ZONE 2. Other Areas:						
Linemen	9.25	.23	5%		3%	
Cable splicers	9.53	.23	5%		3%	
Equipment operators; Hole digger; Ditching	8.78	.23	5%		3%	
Groundmen	7.80	.23	5%		3%	

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BRICKLAYER: (Phoenix Area)						
Bricklayers; Manhole Builders						
Zone A (0-25 miles from the City Hall of Phoenix); Flagstaff & Yuma	$8.85	.35	.30		.03	
Zone B (25-40 miles from the City Hall of Phoenix; & Williams AFB)	9.74	.35	.30		.03	
Zone C (40-70 miles from the City Hall of Phoenix)	10.18	.35	.30		.03	
Zone D (70-100 miles from the City Hall of Phoenix)	10.62	.35	.30		.03	
Zone E (100-200 miles & over from the City Hall of Phoenix)	11.06	.35	.30		.03	
Zone F (200 miles and over from the City Hall of Phoenix)	11.51	.35	.30		.03	
BRICKLAYERS: (Tucson Area)						
Bricklayers						
Zone A (Shall be from the closest Tucson City limits through 10 miles)	7.825	.40	.30	.25	.02	
Zone B (Shall be from the closest Tucson City limits to over 10 miles & no further than 25 miles)	8.20	.40	.30	.25	.02	
Zone C (Shall be from the Closest Tucson City limits to over 25 miles & no further than 40 miles)	8.575	.40	.30	.25	.02	
Zone D (Shall be all locations over 40 miles from the closest Tucson City limits)	9.325	.40	.30	.25	.02	
Manhole Builders						
Zone A	8.075	.40	.30	.25	.02	
Zone B	8.45	.40	.30	.25	.02	
Zone C	8.825	.40	.30	.25	.02	
Zone D	9.575	.40	.30	.25	.02	
CARPENTERS:						
(Central & Southern Areas):						
Carpenters	7.75	.35	.60		.025	
Power Tools	8.25	.35	.60		.025	
(Northern Area):						
Carpenters	9.625	.35	.60		.025	
Power Tool Opr.	10.125	.35	.60		.025	
CEMENT MASONS (Central & Southern Areas)	7.585	.35	.65		.025	
CEMENT MASONS (Northern Area)	9.51	.35	.65		.025	

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
DRYWALL INSTALLERS:						
From Court House in Phoenix, Mesa, incl. Williams AFB and Luke AFB:						
Tapers						
Zone A (0-40 miles)	$6.00	.225				
Zone B (40-60 miles)	7.00	.225				
Zone C (60 miles & over)	7.25	.225				
Texture Spraymen						
Zone A (0-40 miles)	6.10	.225				
Zone B (40-60 miles)	7.10	.225				
Zone C (60 miles & over)	7.35	.225				
DRYWALL INSTALLERS (Tucson & vicinity)	5.35					
ELECTRICIANS: (Flagstaff Area)						
Electricians						
Zone A (In Flagstaff, which shall cover that area lying in a square extending 20 miles North-South, East & West of the Post Office.) (Williams, Winslow, & Sedona covering a square extending 5 miles North-South, East & West of the Post Offices of each town)	8.90		1%+.60		1/2%	
Zone B (All territorial jurisdiction allotted outside of Zone A.)	10.40		1%+.60		1/2%	
Cable Splicers						
Zone A	9.10		1%+.60		1/2%	
Zone B	10.60		1%+.60		1/2%	
ELECTRICIANS: (Gallup Area - Northern Apache County)						
Electricians	7.35		1%		1/2%	
Cable Splicers	8.09		1%		1/2%	
ELECTRICIANS: (Globe-Miami Area)						
Electricians						
Zone A (Shall be the area within 16 road miles beginning where the Southern Pacific Railroad intersects Highway 60-70 at Kaiser Crossing	9.25	.30	1%		1/2%	
Zone B (Shall be from the 16th road mile and extend up to and including the 32nd road mile)	9.95	.30	1%		1/2%	
Zone C (Shall be from the 32nd road mile and extend up to and including the 48th road mile)	10.55	.30	1%		1/2%	
Zone D (Shall be from the 48th road mile and extend to the outside limits of the union's juridiction)	11.25	.30	1%		1/2%	

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ELECTRICIANS (Globe-Miami Area)(Cont'd)						
Cable Splicers						
Zone A	$9.50	.30	1%		1/2%	
Zone B	10.20	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.50	.30	1%		1/2%	
ELECTRICIANS: (Phoenix-Kingman-Prescott Area)						
Electricians						
Zone A (Phoenix & other areas - Powers Road on the east, from Hunt Highway on the south to one mile south of Pinnacle Peak Road on the North. One mile south of Pinnacle Peak Road to Cotton Lane on the West. Cotton Lane to Pecos Road on the South. Pecos Road to Price Road and from Price Road to Hunt Highway on the South. Hunt Highway to Powers Road on the East. (Kingman & other cities - Zone "A" shall be the area within 16 road miles from the City Hall or central location. Exception to the above shall be Prescott where Zone A shall be 20 road miles from the City Hall.)	8.95	.30	1%+.60		1/2%	
Zone B (Phoenix & other areas - shall be from the outside edge of Zone A up to & including 16 road miles from the outside edge of Zone A. (Kingman & other Cities-shall be from the 16th road mile and extend up to & including the 32nd road mile)	10.60	.30	1%+.60		1/2%	
Zone C (Phoenix & other areas - shall commence at 16 road miles from the outside edge of Zone "A" and extends to the outside limits of the Union's Jurisdiction.) (Kingman & other Cities - shall be from the 32nd road mile and extend to the outside limits of the Union's jurisdiction.)	11.43	.30	1%+.60		1/2%	

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1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Phoenix-Kingman-Prescott Area) (Cont'd)						
Cable Splicers						
Zone A	$9.36	.30	1%+.60		1/2%	
Zone B	11.10	.30	1%+.60		1/2%	
Zone C	11.97	.30	1%+.60		1/2%	
ELECTRICIANS: (Tucson Area)						
Electricians						
Zone A (Shall be the area within 16 road miles from City Hall of Tucson & Douglas)	9.25	.30	1%		1/2%	
Zone B (Shall be from the 16th road mile and extend up to and including the 32nd road mile from Tucson only).	9.95	.30	1%		1/2%	
Zone C (Shall be from the 32nd road mile and extend up to and including the 48th road mile from Tucson only).	10.55	.30	1%		1/2%	
Zone D (Shall be from the 48th road mile and extend to the outside limits of the units jurisdiction) and - (Douglas - Zone D shall be from the 16th road mile and extend to the outside limits of the units jurisdiction).	11.25	.30	1%		1/2%	
Cable Splicers						
Zone A	9.50	.30	1%		1/2%	
Zone B	10.20	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.50	.30	1%		1/2%	
ELECTRICIANS: (Yuma Area)						
Electricians						
Zone A (Yuma north of Colorado River, east to County Avenue 5E, south of County 16, west to County Avenue E; Cities of Somerton and Parker)	9.05	.30	1%		1/2%	
Zone B (1-16 miles from Zone A)	9.55	.30	1%		1/2%	
Zone C (16 mi. from Zone A - 42 mi. from Zone A)	10.05	.30	1%		1/2%	
Zone D (42 miles from Zone A & out)	10.50	.30	1%		1/2%	
Cable Splicers						
Zone A	9.80	.30	1%		1/2%	
Zone B	10.30	.30	1%		1/2%	
Zone C	10.80	.30	1%		1/2%	
Zone D	11.25	.30	1%		1/2%	

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1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GLAZIERS	$5.19					
IRONWORKERS: (Central & Southern Areas)						
Structural	8.58	.58	.625		.04	
Reinforcing	8.58	.58	.625		.04	
IRONWORKERS: (Northern Area)						
Structural	10.21	.58	.625		.04	
Reinforcing	10.21	.58	.625		.04	
PAINTERS: (Flagstaff Area)						
Brush						
Zone A (From Flagstaff Court House to 20 miles)	5.90					
Zone B (20-35 miles from Flagstaff Court House)	6.40					
Zone C (30-100 miles & over from Flagstaff Court House)	7.15					
Zone D (100 miles & over from Flagstaff Court House)	7.40					
Brush, steel & bridge						
Zone A	6.15					
Zone B	6.55					
Zone C	7.30					
Zone D	7.55					
Spray, steel & bridge						
Zone A	6.65					
Zone B	7.15					
Zone C	7.80					
Zone D	8.05					
Soft tile resilient & carpet						
Zone A	5.90					
Zone B	6.40					
Zone C	7.15					
Zone D	7.40					
Spray						
Zone A	6.35					
Zone B	6.85					
Zone C	7.60					
Zone D	7.85					
PAINTERS: (Phoenix Area)						
Brush						
Zone A (0-40 miles from Phoenix Court House; Mesa; & incl. Williams & Luke Fields)	6.775	.275	.20	.50	.02	
Zone B (41-60 miles from Phoenix Court House)	7.775	.275	.20	.50	.02	
Zone C (61 miles & over from Phoenix Court House)	8.275	.275	.20	.50	.02	
Brush, steel & bridge						
Zone A	7.125	.275	.20	.50	.02	
Zone B	8.125	.275	.20	.50	.02	
Zone C	8.625	.275	.20	.50	.02	

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS: (Phoenix Area) (Cont'd)						
Spray, steel & bridge						
Zone A	$7.325	.275	.20	.50	.02	
Zone B	8.325	.275	.20	.50	.02	
Zone C	8.825	.275	.20	.50	.02	
Carpet & resilient tile layers						
Zone A	6.775					
Zone B	7.775					
Zone C	8.275					
PAINTERS: (Tucson Area)						
Brush						
Zone A (1-30 miles from Tucson Post Office)	6.25	.29	.25		.02	
Zone B (31-40 miles from Tucson Post Office)	7.00	.29	.25		.02	
Zone C (41-50 miles from Tucson Post Office)	7.25	.29	.25		.02	
Zone D (51 miles & over from Tucson Post Office)	7.50	.29	.25		.02	
Brush, steel & bridge						
Zone A	7.20	.29	.25		.02	
Zone B	7.95	.29	.25		.02	
Zone C	8.20	.29	.25		.02	
Zone D	8.45	.29	.25		.02	
Spray, steel & bridge						
Zone A	7.70	.29	.25		.02	
Zone B	8.45	.29	.25		.02	
Zone C	8.70	.29	.25		.02	
Zone D	8.95	.29	.25		.02	
PAINTERS: (Yuma Area)						
Brush						
Zone I (Radius of 30 miles from the Court House of Yuma)	5.85					
Zone II (From outside edge of Yuma Zone I, 31 miles up to & incl. 50 miles from the Court House of Yuma)	6.16					
Zone III (From outside edge of Yuma Zone II, 51 miles & over from Court House of Yuma)	6.66					
Brush, steel & bridge						
Zone I	6.10					
Zone II	6.41					
Zone III	6.91					
Spray, steel & bridge						
Zone I	6.50					
Zone II	6.81					
Zone III	7.31					

1-ARIZ-3-HIGHWAY

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLUMBERS:						
From nearest basing points, of Phoenix, Tucson, Douglas, Flagstaff, & Yuma Main Post Offices:						
Zone I (0-15 miles)	$7.74	.45	.70		.06	
Zone II (15-30 miles)	8.04	.45	.70		.06	
Zone III (30-45 miles)	8.39	.45	.70		.06	
Zone IV (45 miles & beyond)	9.49	.45	.70		.06	
ROOFERS (Tucson Area)						
Roofers & waterproofers; Asbestos Shingles & tile machine operator:						
Zone A	6.60	.35	.10		.02	
Zone B	7.85	.35	.10		.02	
ROOFERS (Phoenix Area)						
Roofers & waterproofers	6.10	.30	.20		.02	
SHEET METAL WORKERS						
From nearest basing points of Phoenix, Flagstaff, Holbrook, Yuma, & Prescott-City Hall or Administration Building:						
Zone I (0-25 miles)	7.59	.27	.32		.02	
Zone II (25-50 miles)	8.22	.27	.32		.02	
Zone III (over 50 miles)	9.56	.27	.32		.02	
SHEET METAL WORKERS						
From nearest basing points of Tucson & Douglas City Hall or Administration Building:						
Zone A (0-17 miles)	6.83	.48	1.00		.01	
Zone B (18-23 miles)	7.28	.48	1.00		.01	
Zone C (24-31 miles)	7.73	.48	1.00		.01	
Zone D (32-43 miles)	8.33	.48	1.00		.01	
Zone E (44 miles and over)	8.78	.48	1.00	.01		

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2-ARIZ-LAB-1-2-3-m (1-3)

Northern area of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hoseman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stone man	$ 7.155	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	7.265	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	7.375	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	7.455	.35	.60		.05	

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2-ARIZ-LAB-1-2-3-m (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (CONT'D)						
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair of Safety Belt); Tampers (mechanical - all types)	$7.595	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunnite); Sandblaster (Nozzleman)	7.90	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunnite Nozzleman or Rodman; Drillers, Joy Mustang, FR 143,2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	8.41	.35	.60		.05	
MASON TENDERS	7.21	.30	.45		.05	
PLASTERERS' TENDERS	7.525	.30	.45		.05	

Employees working underground shall receive twenty cents (20c) per hour additional above the regular rate, except where herein specifically covered.

Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50c) per hour in addition to their regular rate, except where inherent in classifications.

LABORERS: CONT'D	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$7.35	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	7.485	.35	.60		.05	
GROUP III						
GROUT GUNMAN	7.585	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	7.685	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	7.885	.35	.60		.05	
GROUP V						
DIAMOND DRILL	8.02	.35	.60		.05	
GROUP V - A						
SHAFT AND RAISE MINER WELDER	8.22	.35	.60		.05	

Northern area of Arizona

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group I Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$8.06	.45	.50		.02	
Group II Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	8.35	.45	.50		.02	
Group III Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Drivermoto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Ross Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	8.75	.45	.50		.02	
Group IV A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	9.19	.45	.50		.02	

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2-ARIZ-PSO-1-2-3-g (2-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$9.63	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. MRC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	9.89	.45	.50		.02	

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2-ARIZ-PEO-1-2-3-g (3-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Operating Engineer Electricians - including lineman, tower erector, cable splicers, etc.; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$10.17	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling						

2-ARIZ-PEO-1-2-3-a (4-6)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS: (Cont'd)						
Group VII (Cont'd) head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$10.69	.45	.50		.02	
MULTIPLE-UNIT EARTH MOVING EQUIPMENT: Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50¢) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.						
All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.						
Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.						
Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.						

2-ARIZ-TD-1-2-3-a (1-2)

Northern area of Arizona

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
TRUCK DRIVERS:						
GROUP I						
PICKUP; STATION WAGON; TEAMSTERS	$7.295	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	7.405	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumptor or Dumpster, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	7.565	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	7.855	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	7.985	.35	.60		.02	
GROUP V - A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman or Leverman	8.125	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);						

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2-ARIZ-TD-1-2-3- e (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (CONT'D)						
GROUP VI (CONT'D)						
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$8.235	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	8.575	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series. Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	8.99	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	9.86	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	8.03	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	9.62	.35	.60		.02	
Combination Man - 30c over the highest rated work						
Multiple-unit equipment driver - two units 50c per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

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1-ARIZ-LAB-1-2-3-m (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Central & Southern areas of Arizona						
LABORERS:						
GROUP I						
ALL HELPERS NOT HEREIN SEPARATELY CLASSIFIED; Cesspool Diggers and Installers; Chat Box Man; Checker, Tool Dispatcher; Concrete Dump Man-belt, Pipe and/or Hoseman; Dumpman and/or Spotter; Fence Builder, Guard Rail Builder Hwy.; Form Strippers; Labor, General or Construction; Landscape Gardener & Nurseryman; Packing Rod Steel and Pans; Rip Rap Stoneman	$5.53	.35	.60		.05	
GROUP II						
CEMENT FINISHER TENDER; Concrete Curer (Impervious membrane); Cutting Torch Operator; Fine Grader (Highway, Engineering and Sewer Work only); Kettleman - Tarman; Power Type Concrete Buggy	5.64	.35	.60		.05	
GROUP III						
BANDER; CHUCKTENDER (except Tunnel); Creosote Tieman; Guinea Chaser; Powderman Helper; Rip-Rap Stone Paver; Sandblaster (Pot Tender); Spikers & Wrenchers	5.75	.35	.60		.05	
GROUP IV						
CEMENT DUMPERS (Skip-type mixer or handling bulk cement); Chain Saw Machines (on clearing and grubbing); Concrete Vibrating Machines; Cribber and Shorer (except Tunnel); Floor Sanders - Concrete; Hydraulic Jacks, and similar mechanical tools not separately herein classified; Operators and Tenders of Pneumatic and electric tools; Pipe Caulker and/or Backup Man (pipeline); Pipe Wrapper; Pneumatic Gopher; Rigger/signalman (pipeline)	5.83	.35	.60		.05	

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
AIR AND WATER WASH-OUT NOZZLEMAN; Asphalt Rakers and Ironers; Driller; Grade Setter (pipeline); Hand Guided Trencher and Similar Operated Equipment; Jackhammer and/or Pavement Breakers; Pipe Layer (including but not limited to non-metallic, transite and plastic pipe, water pipe, sewer pipe, drain pipe, underground tile and conduit); Rock Slinger; Scaler (using Bos'ns Chair or Safety Belt); Tampers (mechanical - all types)	$5.97	.35	.60		.05	
GROUP VI						
CONCRETE CUTTING TORCH; CONCRETE SAW (Hand guided); Driller (Core, Diamond, Wagon or Air Track); Drill Doctor and/or Air Tool Repairman; Gunman and Mixerman (Gunite); Sandblaster (Nozzleman)	6.275	.35	.60		.05	
GROUP VII						
CONCRETE ROAD FORM SETTER; Gunite Nozzleman or Rodman; Drillers, Joy Mustang, FR 1143, 2200 Gardner-Denver, Hydrasonic; Powder Man; Scaler (Drillers); Welders and/or Pipe Layers installing process piping	6.785	.35	.60		.05	
MASON TENDERS	6.135	.35	.60		.05	
PLASTERERS' TENDERS	6.45	.35	.60		.05	
Employees working underground shall receive twenty cents (20¢) per hour additional above the regular rate, except where herein specifically covered						

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers employed where they may have a free fall over thirty (30) feet or on construction scaffolds above thirty (30) feet or Bos'n Chair above thirty (30) feet, or where gas masks are necessary, shall receive fifty cents (50¢) per hour in addition to their regular rate, except where inherent in classifications.						
TUNNEL AND SHAFT WORKERS						
GROUP I						
BULL GANG, MUCKERS, TRACKMAN; DUMPMEN; Concrete Crew (includes Rodders and Spreaders); Grout Crew; Swamper (Brakeman and Switchmen on Tunnel Work)	$5.725	.35	.60		.05	
GROUP II						
NIPPER; CHUCKTENDER, CABLETENDER; Vibratorman, Jackhammer, Pneumatic Tools (except Driller)	5.86	.35	.60		.05	
GROUP III						
GROUT GUNMAN	5.96	.35	.60		.05	
GROUP IV						
TIMBERMAN, RETIMBERMAN - wood or steel Blaster, Driller Powderman; Cherry Pickerman; Powderman - Primer House; Steel Form Raiser and Setter; Kemper and other Pneumatic Concrete Placer Operator; Miner - Finisher	6.06	.35	.60		.05	
GROUP IV - A						
MINERS - Tunnel (Hand or Machine)	6.26	.35	.60		.05	
GROUP V						
DIAMOND DRILL	6.395	.35	.60		.05	
GROUP V-A						
SHAFT AND RAISE MINER WELDER	6.595	.35	.60		.05	

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Central & Southern areas of Arizona

1-ARIZ-PEO-1-2-3-r (1-4)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group I Air Compressor Operator; Field Equip-Servicemen Helper; Heavy Duty Repair Helper; Heavy Duty Welder Helper; Oiler; Pump Operator	$6.42	.45	.50		.02	
Group II Conveyor Operator; Generator Operator-Portable; Power Grizzly Operator; Self-Propelled Chip Spreading Machine-Conveyor Operator; Watch Fireman; Welding Machine Operator - Gasoline and Diesel Power	6.73	.45	.50		.02	
Group III Concrete Mixer Operator-Skip Type; Dinky Operator - (under 20 tons wt.); Driver-moto Paver, Slurry Seal Machine, and similar type equipment; Motor Crane Driver; Power Sweeper Operator-Self-propelled; Ross Carrier or Fork Lift Operator; Skip Loader Operator - all types with rated capacity 1-1/2 cu. yds. or less; Wheel type tractor Operator (Ford, Ferguson, or similar type) with attachments such as fresno, push blade, post hole auger, mower, etc., excluding compacting equipment	7.13	.45	.50		.02	
Group IV A-Frame Boom Truck or Winch Truck Operator; Asphalt Plant Firemen; Elevator Hoist Operator (including Tuskey Hoist or similar types); Grade Checker (excluding Civil Engineer); Multiple Power Concrete Saw Operator; Pavement Breaker, Mechanical Compactor Operator, power propelled; Roller Operator - all types except as otherwise classified; Screed Operator; Self-propelled Chip Spreading Machine Operator (including Slurry Seal Machine Operator) Stationary Pipewrapping and Cleaning Machine Operator; Tugger Operator	7.57	.45	.50		.02	

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1-ARIZ-PEO-1-2-3-r (2-4)

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group V Aggregate Plant Operator (including crushing screening and sand plants, etc.); Asphalt Laydown Machine Operator; Asphalt Plant Mixer Operator; Beltcrete Machine; Boring Machine Operator; Concrete Mechanical Tamping, spreading or finishing Machine (incl. Clary, Johnson or similar types); Concrete Pump Operator; Concrete Batch Plant Operator, all types & sizes; Conductor, Brakeman, or Handler; Elevating Grader Operator - all types and sizes (except as otherwise classified); Field Equipment Serviceman; Highline Cableway Signalman; Kolman Belt Loader op. or similar type, w/belt width 48" or over; Locomotive Engineer (including Dinky-20 tons weight and over); Moto-paver and similar type equipment Operator; Operating Engineer Rigger; Pneumatic-tired Scraper Op. (Turnapull, Euclid, Cat, D-W, Hancock & similar equipment) up to & incl. 12 cu. yds.; Power Jumbo Form Setter Operator; Pressure Grout Machine Op. (as used in heavy engineering construction); Road Oil Mixing Machine Operator; Roller Operator-on all types asphalt pavement; Self-Propelled Compactor, with blade; Skip Loader Operator-all types with rated capacity over 1-1/2 but less than 4 cu. yds.; Slip Form Operator (Power driven lifting device for concrete forms); Soil Cement Road Mixing Machine Operator - single pass type; Stationary Central Generating Plant Operator - rated 300 k.w. or more; surface Heater and Planer Operator; Traveling Pipewrapping Machine Operator	$8.01	.45	.50		.02	
Group V-A Heavy Duty Mechanic and/or Welder; Pneumatic tired scraper, all sizes & types over 12 cu. yds. up to & incl. 45 cu. yds. HBC (Turnapull, Euclid, Cat D-W Hancock, and similar equipment); Tractor Operator (Pusher, Bulldozer, Scraper) up to 400 net horsepower rating; Trenching Machine Op.	8.27	.45	.50		.02	

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group VI Auto-Grade Machine (CMI and similar equipment); Boring Machine Operator (including Mole, Badger and similar type); Concrete Mixer Operator-Paving type, and Mobile Mixer; Concrete Pump Operator with boom attachment (Truck Mounted); Crane Operator-Crawler and Pneumatic type, under 100 ton capacity MRC; Crawler type tractor Operator - with boom attachment; Derrick Operator; Forklift op. for hoisting personnel; Grade-all operator; Helicopter Hoist; Highline Cableway Op. (less than 20 tons rated capacity); Mass Excavator Op. (150 Bucyrus Erie & similar types); Mechanical Hoist Operator (two or more drums); Motor Grade Operator - any type power blade; Motor Grader Operator with elevating Grader Attachment; Mucking Machine Operator; Overhead Crane Operator; Piledriver Engineer (portable, stationary or skid rig); Pneumatic-tired Scraper Op. - all sizes and types (Turnapull, Euclid, Cat, D-W, Hancock and similar equipment over 45 cu. yds. MRC); Power Driven Ditch Lining or Ditch Trimming Machine Operator; Skip Loader Operator - all types with rated capacity 4 cu. yds. but less than 8 cu. yds.; Slip Form Paving Machine Op. (including Gunnert, Zimmerman & similar types); Specialized Power Digger Op. - attached to wheel-type tractor; Tower Crane (or similar type) Op.; Tractor Op. (pusher, Bulldozer, Scraper) 400 net horsepower and over; Tugger Op. (two or more); Universal Equipment Op. - Shovel, Backhoe, Dragline, Clamshell, etc., up to 8 cu. yds.	$8.55	.45	.50		.02	
Group VII Crane Operator - Pneumatic or Crawler (100 ton hoisting capacity and over MRC rating); Helicopter Pilot - FAA qualified when used in construction work; Highline Cableway Op., over 20 ton rated capacity and using traveling head and tail tower; Remote Control Earth Moving Equipment Operator; Skip Loader Operator - all types with rated capacity of 8 cu. yds. or more; Universal Equipment - Shovel, Backhoe, Dragline, Clamshell, etc., 8 cu. yds. and over	$9.05	.45	.50		.02	

MULTIPLE-UNIT EARTH MOVING EQUIPMENT:
Tractor Operator-Pneumatic-tired or track type, two units - fifty cents (50c) per hour more than the base single-unit rate established in Group V, Group V-A, or Group VI, and one dollar ($1.00) per hour for each additional unit.

All Operators, Oiler, & Motor Crane Drivers on equipment with booms of 80 & over, incl. jib shall receive .0075 (3/4 of a cent) per foot per hour premium pay additional to the regular rate of pay.

Oiler shall be required on all track or crawler-type cranes, backhoes, shovels, clamshells, draglines, gradalls, etc.

Oiler drivers shall be required on all truck mounted or self-propelled excavating and/or hoisting equipment having the configuration for two men.

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others

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Central & Southern areas of Arizona

1-ARIZ-TD-1-2-3-a (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
GROUP I						
PICKUP; STATION WAGON; TEAMSTERS	$ 5.67	.35	.60		.02	
GROUP II						
BUGGYMOBILE, 1 C.Y. OR LESS; Bulk Cement Spreader (2 or 3 Axle); Bus Driver; Dump (2 or 3 Axle); Flatrack (2 or 3 Axle); Water (under 2500 gal.)	5.78	.35	.60		.02	
GROUP III						
BULK CEMENT SPREADER (4 AXLE); Dump (4 Axle); Dumptor or Dumpster, less than 7 c.y.; Flatrack (4 Axle); Water (2500 gal. but less than 4000 gal.)	5.54	.35	.60		.02	
GROUP IV						
BULK CEMENT SPREADER (5 AXLE); Dump (5 Axle); Dumptor or Dumpster, 7 c.y. but less than 16 c.y.; Flaherty Spreader or similar type equipment or Leverman; Flatrack (5 Axle); Slurry-Type Equipment or Leverman; Transit Mix, 8 c.y. or less mixer capacity	6.23	.35	.60		.02	
GROUP V						
BULK CEMENT SPREADER (6 Axle); Dump (6 Axle); Flatrack (6 Axle); Rock Truck (Dart, Euclid and other similar type end dumps, single unit) less than 16 c.y.	6.36	.35	.60		.02	
GROUP V - A						
OIL TANKER OR SPREADER TRUCK DRIVER and/or Bootman, Retortman or Leverman	6.50	.35	.60		.02	
GROUP VI						
BULK CEMENT SPREADER (7 Axle); Concrete Pump Truck Driver, (when integral part of transit mix truck); Dump (7 Axle); Flatrack (7 Axle);						

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1-ARIZ-TD-1-2-3-a (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (CONT'D)						
GROUP VI (CONT'D)						
Hydro Lift, Swedish Crane, Iowa 300 and similar types; Ross Carrier Fork Lift or Lift Truck; Transit Mix, over 10.5 c.y. but less than 14 c.y. mixer capacity	$6.61	.35	.60		.02	
GROUP VII						
BULK CEMENT SPREADER (8 AXLE); Dump (8 Axle); Flatrack (8 Axle)	6.95	.35	.60		.02	
GROUP VIII						
OFF-HIGHWAY EQUIPMENT DRIVER (2 or 4 wheel power unit, i.e. Cat DW series, Euclid, International, and similar type equipment, transporting material when top loaded or by external means, including pulling water tanks, fuel tanks, or other Teamsters classifications; Bulk Cement Spreader (9 Axle); Dump (9 Axle); Dumptor or Dumpster, 16 c.y. and over; Eject-alls; Flatrack (9 Axle); Rock Truck (Dart, Euclid, or other similar end dump types) 16 c.y. and over	7.365	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER	8.24	.35	.60		.02	
HEAVY DUTY MECHANIC/WELDER HELPER	6.39	.35	.60		.02	
FIELD EQUIPMENT SERVICEMAN or Fuel Truck Driver	7.98	.35	.60		.02	
Combination Man - 30¢ over the highest rated work						
Multiple-unit equipment driver - two units 50¢ per hour more than the base single unit rate established in Group 8 above; and $1.00 per hour for each additional unit						

STATE: Georgia COUNTY: Fulton, Cobb and DeKalb
DECISION NUMBER: AP-149 DATE: Date of Publication
Supersedes Decision No. AP-106 dated 37 FR 14671 - July 21, 1972
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.40	.35	.15		.01	
Boilermakers	6.85	.40	.60		.01	
Bricklayers:						
Bricklayers and stonemasons	8.00	.30	.30		.05	
Marble masons, terrazzo workers and tile setters	7.45	.30	.30			
Carpenters:						
Carpenters and soft floor layers	7.40	.35	.35		.015	
Millwrights	7.80					
Piledrivermen	7.55	.35	.35		.015	
Cement masons	6.85	.25	.45			
Electricians	8.70	5%	6%		.25%	
Elevator constructors	6.62	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	70% JR	.17	.185	2%+a+b	.005	
Elevator constructors' helpers (prob.)	50% JR					
Glaziers	5.15	.15	.10	.10	.01	
Ironworkers:						
Structural, ornamental and reinforcing	6.80	.40	.27		.05	
Lathers	7.60	.20	.10	.50	.04	
Leadburners	6.90	.30		c	.01	
Painters:						
Brush	7.30	.25	.40		.03	
Spray and sandblasting	8.30	.25	.40		.03	
Paperhanging	7.55	.25	.40		.03	
Plasterers	7.32	.25	.45		.03	
Plumbers and steamfitters	7.85	.35	.45		.03	
Roofers:						
Roofers and weatherproofers	5.65	.20	.20			
Slate, tile, asbestos shingles	5.80	.20	.20			
Sheet metal workers	7.75	.20	.25		.03	
Sprinkler fitters	8.05	.30	.40		.05	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

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60 - Georgia LAB C

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group A: Batch plant men, Buggy rollers (Ga.), Cleaners (Brick or Lumber, Clearing of Right of Way and Building Site (hand tools), Concrete Curer-Sealer and Liquid hardner, Conveyor operator (used by tenders of plasterers and bricklayers), Electrician laborer, Excavator, Backfiller grader (hand), Forklift operator, walk type tending bricklayers and plasterers, Form Oiler, Form Stripper, Metal pan handler, Plumber-Laborer, Pipe Doper, Precast Slab Layer (floors, roofs, walks, curbs), Concrete Puddlers, Rail porter, Railroad Track Laborer, Reinforcing steel handler, Scaffolds, and staging for masons and plasterers, Erecting and Removing Scarifyer, concrete (mechanical and hand), Sheeting and shoring laborers, Steam Jennier, (used in cleaning equipment), Tenders (all crafts), Truck Spotter dumper, Winch handler (manual)	$4.60	.15	.15			
Group B: Bucket-dumpman (concrete), Mixer-mortar, Grout clay, etc. (hand or machine), Power post hole digger, Power cleaning machine operator, Power Wheelbarrow, Mortar mixer-hose for gypsum roofs, plastering, asbestos fiber sound proofing, etc.	4.72	.15	.15			
Group C: Burner-demolition, Chain saw operator, Power concrete saw operator, Steel form setter, Sewer pipe layer, yarner, wiper, potman, Slip form raiser (steel or wood) Jack or screw type	4.82	,15	,15			
Group D: Wagon Drill Operator, (Track or wheel type), and like used in drilling for blasting	4.90	.15	.15			
Group E: Powderman-helper	5.10	.15	.15			
Group F: Powderman, nozzleman (concrete pneumatic)	5.50	.15	.15			
Group G: Caisson holeman	5.35	.15	.15			
25¢ Above rate for classification working: Chimney or stacks isolated						

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GA.-1-PDO-1 I 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS						
Group A: Backhoe operator; Clamshell operator; Conc. mix operator, Cent. mix plant; Conc. pump operator-Ridley or similar type; Crane operator (truck, tower, crawler or locomotive); Derrick operator; Dragline operator; Drill operator-Caisson foundation type; Elevating grader operator; Forklift operator that comes within the jurisdiction of the operating engineers; Hoisting engine operator; Locomotive operator; Mechanics-heavy duty; Oilers on cranes with earth boring drill attached with a separate power source; Concrete paving mixer operator; Pile driver operator; Rock crusher operator; Shovel operator; Trenching machine operator over 6 ft. depth capacity; Well point system operator (including the operation of all pumps on project operated by the contractor); Generator operator-75 K. VA and over; Tugger hoist operator; Winch truck operator, hoisting material; Air compressor operator, 365 C. F. M. and over, furnishing air simultaneously for more than one contractor	$ 7.00	.25	.15		.07	
Group B: Bulldozer operator; Dozer shovel operator; Drill operator-Quarry master type; Fireman-Stationary or portable; Motor grader operator; Motor scraper operator-(pans); Pusher dozer operator; Self-propelled compactor operator, with blade; Tractor operator with special equipment; Trenching machine operator-up to and including 6 ft. depth capacity	6.58	.25	.15		.07	
Group C: Air compressor operator, 600 cu. ft. and over; Air compressor operator batt. of two, 300 cu. ft. and over; Hydrohammer operator; Concrete batch plant operator;	5.58	.25	.15		.07	
Group D: Oiler-truck or locomotive cranes	5.78	.25	.15		.07	
Group E: Oiler-unspecified; Pump operator, over 4", up to batteries of 4; Welding machine operator, batteries of two-300 amps and over	5.03	.25	.15		.07	
Group F: Concrete mixer operator, skip types, except paving mixers; Concrete finishing machine operator; Concrete paving machine operator; Roller operator; Well drill operator:	5.38	.25	.15		.07	

POWER EQUIPMENT OPERATORS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group C Air compressor operator, up to and including 300 cu. ft. or one machine over 300 but less than 600 cu. ft.; Conveyor operator, chain or belt type; Sand blasting machine operator; water pump operator 4" or less; Water pump operator over 4" (one only); Welding machine operator, 300 amps and over	4.36	.25	.15		.07	

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks up to and including 2½ tons tractor, farm types	$4.00					
Trucks from 2½ tons up to and including 5 tons-all low-boys and other trailer pulled by tractor except farm type tractors, with ratings up to and including 5 tons	4.10					
Trucks over 5 tons including all euclids up to and including 10 tons	4.35					
Euclids over 10 tons	4.40					

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GA Zone 4 1 of 1

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Bricklayers	$2.50					
Carpenters	2.75					
Cement masons	2.47					
Ironworkers, structural	5.09					
Ironworkers, reinforcing	2.35					
Electricians	7.15	4%	6%		.25%	
Laborers:						
Air tool operators (jackhammer, vibrator)	1.60					
Asphalt rakers	2.26					
Drillers	1.75					
Fine graders	2.00					
Landscape workers	1.75					
Pipelayers	2.25					
Powdermen, blasters	2.25					
Unskilled	1.60					
Carpenters' helpers	2.25					
Painters	2.50					
Painters, structural steel & bridge	2.50					
Power Equipment Operators:						
Air compressors	1.60					
Asphalt distributors-spreaders	2.78					
Asphalt plant	2.34					
Backhoes	2.65					
Bulldozers	2.75					
Cranes, derricks, & draglines	3.00					
Concrete batching plants	2.25					
Concrete curing machines	2.75					
Concrete finishing machines	3.00					
Concrete paving machines	3.00					
Concrete saws	2.57					
Drilling machines	2.40					
Loaders (all types)	2.35					
Mechanics	3.00					
Mechanics' helpers	2.50					
Mixers	2.00					
Motor patrols	2.73					
Oilers - greasers	2.25					
Piledrivers	2.80					
Rollers	2.20					
Aggregate spreader	2.00					
Shovels	3.00					
Scrapers (pan)	2.75					
Tractors, farm	2.31					
Tractors, crawler	2.85					
Truck drivers:						
Up to 2½ tons	1.75					
Over 2½ tons	2.25					
Welders	3.00					

STATE: Georgia
DECISION NUMBER: AP-148
Supersedes Decision No. AP-107 dated 37 FR 14675 - July 21, 1972
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

COUNTY: Chatham
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$5.90	.20	.13			
Boilermakers	6.85	.40	.60		.01	
Bricklayers:						
Bricklayers and stonemasons	6.25	.20	.20			
Marble masons, terrazzo workers, and tile setters	3.00					
Carpenters:						
Carpenters and soft floor layers	6.20	.35	.10			
Millwrights	6.70	.35	.10			
Piledrivermen	6.45	.35	.10			
Cement masons	5.50					
Electricians:						
Electricians	6.80	.30	1%		.2%	
Cable splicers	7.05	.30	1%		.2%	
Elevator constructors	5.80	.17	.185	2%+a+b	.005	
Elevator constructors' helpers	4.06	.17	.185	2%+a+b	.005	
Elevator constructors' helpers(prob.)	2.90					
Glaziers	5.00					
Ironworkers:						
Structural and sheeter	6.75	.40	.30		.01	
Ornamental and reinforcing	6.75	.40	.30		.01	
Laborers:						
Unskilled laborers	3.25	.10				
Mason tenders	3.40	.10				
Mortar mixers	3.50	.10				
Air tool and vibrator operator	3.40	.10				
Plasterers' tenders	3.40	.10				
Pipelayers	3.50	.10				
Lathers	5.00					
Painters:						
Brush	5.00					
Rollers	5.25					
Steel, brush	5.50					
Tapers	5.25					
Stage work and window jack work	5.50					
Paperhangers	5.25					
Paint burners	5.25					
Spray painting & sandblasting	5.75					
Plasterers	3.75					
Plumbers and Pipefitters:						
Plumbing, heating & piping contracts:						
$2,000 or less	6.52	.25	.30		.02	
Over $2,000	7.17	.25	.30		.02	
Air conditioning mechanics:						
Contracts, $2,000 or less	6.52	.25	.30		.02	
Contracts, over $2,000	7.17	.25	.30		.02	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Roofers	3.00					
Sheet metal workers	6.35			.15		
Sprinkler fitters	8.05	.30	.40		.05	
Truck Drivers:						
Pick-ups and all other trucks up to and including 2½ tons, tractor-farm type	4.05					
Trucks from 2½ tons up to and incldg. 5 tons. All low-boys and other trailers pulled by tractor with ratings up to and including 5 ons (except farm type tractors), forklift	4.15					
Truck over 5 tons including all euclids up to and including 10 tons	4.40					
Euclids over 10 tons	4.45					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contricutes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

AP-148 P. 3 Ga. - 2 - PED - 1 - K

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP A: Air compressors, batchplant, bulldozers, fork tractors, mixers, endloader, scrapers, patrol and tuggers	$6.25	.30	.30		.01
GROUP B: Crane, derrick, draglines, sidebooms, cherry pickers, mechanics, piledrivers, backhoes, concrete pump	6.85	.30	.30		.01
GROUP C: Distributors, finishing machines, rollers, plain tractors, firemen	6.00	.30	.30		.01
GROUP D: Master mechanic	7.35	.30	.30		.01
GROUP E: Pump operators	5.90	.30	.30		.01
GROUP F: Trenching machine, small backhoe	6.45	.30	.30		.01

AP-148 P. 4 GA Zone 5

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
Carpenters	$2.75					
Cement masons	2.15					
Ironworkers, structural	4.45					
Laborers:						
Air tool operators (jackhammer, vibrator)	1.70					
Asphalt rakers	1.85					
Unskilled	1.60					
Carpenters' helpers	2.50					
Power Equipment Operators:						
Asphalt distributors - spreaders	3.00					
Backhoes	2.50					
Bulldozers	2.75					
Cranes, derricks & draglines	3.25					
Loaders (all types)	2.25					
Mechanics	3.00					
Motor patrols	3.00					
Oilers and greasers	1.75					
Rollers	3.00					
Shovels	3.05					
Scrapers (pan)	2.75					
Tractor, farm	2.60					
Tractor, crawler	2.50					
Truck drivers, up to 2½ tons	1.60					
Truck drivers, over 2½ tons	2.07					
Welders	2.50					

SUPERSEDEAS DECISION
STATE: Idaho COUNTY: Ada

DECISION NUMBER: AP-257 DATE: Date of Publication
Supersedes Decision No. AP-6711 Dated March 24, 1972 in 37 FR 6126
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 7.71	.35	.42			
BOILERMAKERS	6.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	6.20	.25	.15			
CARPENTERS:						
Carpenters; Drywall applicators; Floor layers; Shinglers	6.32	.22	.20	.30	.10	
Piledrivermen	6.50	.22	.20	.30	.10	
Millwrights; Piledrivermen's boom man	6.62	.22	.20	.30	.10	
CEMENT MASONS:						
Cement Masons	6.20	.22	.20	.10	.10	
Gunnite & composition floor; Power grinder op.; Power trowel op.	6.38	.22	.20	.10	.10	
ELECTRICIANS:						
Electricians	7.45	.30	1%		2/10%	
Cable Splicers	8.195	.30	1%		2/10%	
ELEVATOR CONSTRUCTORS	6.16	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.185	.20	2% + a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
IRONWORKERS:						
Fence erectors; Reinforcing; Structural	6.94	.40	.65		.01	
PAINTERS						
Brush	5.70	.16	.10			
Steel	5.80	.16	.10			
Sign	5.82	.16	.10			
Spray	6.17	.16	.10			
PLASTERERS	5.98	.22	.20	.10		
PLUMBERS	6.58	.28	.30		.05	
ROOFERS:						
Kettlemen; Roofers	5.85	.13	.15			
Roofers working with coal tar & pitch products	7.35	.13	.15			
SHEET METAL WORKERS	6.43	.22	.20	.40		
SPRINKLER FITTERS	8.70	.30	.50		.05	
TILE SETTERS	5.40	.25	.15			
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.						

PAID H OLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate from 6 months to 5 years' service to Vacation Plan. Six paid holidays: A through F.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1						
GENERAL LABORERS, Sloper, Clearing and Grading, Form Stripper, Concrete Crew, Concrete Curing Crew, Carpenter Tender, Asphalt Laborer, Hopper Tender, Heater Tender, Stake Jumper, Choker Setter, Spreader and Weighman, Power Wheelbarrow, Scouring Concrete, Rip Rap Man (hand placed), Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers), Crusher Helper, Cribbing and Shoring (in open ditches), Machinery and Parts Cleaner, Leverman - Manual or Mechanical, Demolition - Salvage, Landscaper, Tool Room Man	4.82	.35	.30		.10	
Group 2						
CHUCK TENDER, Driller Helper, Air Tampers, Gunite Nozzleman Tender, Pipe Wrapper, Tar Pot Tender, Concrete Sawyer, Signalman, Handling Cement, Dumpman, Steam Nozzleman, Air and Water Nozzleman (Green cutter, concrete) Grade Checker, Vibrator (less than 4"), Pumpcrete and Grout Pump Crew, Hydraulic Monitor	4.92	.35	.30		.10	
Group 3						
PIPELAYER including sewer, drainage, sprinkler systems and water lines, Free Air Caisson, Jackhammer, Paving Breaker, Powderman Helper, Asphalt Raker, Gasoline Powered Tamper, Electric Ballast Tamper, Sand Blasting, Form Setter - Airport Paving, Gunman (Gunite), Manhole Setter, Hand Guided Machines, such as Rotor Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc., Form Setter (Highway-Curb and Gutter), Vibrator (4" and over), Timber Faller and Bucker, Metal Pan Installer	5.02	.35	.30		.10	

AP-257 P. 3
1-IDA-SIDA-LAB-1-2-3- k (2-2)

LABORERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 4						
HOD CARRIER, Mason Tender Plaster Tender, Mason Tender (Concrete), Terrazzo-Tile Tender	5.12	.35	.30		.10	
Group 5						
HIGHSCALER, Wagon Drill, Gunite Nozzleman, Diamond Drill	5.17	.35	.30		.10	
Group 6						
DRILLERS on Drills with manufacturers rating 3" or over, Powderman	5.42	.35	.30		.10	
Group 7 (Underground)						
REBOUNDMAN, Chucktender, Nipper, Dumpman, Vibrator, Brakeman, Muckers, Bullgang	4.97	.35	.30		.10	
Group 8 (Underground)						
FORM SETTER and Mover	5.12	.35	.30		.10	
Group 9 (Underground)						
MINERS, Machinemen, Timbermen, Steelmen, Drill Doctors, Spaders and Tuggers, Spiling and/or Caisson Workers	5.42	.35	.30		.10	

AP-257 P. 4
1-IDA-SIDA-PEO-1-2-3- p (1-3)

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1						
Brakeman, Crusher, Plant Feeder (Mechanical), Deckhand, Drill Helpers, Grade Checkers, Heater Tender, Land Plane, Oilers, Pumpman	5.78	.40	.35		.10	
Group 2						
Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (Cement), Bolt Threader Machine Operator-Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or mulching (Regardless of Motive Power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Hoist - Single Drum, Hydraulic Monitor Operator - Skid Mounted, Oiler on Cranes and Shovels, Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Form Type Using Attachments	5.94	.40	.35		.10	
Group 3						
A-Frame Truck (Hydra lift, Swedish Cranes, Ross Carrier, Hyster on Construction jobs), Battery Tunnell Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (Self-propelled), Front End and Overhead Loaders and Similar Machines under 2 Yds. - Rubber-tired, Hoist - 2 or more Drums or Tower Hoist, Hydralift - Fork Lift and Similar (When Hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Road Roller (Regardless of Motive Power), Service Oiler.	6.12	.40	.35		.10	
Group 4						
Boring Machines (Earth or Rock) Quarrymaster - Joy - Tractor Mounted, Drills; Churn - Core - Calyx or Dismond, Front End and Overhead Loaders and Similar Machines - 2 Yds. and including 4 Yds. - Rubber-tired, Grout Pump, Hydra-hammer, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using						

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 4 (Cont'd)						
Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and Similar, Asphalt Spreaders.	6.45	.40	.35		.10	
Group 5						
Concrete Plant Operator, Concrete Road Paver Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (Diesel Electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines-under 1 Yd., Pumpcrete, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber tired, Sub Grader.	6.63	.40	.35		.10	
Group 6						
Asphalt Pavers - Self-prop., Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Front End and Overhead Loaders and Similar Machines - over 4 yds. to and including 6 Yds., Koehring Scooper, Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines - 1 Yd. to and including 3-1/2 Yds., Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (Over 1,000 Tons), Trimmer Machine Operator, Tournapulls - Euclid and Similar - to and including 40 Yds.	6.81	.40	.35		.10	
Group 7						
Cableway Operator, Cranes - Over 50 Ton, Dredges, Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and Similar Machines - Over 6 Yds., Power Shovels and Draglines over 3-1/2 Yds., Quad Type Tractors with all Attachments, Tournapulls - Euclid and Similar - Over 40 Yds. to and including 50 Yds., Multiple Scraper Units.	7.14	.40	.35		.10	

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 8						
Tournapulls - Euclid and Similar - Over 50 Yds. to and including 75 Yds.	7.38	.40	.35		.10	
Group 9						
Tournapulls - Euclid and Similar - Over 75 Yds. to and including 100 Yds.	7.63	.40	.35		.10	
Group 10						
Tournapulls - Euclid and Similar - Over 100 Yds.	7.87	.40	.35		.10	

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1-IDA-SIDA-TD-1-2-3-R (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1 LEVERMAN Loading at Bunkers	5.73	.40	.30	.05	.10	
Group 2 FLAT BED - 2 Axle and Pickup hauling material, Water Tank Truck (1800 gals. and under), Fork Lift (3,000 and under)	5.79	.40	.30	.05	.10	
Group 3 FLAT BED - 3 Axle, Fuel Truck (1,000 Gals. and under), Greaser, Tireman, Serviceman, Buggymobile, Man Haul (Shuttle Truck or Bus).	5.85	.40	.30	.05	.10	
Group 4 TRANSIT MIX TRUCK - 3 Yds. and under, Warehouseman, Truck Helpers, Slurry or Concrete Pumping Truck	5.91	.40	.30	.05	.10	
Group 5 FLAT BED using Power Takeoff, Water Tank Truck (over 1,800-4,000 gals.) Semi-Trailer - Low Boy - up to 96,000 lbs. GVW, Bulk Cement Tanker - up to 96,000 lbs GVW, Fork Lift - over 3,000 lbs. (Bull Lift, Hydro Lift), Ross, Hyster and similar Straddle Equipment, "A" Frame Truck (Swedish Crane, Iowa 3,000, Hydro-lift).	5.97	.40	.30	.05	.10	
Group 6 TRANSIT MIX TRUCK, over 3 yds. - 6 yds	6.03	.40	.30	.05	.10	
Group 7 WATER TANK TRUCK - over 4,000 gals., Fuel Truck - over 1,000 gals., Distributor or Spreader Truck, Field Tireman - Serviceman	6.09	.40	.30	.05	.10	
Group 8 TRANSIT MIX TRUCK - over 6-8 yds., Dumptors	6.15	.40	.30	.05	.10	
Group 9 TRANSIT MIX TRUCK - over 8 - 10 yds.	6.27	.40	.30	.05	.10	

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1-IDA-SIDA-TD-1-2-3-R (2-2)

TRUCK DRIVERS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 10 LOW BOY - 96,000 lbs. GVW and over, Bulk Cement Tanker - 96,000 lbs. GVW and over	6.33	.40	.30	.05	.10	
Group 11 TRANSIT MIX TRUCK - over 10 yds.	6.39	.40	.30	.05	.10	
Group 12 TURNAROCKER and similar equipment	6.45	.40	.30	.05	.10	
Group 13 TRUCK - side, end and bottom dump (6 yds. and under)	5.91	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 6 yds. - including 12 yds.)	6.03	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 12 yds. - including 20 yds.)	6.27	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 20 yds. including 30 yds.)	6.45	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 30 yds. including 40 yds.)	6.58	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 40 yds. including 50 yds.)	6.70	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 50 yds. including 75 yds.)	6.94	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 75 yds. including 100 yds.)	7.18	.40	.30	.05	.10	
TRUCK - side, end and bottom dump (over 100 yds.)	7.43	.40	.30	.05	.10	
Group 14 TRUCK MECHANIC	6.81	.40	.30	.05	.10	

[FR Doc.73-543 Filed 1-11-73;8:45 am]

federal register

FRIDAY, JANUARY 12, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 8
PART III

ENVIRONMENTAL PROTECTION AGENCY

■

REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

Proposed Transportation Control Measures

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 51]

TRANSPORTATION CONTROL MEASURES

Requirements for Preparation, Adoption, and Submittal of Implementation Plans

On August 14, 1971 (36 FR 15486), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420 regulations for the preparation, adoption, and submittal of State implementation plans under section 110 of the Clean Air Act, as amended (hereafter referred to as the Act). Those regulations were republished November 25, 1971 (36 FR 22369), as 40 CFR Part 51, amended December 17 and December 30, 1971.

On June 20, 1972 (37 FR 12155), the Administrator of the Environmental Protection Agency published notice of rule making that proposed amendments to 40 CFR Part 51 designed to provide a clearer explanation of requirements related to compliance schedules, revisions to compliance schedules and the requirements for public hearings. It is assumed that these proposed amendments will be promulgated as published for the purpose of the below proposed amendments to 40 CFR Part 51.

The Act and the Administrator's regulations (40 CFR Part 51) require States to take steps to reduce emissions from transportation sources where necessary to attain and maintain national ambient air quality standards. Accordingly, certain States were advised on May 31, 1972 (37 FR 10842), July 27, 1972 (37 FR 15080), and on October 28, 1972 (37 FR 23085), that they would have to submit, no later than February 15, 1973, definitive transportation control plans, including identification of the specific transportation control measures to be implemented, demonstration of the adequacy of these measures for attainment and maintenance of the national standards, and a detailed timetable for obtaining any necessary legal authority and for taking of all other steps necessary to implement the various measures. The Environmental Protection Agency, in cooperation with the Department of Transportation, will provide assistance to the States in the development of their transportation control plans.

The Requirements for Preparation, Adoption, and Submittal of Implementation Plans (40 CFR Part 51) set forth regulations to be followed by the States relative to implementation plans. Except as proposed to be changed herein, those regulations are to be followed in preparation of transportation control plans. In order to fully advise States in the area of transportation control measures, it is necessary to include additional information in the requirements. The principal additions proposed as amendments are described below:

(1) Public hearings for transportation control measures are required—§ 51.4(f).

(2) Administrative and enforcement procedures for transportation control measures must be described in the transportation control plan—§ 51.14(a)(3).

(3) Transportation or other emissions control measures shall not result in an increase in the concentration of any pollutant to a level exceeding a national standard—§ 51.14(c)(1).

(4) New emission factors have been published for light- and heavy-duty gasoline powered vehicles including growth rates, vehicle miles traveled, altitude, and deterioration factors—§ 51.14(f).

(5) Transportation control measures must include procedures for monitoring emissions from transportation sources—§ 51.19(d).

(6) Additional subsections and appendixes are added to cover the following:

(a) Documentation requirements for transportation control methodology and data—§ 51.14(c)(5) and Appendix M.

(b) Estimates of emissions reductions achieved by inspection, maintenance and retrofit of in-use vehicles—§ 51.14(h)(2) and Appendix N.

The Environmental Protection Agency will promulgate transportation control measures in States that do not meet the requirements of section 110 of the Act, as stated on May 31, 1972 (37 FR 10846), or that fail to comply with the timetables for acquisition of legal authority and taking of other steps (40 CFR 52.6). In the latter case, the plans promulgated by EPA may be different from the States' plans.

The Environmental Protection Agency has published the results of an investigation of certain transportation control measures in "Prediction of the Effects of Transportation Controls on Air Quality in Major Metropolitan Areas", final report (The Six Cities Study) November 20, 1972. Additional information is contained in "Evaluating Transportation Controls to Reduce Motor Vehicle Emissions in Major Metropolitan Areas, Final Report," November 20, 1972. Both reports are available from EPA, Air Pollution Technical Information Center, Research Triangle Park, N.C. These reports may be used by a State considering such control measures as motor vehicle restrictions, work schedule changes, expanded mass transit, increased vehicle occupancy, auto-free zones, parking taxes, traffic engineering measures to improve traffic flow and land use planning. The EPA document, "Control Strategies for In-Use Vehicles," November 1972, provides information on the use of inspection, maintenance, retrofit, and gaseous fuel conversion approaches to transportation controls. This report is available from the EPA, Mobile Source Pollution Control Program, 401 M Street SW., Washington, DC 20460.

States preparing transportation control plans are encouraged to consider the relative costs and social and economic impacts of alternative control strategies. As stipulated in § 51.2 of Requirements for Preparation, Adoption, and Submittal of Implementation Plans (40 CFR Part 51), nothing in these requirements shall be construed in any manner as discouraging the consideration of such factors, in addition to air quality effects, in the development of control strategies. States are urged to provide for timely and thorough public notification of the operations and requirements of proposed transportation control measures.

States preparing transportation control plans are also urged to give special consideration to §§ 51.12(a) and 51.14(c)(1) concerning the maintenance of the national ambient air quality standards and the offsetting of emissions increases due to growth in motor vehicle traffic and other factors. Consideration should be given to the possibility that certain improvements in transportation systems (e.g., traffic flow improvements, construction of fixed-guideway mass transit facilities) may stimulate gradual increases in motor vehicle traffic and, consequently, in emissions from transportation sources. Transportation control plans should include provisions as necessary to prevent such emissions increases from leading to pollutant concentrations that exceed the national ambient air quality standards.

Interested persons may participate in this rule making by submitting written comments in triplicate to the EPA, Land Use Planning Branch, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. All relevant comments received not later than 30 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street SW., Washington, DC 20460. The changes proposed by this notice, with appropriate modification, will be effective upon republication in the FEDERAL REGISTER. This notice of proposed rule making is issued under the authority of section 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: January 5, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator,
Environmental Protection Agency.

Part 51 of Title 40, Code of Federal Regulations is proposed to be amended as follows:

1. In § 51.1, new paragraphs (r), (s), (t), (u), (v), (w), and (x) are added as follows:

§ 51.1 Definitions.

* * * * *

(r) "Transportation Control Measure" means any measure, such as reducing vehicle use, changing traffic flow patterns, or decreasing emissions from individual motor vehicles, that is directed toward reducing emissions of air pollutants from transportation sources.

(s) "Vehicle Trip" means any movement of a motor vehicle from one location to another that results in the emission of air pollutants by the motor vehicle.

(t) "Trip Type" means any class of vehicle trips possessing one or more characteristics (e.g., work, nonwork; peak, offpeak; freeway, nonfreeway) that distinguish vehicle trips in the class from vehicle trips not in the class.

(u) "Vehicle type" means any class of motor vehicles (e.g., precontrolled, heavy duty vehicles, gasoline powered trucks) whose emissions characteristics are significantly different from the emissions characteristics of motor vehicles not in the class.

(v) "Traffic flow measure" means any measure, such as signal light synchronization, freeway metering and curbside parking restrictions, that is taken for the purpose of improving the flow of traffic and thereby reducing emissions of air pollutants from motor vehicles.

(w) "Roadway type" means any class of roadway facility that can be broadly categorized as to function and assigned average speed and capacity values, e.g., expressway, arterial, collector, and local.

(x) "Time period" means any period of time designated by hour, month, season, calendar year, averaging time, or other suitable characteristics, for which ambient air quality is estimated.

2. In § 51.4, paragraph (f) is added as follows:

§ 51.4 Public hearings.

* * * * *

(f) The State shall, prior to adoption of transportation control measures deferred beyond the statutory deadline for submittal of implementation plans, conduct one or more public hearings as required in paragraphs (a) through (d) of this section.

3. In § 51.5, paragraphs (d) and (e) are added as follows:

§ 51.5 Submission of plans; preliminary review of plans.

* * * * *

(d) Submission to the Administrator shall be accomplished by delivering 10 copies of the transportation control portions of the plan to the appropriate regional office. Such portions shall be adopted by the State and submitted by the Governor.

(e) Upon request of a State, the Administrator will provide preliminary review of the draft transportation control measures or portions thereof in advance of the date such measures are due. Such requests shall be made as provided in paragraph (c) of this section and shall not operate to relieve a State of its responsibility for adopting and submitting transportation control measures in accordance with prescribed due dates.

4. In § 51.14, paragraph (a)(3) is added, paragraphs (c)(1) and (c)(5) are revised, and paragraphs (f), (g), and (h) are added. As amended, § 51.14 reads as follows:

§ 51.14 Control strategy: Carbon monoxide, hydrocarbons, photochemical oxidants, and nitrogen dioxide.

* * * * *

(a) * * *

(3) The plan shall contain:

(i) A description of enforcement methods including, but not limited to, procedures for monitoring compliance with the selected traffic control measures, procedures for handling violations, and a designation of enforcement responsibilities (i.e., air pollution control agency, State police).

(ii) Proposed or adopted rules and regulations pertaining to the selected transportation control measures.

(iii) A description of administrative procedures to be used in implementing all selected transportation control measures.

(iv) A schedule designating dates by which legal authority necessary to implement the plan will be obtained, other significant steps in the implementation of the plan will be achieved, and each control measure will be implemented.

* * * * *

(c) *Adequacy of control strategy* (1) The plan shall demonstrate, by means of a proportional model or diffusion/photochemical model or other procedure which is adequate and appropriate, that the control strategy included in each plan for a region classified as priority I is adequate for attainment and maintenance of the national standard(s) to which such control strategy applies. Control measures shall not result in an increase in the concentration of any pollutant to a level that exceeds a national ambient air quality standard. The plan shall include provisions as necessary to prevent such increases in concentrations as a result of traffic increases that may be stimulated by transportation control measures.

* * * * *

(5) The plan shall show that the control strategy including transportation control measures will result in the degree of emissions reduction indicated to be necessary by a proportional model, diffusion model, or other procedure which is adequate and appropriate. The plan shall contain a summary of the computations, assumptions, and judgments used to determine the emissions reductions that will result from application of the control strategy to each point source, and each group of area sources. Such summary shall be included in a table similar to that presented in Appendix D to this part. The plan also shall contain a summary of the data, computations, assumptions, and judgments used to develop any transportation control measures that are a part of the control strategy. Such a summary shall as a minimum contain the material described in Appendix M to this part. The detailed computations and data shall be retained by the State and made available for inspection by the Administrator at his request.

* * * * *

(f) *Motor vehicle emission factors.* The States required to submit transportation control plans must, except as noted below, use current emission factors and methodology to calculate emissions from gasoline powered motor vehicles. The current emission factors and methodology are presented in "Compilation of Air Pollutant Emission Factors," EPA report No. AP-42, revised semiannually, and in superseding EPA interim reports. These are available from the EPA, Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711. If emissions other than those presented in the EPA report are used, the substantiating justification must be submitted with the transportation control measures.

(g) *Air quality baseline.* The concentrations of carbon monoxide and photochemical oxidants set forth in the State plan as approved and promulgated on May 31, 1972 (37 FR 10842) (40 CFR Part 52), should be used as the air quality baselines for computation of the emissions reductions through transportation control measures required to meet national standards. More recent air quality data may be used where adequate and appropriate. However, such data must be compatible with the emissions inventory for the region involved and justification submitted for the appropriateness of its use. Revised air quality data should be submitted to the appropriate EPA regional office at the earliest possible date for evaluation and approval to preclude plan disapproval resulting from the use of faulty air quality data.

(h) *Transportation control strategies.* Information and requirements for States which are considering transportation control measures involving inspection, maintenance and retrofit of in-use motor vehicles are presented in Appendix N to this part.

5. In § 51.19, paragraph (d) is added as follows:

§ 51.19 Source surveillance.

* * * * *

(d) Procedures for obtaining and maintaining data on actual emissions reductions achieved as a result of implementing transportation control measures. In the case of measures involving inspection, maintenance, or retrofit, these data shall include the results of an emission surveillance program designed to determine actual average per vehicle emissions reductions attributable to inspection, maintenance and/or retrofit. In the case of measures based on traffic flow changes or reductions in vehicle use, the data shall include observed changes in vehicle miles traveled (VMT) and average speeds. The data shall be maintained in such a way as to facilitate comparison of the planned and actual efficacy of the transportation control measures.

6. In this part, Appendix M is added as follows:

APPENDIX M—TRANSPORTATION CONTROL SUPPORTING DATA SUMMARY

When transportation control measures of any type are to be imposed, the plans shall

contain a summary of the data, computations, and rationale used to develop the transportation control measures that will result in the required reduction of emissions. Such a summary shall, as a minimum, contain the material described below. Suggested procedures for obtaining and coding information about air pollutant emissions from stationary and mobile sources have been published.[1] The detailed computations and data shall be retained by the State agency and made available for inspection by the Administrator at his request.

1. The transportation control plan shall display total emissions of hydrocarbons (HC), carbon monoxide (CO), and nitrogen oxides (NOx), subdivided into emissions from mobile and stationary sources, that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality. These data shall be projected for at least 5 years in 1-year intervals starting with the year in which the national ambient air quality standards are to be achieved. The data shall be displayed in a format similar to table 1.

2. If the transportation control measures, either in their application or their effect, distinguish between trip types or vehicle types, the transportation control plan shall display vehicle miles traveled and emissions of HC, CO, and NO_x due to each trip type or vehicle type that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality levels. A strategy that results in different percent emission reductions of HC, CO, or NOx for different trip or vehicle types should distinguish between trip or vehicle types in its effect. The data shall be displayed in a format similar to table 2.

3. If the transportation control measures include traffic flow measures, the transportation control plan shall display average speeds and vehicle miles traveled according to roadway type (freeway, arterial, local/collector) that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which proportional or other air quality model is used to determine air quality levels. The plan shall also display emissions of HC, CO, and NO_x from mobile sources, subdivided according to roadway type, that will occur with and without implementation of the transportation control measures in each region or subregion and time period in which a proportional or other air quality model is used to determine air quality. The data shall be displayed in a format similar to table 2.

4. If the effectiveness of the transportation control measures depends in whole or in part on voluntary public response to changes in prices or taxes, mass transit improvements, or other incentives or disincentives affecting vehicle emissions, travel frequency, mode, location, time of day or other characteristics of travel demand, the transportation control plan shall display the demand elasticities or other appropriate quantitative measures of public response to such incentives or disincentives that were used to evaluate the effects on emissions of the incentives or disincentives. The sources of these elasticities or other quantitative measures shall be described.

5. The sources of all traffic data, such as vehicle miles traveled and speeds by trip type, vehicle type, and roadway type, used in evaluating the effects upon air quality of the transportation control measures shall be described in the transportation control plan.

6. The assumptions, judgments and computations used to develop the information in items 1 through 4 above shall be summarized in the transportation control plan.

A transportation control plan that fails to include any element of data required by this appendix will be acceptable only if the plan presents the data and analytic procedures used to estimate the effects on air quality of the selected transportation control measures and provides adequate justification for the use of such data and procedures.

TABLE 1

The data required by paragraph 1 above shall be displayed in a table similar to the following:

Emissions*

	Mobile		Stationary	
	With transportation control measures	Without transporation control measures	With transportation control measures	Without transportation control measures
Time period 1:				
Subregion 1				
Subregion 2				
Do				
Do				
Do				
Time period 2:				
Subregion 1				
Subregion 2				
Do				
Do				
Do				
Other time periods as needed:				
Subregion 1				
Subregion 2				
Do				

* Indicate pollutant.

TABLE 2

The data required by paragraphs 2 and 3 above shall be displayed in a table similar to the following:

Subregion_____
Time period_____

Emissions[1] (or VMT or speeds)[2]

Trip type and roadway type	Vehicle type—1		Vehicle type—2		Continue with other vehicle types as appropriate
	With transportation control measures	Without transportation control measures	With transportation control measures	Without transportation control measures	
Work:					
Freeway					
Arterial					
Collector					
Local					
Shopping:					
Freeway					
Arterial					
Collector					
Local					

[1] Indicate pollutant.
[2] The table need contain only those entries appropriate to the transportation control measures included in the plan.
NOTE: Continue with other trip types as appropriate.

7. In this part, Appendix N is added as follows:

APPENDIX N—EMISSIONS REDUCTIONS ACHIEVABLE THROUGH INSPECTION, MAINTENANCE AND RETROFIT OF LIGHT DUTY VEHICLES

1. *General.* This appendix presents estimates of emissions reductions that, in the judgment of the Administrator, are likely to be achievable through application of inspection, maintenance, and retrofit measures to in-use motor vehicles. To the extent possible, these estimates are based on empirical data. However, lack of data in some areas has necessitated some extrapolation of empirical data using engineering judgment. The sources of empirical data and the bases for judgments are discussed in paragraph 6 of this appendix.

The emissions reductions estimates presented herein are subject to considerable uncertainty. The emissions reductions actually realized in a transportation control program may be greater or less than the estimated reductions. The estimates should therefore be regarded as useful primarily for current planning purposes. Any transportation control plan incorporating in-use vehicle emission control approaches, whether those specifically cited in this appendix or alternatives proposed by a State, must provide, as required by 40 CFR 51.19d, for field verification of the emissions actually achieved in the implemented programs and, as required by section 110(a)(2)(H) of the Act, for any revisions of the transportation control plan that may be indicated thereby.

The approaches to in-use vehicle emissions control cited herein are those judged to be most generally applicable by the Administrator considering the information currently available to him. States are encouraged to consider other approaches that may be applicable to their particular situations. Data

[1] Environmental Protection Agency, A Guide for Compiling a Comprehensive Emission Inventory, APTD–1135, June 1972, Available from Air Pollution Technical Information Center, EPA, Research Triangle Park, N.C. 27711.

and analyses supporting the emissions reductions claimed for alternative approaches must be submitted with the transportation control plan. Several alternative approaches are discussed in a report entitled "Control Strategies for In-use Vehicles," available from EPA, Mobile Sources Pollution Control Program, 401 M Street SW., Washington, DC 20460.

States proposing inspection/maintenance or retrofit programs are encouraged to consider the effects on the implementation of their plans of inequities that may arise in connection with these programs. Such inequities may include premature failure or inadequacy of retrofit components, improper or inadequate workmanship at inspection and repair facilities, inconvenient numbers, locations, and operating schedules for inspection, retrofit, and repair facilities, and inadequate public notice of inspection maintenance and retrofit requirements.

The States are also encouraged to give consideration to transportation control measures based on reductions in vehicle use and traffic flow measures. Nothing in this appendix is intended to suggest that transportation control approaches based on inspection, maintenance, and retrofit should necessarily be considered preferable to approaches based on reductions in vehicle use or traffic flow measures.

2. *Definitions.* a. "Precontrolled vehicles" means light duty vehicles sold nationally (except in California) prior to 1968 model year and light duty vehicles sold in California prior to the 1966 model year.

b. "Controlled vehicles" means light duty vehicles sold nationally (except in California) in the 1968 model year and later and light duty vehicles sold in California in the 1966 model year and later.

c. "Loaded emissions test" means a sampling procedure for exhaust emissions which requires exercising the engine under stress (i.e., "loading") by use of a dynamometer to stimulate actual driving conditions.

d. "Idle emission test" means a sampling procedure for exhaust emissions which requires operation of the engine in the idle mode only.

e. "Retrofit" means the addition or removal of an item of equipment, or a required adjustment, connection, or disconnection of an existing item of equipment, for the purpose of reducing emissions.

f. "Inspection/maintenance" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emissions control related maintenance and requiring that maintenance be performed.

g. "Idle adjustments" means a series of adjustments which include idle RPM, idle air/fuel ratio and basic timing.

3. *Inspection/maintenance of light duty vehicles.* (a) Reductions:

The following average annual reductions in exhaust emissions per vehicle are estimated to be achievable through implementation of an inspection/maintenance program using a loaded emission test:

	Percent
Hydrocarbons	12
Carbon Monoxide	10
Nitrogen Oxides	0

To obtain these reductions an inspection/maintenance program must provide for inspection of each vehicle at least once per year. More frequent inspection and maintenance is expected to provide larger average emissions reductions, although at greater cost. During the first inspection cycle of an inspection/maintenance program, emissions reductions may be assumed only to the extent consistent with the portion of the vehicle population that has been inspected by that time.

b. The average reductions cited above are applicable for all gasoline-powered light duty motor vehicles (except motorcycles) which are included in the inspection/maintenance program.

c. Requirements:

An acceptable inspection/maintenance program must include:

(i) Provisions for regular periodic inspection of all vehicles for which emissions reductions are claimed.

(ii) Provisions for the establishment of inspection failure criteria consistent with the claimed reductions.

(iii) Provisions to ensure that failed vehicles receive the maintenance necessary to achieve compliance with the inspection standards. This might include sanctions against individual owners or repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledge to perform the tasks satisfactorily, and/or other measures.

(iv) A program of enforcement to insure that vehicles are not intentionally readjusted or modified subsequent to the inspection and/or maintenance in such a way as would cause them to no longer comply with the inspection standards. This might include spot checks of idle adjustments and/or a suitable type of physical tagging.

d. Alternative approaches:

Inspection/maintenance programs employing approaches other than emissions testing using a loaded emissions test may be capable of achieving emissions reductions for vehicles of certain model years. Idle emissions inspection, extensive engine parameter inspection, and mandatory maintenance procedures are discussed in the Environmental Protection Agency report "Control Strategies for In-Use Vehicles." Inspection/maintenance approaches other than those using a loaded emissions test, or emissions reductions greater than those cited in paragraph 3.a using a loaded emissions test, will be acceptable only if sufficient data are provided to justify the emissions reductions claimed.

4. *Retrofit of light duty vehicles*—(a) *Reductions.* The following reductions in exhaust emissions per vehicle are estimated to be achievable through installation of specific classes of retrofit devices on the specific model year classes of vehicles noted. Since retrofitted vehicles are expected to be subject to periodic inspection and maintenance (see Paragraph 4.2), the reductions cited are to be applied to a maintained vehicle emissions baseline. For example, if a 12 percent reduction in hydrocarbon emissions is claimed for inspection/maintenance, the reduction in hydrocarbon emissions due to a retrofit approach should be calculated after the vehicle's original emission rate for hydrocarbons has been reduced by 12 percent.

(i) Pre-controlled vehicles:

[In percent]

Retrofit option	Average reduction per vehicle		
	HC	CO	NO_x
Lean idle air/fuel ratio adjustment and vacuum spark advance disconnect	25	9	23
Oxidizing catalytic converter and vacuum spark advance disconnect	68	63	48
Air bleed to intake manifold	21	58	0
Exhaust gas recirculation and vacuum spark advance disconnect	12	31	48

(ii) Controlled vehicles.

[In percent]

Retrofit option	Average reduction per vehicle		
	HC	CO	NO_x
Oxidizing catalytic converter	50	50	0
Exhaust gas recirculation	0	0	40
Oxidizing catalytic converter and exhaust gas recirculation	50	50	40

During the installation phase of a retrofit program, emissions reductions may be assumed only to the extent consistent with the portion of the vehicle population on which retrofit devices have been installed by that time.

(b) *Applicability.* The emissions reductions cited above for precontrolled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) prior to the 1968 model year or in California prior to the 1966 model year.

The emissions reductions cited above for installation of oxidizing catalytic converters on controlled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) in the 1968 through 1974 model years or in California in the 1966 through 1974 model years.

The emissions reductions cited above for installation of exhaust gas recirculation on controlled vehicles are applicable to all gasoline-powered light duty motor vehicles (except motorcycles) sold nationally (except in California) in the 1968 through 1972 model years or in California in the 1966 through 1971 model years.

(c) *Requirements.* An acceptable retrofit program must include:

(i) A method of ensuring that personnel installing the retrofits have the knowledge required to perform the needed tasks satisfactorily and have an adequate supply of retrofit components and that these components will be capable of achieving the claimed reductions.

(ii) Provisions for emissions testing at the time of retrofit installation or some other positive assurance that the retrofit device is installed and operating correctly.

(iii) Provisions for inspection of each retrofitted vehicle at least once per year.

(iv) Provisions for the establishment of inspection standards for retrofitted vehicles consistent with the emissions reductions claimed. Particular attention must be paid in this regard to catalytic converter retrofits as the reductions cited in paragraph 4.a do not include possible irreversible catalyst deterioration over time.

(v) Provisions to ensure that vehicles failing inspection receive the maintenance necessary to achieve compliance with the inspection standards.

(vi) In the case of retrofit programs that include the use of catalytic converters requiring unleaded fuel, provisions to ensure that vehicles utilizing this type of retrofit will not use leaded gasoline and that adequate supplies of lead-free gasoline will be available if Federal regulations will not insure availability, and provided that such provisions are not in violation of section 211(c)(4) of the Act.

(d) *Alternative approaches.* Retrofit programs employing approaches other than those cited above may be capable of achieving emissions reductions for vehicles of certain model years. For example, addition of vacuum spark advance disconnect to the air bleed to intake manifold approach may be feasible for precontrolled vehicles. Alternative retrofit approaches or retrofit emissions reductions

greater than those cited in paragraph 4.a will be acceptable only if sufficient data and analyses are provided to justify the emissions reductions claimed.

5. *Inspection/maintenance or retrofit of vehicles other than light duty vehicles.* The inspection/maintenance and retrofit approaches discussed above may be applicable to certain clauses of motor vehicles other than those cited. In particular, the States are encouraged to consider the application of such approaches to motor vehicles in the 6,000 to 10,000 lb. GVW class. In many cases, these vehicles are constructed and operated in a manner similar to light-duty vehicles. However, the present lack of test data for application of inspection/maintenance or retrofit approaches to vehicles of this type prevents the inclusion of data on achievable emissions reductions for such vehicles in this appendix. Transportation control strategies employing inspection/maintenance or retrofit of vehicles other than light-duty vehicles will be acceptable only if sufficient data and analyses are provided to justify the emissions reductions claimed.

6. *Bases for emissions reductions cited in paragraphs 3 and 4*—(a) *Inspection/maintenance.* The reductions cited in paragraph 3.a for inspection/maintenance using a loaded emissions test were derived from test data obtained by EPA in evaluating the initial emissions reductions achieved when a fleet of precontrolled and controlled light duty vehicles are subjected to a loaded emissions inspection test and the vehicles failing that test were serviced in private maintenance garages. The results of that study are presented in the EPA report, "Control Strategies for In-Use Vehicles." The observed average initial reductions were 25 percent (HC), 19 percent (CO), and 0 percent (NOx).

It is expected that in an actual inspection/maintenance program the average emissions reductions achieved will be substantially less than the initial reductions observed in the study, since there will be deterioration of emissions-related components and adjustments between periodic inspection and maintenance events. While the currently available data on such deterioration are inadequate to accurately predict the consequences of this effect, some correction for deterioration is necessary. Therefore, giving consideration to the current frequency of voluntary maintenance and the emissions reductions typically achieved by existing maintenance procedures, it has been assumed that linear deterioration to before-maintenance emissions levels will occur over the 12-month period following maintenance. As a result, the average effectiveness for annual inspection is estimated to be one-half of the initial effectiveness following maintenance.

Data on the effectiveness of inspection/maintenance programs in reducing emissions are available only for light duty vehicles through the 1971 model year. The effectiveness of inspection/maintenance programs in reducing emissions from future model year vehicles will depend primarily on the extent to which emissions from those vehicles increase in use as a result of repairable malfunctions and on the ability of the inspection test to accurately identify vehicles having such malfunctions. These factors can be evaluated only after substantial numbers of such vehicles have been in use for some time. However, for implementation planning purposes, it has been assumed that emissions reductions estimated to be achievable for current light duty vehicles will be applicable for future model years as well.

Available data indicate that initial emissions reductions attainable through inspection/maintenance programs using an idle mode emissions test, are comparable to those attainable when a loaded emission test is used. However, it is anticipated that, in practice, programs based on an idle mode test only, will be substantially less effective than these data suggest. This is because only limited maintenance (in contrast to the extensive maintenance performed in the loaded emissions tests) is generally required in achieve compliance with an idle emissions test. Such maintenance may not achieve improvements in true mass emissions under typical driving conditions. Furthermore, an idle mode test alone can often be satisfied with combinations of engine adjustments that accomplish little or no true emissions reductions in terms of emissions measured over a driving cycle representative of typical urban driving conditions (the Federal Certification Test Procedure). Quantitative estimates of the loss in emissions reduction effectiveness due to these effects are not presently available.

Inspection and maintenance programs using engine parameter inspection or mandatory maintenance approaches may also be effective for vehicles of certain model years. However, such approaches must be tailored to relate to the specific engine and emissions control systems of the vehicles to be inspected and/or maintained. Depending upon inspection and maintenance procedures and the number and choice of engine parameters included in the program, substantial variations in emissions reductions are to be expected.

Because of the above considerations, it has been concluded that generally applicable estimates of achievable emissions reductions can be derived from currently available data only for programs which use a loaded emissions test. States considering inspection and/or maintenance programs based on alternative approaches should take the factors mentioned above into account where estimating and justifying emissions reductions expected from such programs. More detailed discussion of these matters may be found in the EPA report "Control Strategies for In-Use Vehicles."

(b) *Retrofit*—(i) *Pre-controlled vehicles.* The reductions cited in paragraph 4.a for precontrolled vehicles are based upon test data obtained in evaluating the initial emissions reductions obtained when various types of retrofit emissions control systems were fitted to fleets of tuned precontrolled light duty vehicles. The results of these studies are presented in the EPA "Control Strategies for In-Use Vehicles." In each case, the mean emissions reductions observed have been adopted as being most representative of the initial emissions reductions which may be achieved in an actual retrofit program.

Only very limited data are currently available on the deterioration of emissions performance of retrofit vehicles. These data, which are discussed in the EPA report "Control Strategies for In-Use Vehicles," indicate the need for periodic inspection and maintenance of retrofitted vehicles if the attainment and maintenance of the retrofit emissions reductions cited in paragraph 4.a is to be assured. Based upon the available data and the requirements for inspection and maintenance of retrofitted vehicles at least once per year, and considering the nature of the emissions control techniques employed in each retrofit approach, it appears that the average annual emissions reductions per retrofitted vehicle can approach the observed mean initial reductions if suitable inspection and maintenance criteria are adopted. Accordingly, it has been assumed for planning purposes that the observed initial emissions reductions will not be affected by deterioration.

(ii) *Controlled vehicles.* Data which could serve as a basis for estimating emissions reductions achievable through retrofitting controlled light duty vehicles are quite limited. As a result, the emissions reductions cited for this class of vehicles in paragraph 4.a were developed by extrapolating the data for retrofitting precontrolled light-duty vehicles.

The techniques of lean idle air/fuel ratio adjustment, vacuum spark advance disconnect, and air bleed to intake manifold are not considered to be generally applicable to controlled vehicles. This is because these emissions control approaches are either incorporated into or may be inconsistent with emissions control techniques already applied to many controlled vehicles.

Exhaust gas recirculation (EGR) is considered generally applicable only to those vehicles not substantially controlled for nitrogen oxides emissions. Therefore, EGR as a retrofit approach is applicable in 1968 through 1972 models sold nationwide (outside of California), except for an insignificant number of 1972 vehicles already equipped with EGR. Incorporation of EGR into a significant number of 1972 models sold in California limits the general applicability of this retrofit approach to 1966 through 1971 controlled vehicles sold in California.

Oxidizing catalytic converters are considered to be potentially applicable as retrofits through the 1974 model year. Beyond the 1974 model year, the presently anticipated design of emissions control systems required to meet Federal new car emissions standards is considered to preclude retrofitting using currently available retrofit technology.

The following paragraphs describe the bases for the emissions reductions cited for retrofit of controlled vehicles.

Oxidizing catalytic converters. Test data indicate that catalytic converter retrofits to precontrolled vehicles can achieve emissions reductions of 68 percent (hydrocarbons), 63 percent (carbon monoxide), and 48 percent (nitrogen oxides) when combined with vacuum spark advance disconnect. Presently available data suggest that deterioration may not be significant with retrofit-type catalysts.

Experience to date with prototype 1975 emissions control systems suggests that retrofit catalytic converters are capable of achieving substantial reductions of hydrocarbon and carbon monoxide emissions from controlled light-duty vehicles. While studies of precontrolled vehicles have provided evidence that retrofit catalysts may also achieve some reduction of nitrogen oxides emissions, the extent of this reduction is too highly dependent on the air/fuel ratio in the catalyst to be extrapolated to controlled vehicles with reasonable certainty.

In experiments conducted to date, installation of retrofit catalysts on precontrolled vehicles has been accompanied by vacuum spark advance disconnect. In addition, a lean idle air/fuel ratio adjustment has normally been included in the installation procedures. As neither of the latter two modifications is generally applicable to controlled vehicles, it is prudent to anticipate that reductions of hydrocarbon and carbon monoxide emissions achieved by retrofit catalysts on controlled vehicles may be less than those observed with precontrolled vehicles.

The cited emissions reductions of 50 percent (hydrocarbons), 50 percent (carbon monoxide), and 0 percent (nitrogen oxides) are estimates consistent with the foregoing considerations and the results obtained with precontrolled vehicles.

Exhaust Gas Recirculation (EGR). Emissions reductions of 12 percent (hydrocarbons), 31 percent (carbon monoxide), and 48 percent (nitrogen oxides) have been observed as a result of retrofitting precontrolled

light duty vehicles with EGR accompanied by vacuum spark advance disconnect. Experience with 1973 emissions control systems for new cars suggests that EGR retrofits can achieve substantital reductions of nitrogen oxides emissions from controlled vehicles not already equipped with EGR or equivalent nitrogen oxides emissions control systems.

Much of the hydrocarbon control and some of the nitrogen oxides control observed with EGR retrofits to precontrolled vehicles is attributable to the vacuum spark advance disconnect. This is not generally applicable to controlled vehicles. In addition, the design features responsible for much of the carbon monoxide reduction observed with precontrolled vehicles are likely to be already incorporated into many controlled vehicles. It is therefore prudent to expect that EGR retrofits to controlled vehicles may achieve somewhat smaller reductions of nitrogen oxides emissions than have been observed with precontrolled vehicles and no reductions of hydrocarbon and carbon monoxide emissions.

The cited emissions reductions of 0 percent (hydrocarbons and carbon monoxide) and 40 percent (nitrogen oxides) are estimates consistent with the foregoing considerations and the results obtained with precontrolled vehicles.

EGR and oxidizing catalytic converter retrofit for controlled vehicles affect different pollutants and operate independently on different parts of the engine. Therefore, when the two retrofits are combined, the emissions reductions obtained from each can be considered additive.

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PART IV

ECONOMIC STABILIZATION

■

PHASE III

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11695

Further Providing for the Stabilization of the Economy

On August 15, 1971, I issued Executive Order 11615 establishing a freeze on prices, rents, wages and salaries for a period of 90 days from the date of that order and establishing the Cost of Living Council as the agency with primary responsibility for administering the Economic Stabilization Program.

Subsequently, I issued Executive Order 11627 which continued the Cost of Living Council and established a Pay Board and a Price Commission. Under the terms of that order, the Cost of Living Council established broad stabilization goals for the Nation and the Pay Board and Price Commission, acting through their respective Chairmen, prescribed specific standards, criteria and regulations and made rulings and decisions aimed at carrying out goals of the Economic Stabilization Program.

On December 22, 1971, I signed into law amendments to the Economic Stabilization Act of 1970. To reflect changes made by these amendments and to reaffirm the existing delegation of authority to the Cost of Living Council, I substituted Executive Order 11640.

As the result of efforts under the Economic Stabilization Program, by public officials and private citizens alike, the rate of inflation has been significantly reduced. However, in furtherance of the goals and for the reasons set forth in my message to the Congress of this date, I have determined that to continue to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, and protect the purchasing power of the dollar, all in the context of sound fiscal management and effective monetary policies, the Economic Stabilization Program should be continued, building upon the solid foundation of achievement accomplished in the past and redirecting our efforts to respond to the needs of the current year.

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, particularly the Economic Stabilization Act of 1970, as amended, it is hereby ordered as follows:

SECTION 1. (a) The Cost of Living Council (hereinafter referred to as the "Council"), established by section 2 of the Executive Order 11615 of August 15, 1971, is hereby continued.

(b) The Council shall be composed of the following members: The Secretary of the Treasury, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Director of the Office of Management and Budget, the Chairman of the

Council of Economic Advisers, the Director of the Office of Emergency Preparedness, the Special Assistant to the President for Consumer Affairs and such others as the President may, from time to time, designate. The Secretary of the Treasury shall serve as Chairman of the Council and the Chairman of the Council of Economic Advisers shall serve as Vice Chairman. The Chairman of the Board of Governors of the Federal Reserve System shall serve as adviser to the Council.

(c) There shall be a Director of the Cost of Living Council who shall be appointed by the President, be a member of the Council, be a full-time official of the United States, be the Council's Chief Executive Officer, and be compensated at the rate prescribed for Level III of the Executive Schedule by section 5314 of Title 5 of the United States Code.

SEC. 2. (a) Except as otherwise provided in subsection (b) of this section, all the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended, are hereby delegated to the Chairman of the Council, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the act.

(b) The authority conferred by or pursuant to this order shall not extend to the prices charged for raw agricultural products until after the first sale thereof.

(c) The Council shall develop and recommend to the President policies, mechanisms and procedures to achieve and maintain stability of prices and costs in a growing economy. To this end it shall consult with representatives of agriculture, industry, labor, State and local governments, consumers and the public, including the National Commission on Productivity.

(d) In all of its actions the Council shall be guided by the need to maintain consistency of price and wage policies with fiscal, monetary, international, and other economic policies of the United States.

(e) The Council shall inform the public, agriculture, industry, and labor concerning the need for controlling inflation and shall encourage and promote voluntary action to that end.

SEC. 3. (a) All orders, regulations, circulars, rulings, notices or other directives issued and all other actions taken by any agency pursuant to Executive Order 11588, as amended, Executive Order 11615, as amended, Executive Order 11627, as amended, and Executive Order 11640, as amended, and in effect on the date of this order are hereby confirmed and ratified, and shall remain in full force and effect as if issued under this order, unless or until altered, amended, or revoked by the Chairman or by such competent authority as the Chairman may specify, and shall be administered by the Chairman or by such competent authority as the Chairman may specify.

(b) The Chairman shall take such steps as are necessary to make appropriate disposition of actions in process under the Economic Stabilization Program and to effect an orderly transfer of stabilization functions pursuant to this order.

(c) This order shall not operate to defeat any suit, action, prosecution, or administrative proceeding, whether heretofore or hereafter commenced, with respect to any right possessed, liability incurred, or offense committed prior to this date.

(d) Renegotiation provisions in price, rent, wage or salary contracts which are dependent for their operation on modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. Except to the extent permitted pursuant to the provisions of section 4(a), this order shall not operate to permit:

(i) A retroactive increase in prices, rents, wages or salaries for goods or services sold or leased or work performed while the prices, rents, wages or salaries were subject to the rules of the Price Commission or the Pay Board, or

(ii) A prospective increase in prices, rents, wages or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

SEC. 4. (a) The Chairman, in carrying out the provisions of this order, may continue to (i) prescribe definitions for any terms used herein, (ii) make exceptions or grant exemptions, (iii) issue regulations and orders, (iv) provide for the establishment of committees and other comparable groups, and (v) take such other actions as he determines to be necessary or appropriate to carry out the purposes of this order.

(b) The Chairman may redelegate to any agency, instrumentality, or official of the United States any authority under this order, and may, in administering this order, utilize the services of any other agency, Federal or State, as may be available or appropriate.

(c) On request of the Chairman, each executive department or agency is authorized and directed, consistent with law, to furnish the Council with any available information which the Council may require in the performance of its functions, and shall provide such other assistance in carrying out the provisions of this order as is permitted by law.

SEC. 5. (a) The Construction Industry Stabilization Committee (hereinafter referred to as the CISC) established by section 2 of Executive Order 11588 of March 29, 1971, is hereby continued and shall continue to act as an agency of the United States. The CISC shall perform such functions with respect to the stabilization of wages and salaries in the construction industry as the Chairman of the Council may delegate to it.

(b) The CISC shall be composed of twelve members. The CISC shall include four members representative of labor organizations in the construction industry, four members representative of employers in the construction industry, and four members representative of the public. The CISC shall conduct its proceedings in such manner as will be conducive to the proper dispatch of its business and to the ends of justice.

(c) The craft dispute boards (hereinafter referred to as "boards") established by associations of contractors and national and international

unions under section 2 of Executive Order 11588 are hereby continued. Each board shall be composed of appropriate labor and management representatives. The boards shall perform such functions with respect to the stabilization of wages and salaries in the construction industry as the Chairman of the Council may prescribe.

(d) Upon a determination by a board or the CISC that a proposed wage or salary increase is not acceptable and certification of that determination by the Chairman of the Cost of Living Council the following actions shall be taken.

(i) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including State statutes or laws requiring similar wage standards, the Secretary of Labor and all States shall not take into consideration any wage or salary increases in excess of that found to be acceptable in making determinations under that act and related statutes.

(ii) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Chairman of the Cost of Living Council:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Chairman of the Cost of Living Council to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Chairman of the Cost of Living Council and shall, on the basis of such review, determine whether such contracts can be awarded or continued.

SEC. 6. (a) There is hereby established the Cost of Living Council Committee on Health to be composed of the Director of the Council, who shall be its Chairman, the Vice Chairman of the Council, the Secretary of the Treasury, the Secretary of Health, Education, and Welfare, the Director of the Office of Management and Budget, and such others as the President may, from time to time, designate. The Committee shall review Government activities significantly influencing health care expenses and make recommendations to the Chairman of the Council concerning these matters.

(b) There is hereby established a Health Industry Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee. The Committee shall provide advice to the Council on the operation of the Economic Stabilization Program in the health industry and other matters related to health care expenses.

SEC. 7. (a) There is hereby established the Cost of Living Council Committee on Food which shall be composed of the Chairman of the

Council, who shall be its Chairman, the Vice Chairman of the Council, the Director of the Council, the Secretary of Agriculture, the Director of the Office of Management and Budget and such others as the President may, from time to time, designate. The Committee shall review Government activities significantly affecting food costs and prices and make recommendations to the Chairman of the Council concerning these matters.

(b) There is hereby established a Food Industry Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The President shall designate the Chairman of the Committee. The Committee shall provide advice to the Council on the operation of the Economic Stabilization Program in the food industry and other matters related to food costs and prices.

SEC. 8. There is hereby established a Labor-Management Advisory Committee. This Committee shall be composed of such members as the President may, from time to time, appoint. The Committee shall provide advice to the Chairman of the Council on methods for improving the collective bargaining process and for assuring wage and salary settlements consistent with gains in productivity and the goal of stemming the rate of inflation.

SEC. 9. The Committee on Interest and Dividends established by section 9 of Executive Order 11627 is hereby continued. The Committee shall be composed of the Chairman of the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, the Secretary of Commerce, the Secretary of Housing and Urban Development, the Chairman of the Federal Deposit Insurance Corporation, the Chairman of the Federal Home Loan Bank Board, and such others as the President may, from time to time, designate. The Chairman of the Board of Governors of the Federal Reserve System shall serve as Chairman of the Committee. This Committee shall, subject to review by the Council, formulate and execute a program for obtaining voluntary restraints on interest rates and dividends.

SEC. 10. (a) The Pay Board and Price Commission established by sections 7 and 8 of Executive Order 11627 are hereby abolished effective not more than 90 days from the date of this order or such earlier date as the Chairman of the Cost of Living Council may designate. The Board and the Commission during this transition period shall provide for winding up any outstanding matter involving them subject to the direction of the Chairman of the Council.

(b) The Committee on the Health Services Industry established by section 10 of Executive Order 11627 is hereby abolished.

(c) The Committee on State and Local Government Cooperation established by section 11 of Executive Order 11627 is hereby abolished.

(d) The Rent Advisory Board established by section 11A of Executive Order 11627, as amended, is hereby abolished.

(e) The Chairman of the Council shall make appropriate provision for the disposition of the records, property, personnel, and funds relating to the agencies and committees abolished by this section.

(f) In order that the confidential status of any records affected by this order shall be fully protected and maintained, the use of any confidential records transferred pursuant to this section shall be so restricted by the Chairman of the Council as to prevent the disclosure of information concerning individual persons or firms to persons who are not engaged in functions or activities to which such records are directly related, except as provided for by law or as required in the final disposition thereof pursuant to law.

SEC. 11. (a) Whoever willfully violates this order or any order or regulation continued or issued under authority of this order shall be subject to a fine of not more than $5,000 for each such violation. Whoever violates this order or any order or regulation continued or issued under authority of this order shall be subject to a civil penalty of not more than $2,500 for each such violation.

(b) The Chairman of the Council may in his discretion request the Department of Justice to bring actions for injunctions authorized under section 209 of the Economic Stabilization Act of 1970, as amended, whenever it appears to him that any person has engaged, is engaged, or is about to engage in any acts or practices constituting a violation of any regulation or order continued or issued pursuant to this order. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation and restitution of monies received in violation of any such order or regulation.

(c) The Chairman of the Cost of Living Council, or his duly authorized agent, shall have authority for any purpose related to the Economic Stabilization Act of 1970, as amended, to sign and issue subpoenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with the provisions of section 206 of the Economic Stabilization Act of 1970, as amended.

SEC. 12. Executive Order 11588 of March 29, 1971, Executive Order 11640 of January 26, 1972, Executive Order 11660 of March 25, 1972, and Executive Order 11674 of June 29, 1972, are hereby superseded.

Richard Nixon

THE WHITE HOUSE,
January 11, 1973.

[FR Doc.73-874 Filed 1-11-73;12:16 pm]

Title 6—ECONOMIC STABILIZATION

Chapter I—Cost of Living Council

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Part 130 is added to Title 6, chapter I, Code of Federal Regulations. This part sets forth the Cost of Living Council Phase III Regulations in accordance with the policies and principles established in the Economic Stabilization Act and Executive Order No. 11695. These regulations supersede the provisions of Part 101 of Chapter I, Chapter II (Pay Board Regulations) and Chapter III (Price Commission Regulations) of Title 6, Code of Federal Regulations except as provided with respect to the food industry, health industry, and construction industry. However, the provisions of Chapters II and III serve as a guide in applying the general price and pay standards set forth in subpart B of this part.

As a result of the Economic Stabilization program and public cooperation with its policies, the rate of inflation has been significantly reduced. As explained in the President's message to Congress, the White House fact sheet on phase III, which are attached as an appendix to these regulations, and Executive Order No. 11695, it is necessary to continue the Economic Stabilization Program in this changed form. There is a continued need to stabilize the economy, reduce inflation, minimize unemployment, improve the Nation's competitive position in world trade, protect the purchasing power of the dollar, all within the context of sound fiscal management and effective monetary policies. The Economic Stabilization Program should be continued, building upon the solid foundation of achievement accomplished in the past and redirecting its efforts to respond to the needs of the current year.

Because the immediate implementation of Executive Order No. 11695 is required, and because the purpose of these regulations is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20507.

These regulations are effective as of January 11, 1973.

DONALD RUMSFELD,
Director, Cost of Living Council.

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(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-558, 84 Stat. 1468; Public Law 92-8, 85 Stat. 38; Public Law 92-210, 85 Stat. 743; and Executive Order No. 11695)

Subpart A—General

§ 130.1 Scope.

(a) This part supersedes the provisions of Part 101 and Chapters II (Pay Board Regulations) and III (Price Commission Regulations) of this title, except insofar as hereinafter provided with respect to the food industry, the health industry, and the construction industry. However, the provisions of Chapters II and III of this title serve as a guide in applying the general price and pay standards set forth in subpart B of this part.

(b) Reports due under prior rules: Any report required to be filed with the Pay Board or the Price Commission under the provisions of Chapter II or III or any rule, order or regulation of the Pay Board or Price Commission in effect on January 10, 1973 for any reporting period which ended on or before that date and which was not filed by that date, shall be filed with the Council in the form and within the time in which it would have been filed with the Pay Board or the Price Commission.

(c) Renegotiation provisions in price, rent, wage, or salary contracts which depend for their operation upon the modification or termination of the Economic Stabilization Program are hereby declared inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program. This part shall not operate to permit:

(i) A retroactive increase in prices, rents, wages or salaries for goods or services sold or leased or work performed while the prices, rents, wages, or salaries were subject to the rules of the Price Commission or the Pay Board, or

(ii) A prospective increase in prices, rents, wages, or salaries under the terms of a contract subject to a Price Commission or Pay Board decision and order, except to the extent consistent with such decision and order.

Subpart B—Goals; General Standards for Prices, Wages and Salaries

§ 130.10 Goals.

The goals of the Economic Stabilization Program are to reduce the rate of inflation further in 1973 and to establish general confidence in reasonable stability of prices beyond 1973. Reduction in the rate of inflation to 2½ percent or below by the end of 1973 is proposed as a guide to both Government

policies and private behavior. The Economic Stabilization Program is designed to encourage private behavior that is consistent with those goals.

§ 130.11 Standards.

This subpart establishes standards for private behavior which are intended to be applied voluntarily and on a self-administered basis and which are consistent with achieving the national goals of the Economic Stabilization Program. The standards do not apply to price adjustments in the food industry or in the health services industry, to rate increases by public utilities, or to pay adjustments affecting employees of firms in the food industry, the health services industry, or the construction industry.

§ 130.12 General wage and salary standard.

The general wage and salary standard is a 5.5 percent increase per annum. The standard shall apply to any pay adjustment payable with respect to an appropriate employee unit after January 10, 1973. Adjustments in excess of the standard may be made only as necessary to reflect qualified fringe benefits or to prevent gross inequities, serious market disruptions, or localized shortages of labor. The policies and principles, including the computation methods, contained in the Pay Board's regulations in effect on January 10, 1973, can be used in applying the standard. No wage or salary increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

§ 130.13 General price standard.

The general standard for price adjustments is that a person may increase prices above those authorized or lawfully in effect on January 10, 1973, to reflect increased costs so long as his profit margin does not increase over that which prevailed during the base period as modified herein. Alternatively, a person may increase prices by a weighted annual average of 1.5 percent over prices authorized or lawfully in effect on January 10, 1973, to reflect increased costs without limitation as to profit margin. Adjustments in excess of the standard may be made only as necessary for efficient allocation of resources or to maintain adequate levels of supply. The principles and policies contained in the Price Commission's regulations in effect on January 10, 1973, can be used in applying the standard. No price increase should be placed into effect which is unreasonably inconsistent with the standard or the goals of the Economic Stabilization Program.

Subpart C—Reporting and Recordkeeping

§ 130.20 Scope.

The provisions of this subpart do not apply to price adjustments in the food industry or in the health services industry, to rate increases by public utilities, or to pay adjustments affecting employees of firms in the food industry, the health services industry, or the construction industry.

§ 130.21 Price reporting firms; reporting requirements.

(a) A price reporting firm is a firm with annual sales or revenues of $250 million or more.

(b) Each price reporting firm shall submit quarterly reports to the Council with information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.22 Price recordkeeping firms; recordkeeping requirements.

(a) A price recordkeeping firm is a firm with annual sales or revenues of $50 million or more.

(b) Each price recordkeeping firm shall maintain information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.23 Pay adjustments to be reported; reporting requirements.

(a) A pay adjustment which applies to or affects 5,000 or more employees must be reported to the Council.

(b) Reporting of such pay adjustments shall be submitted to the Council in accordance with regulations issued by the Council.

§ 130.24 Pay adjustments subject to recordkeeping; recordkeeping requirements.

(a) A pay adjustment which applies to or affects 1,000 or more employees is subject to recordkeeping requirements.

(b) Records with respect to each such pay adjustment shall be maintained in accordance with regulations issued by the Council.

Subpart D—Exemptions—Items not Included in Coverage

§ 130.30 General.

Price adjustments and pay adjustments with regard to the property, services, wages, and salaries set forth in this subpart are exempt from and not included in the coverage of this title.

§ 130.31 Agricultural products, seafood products, and raw sugar price adjustments.

(a) *Raw agricultural products.* (1) Subject to the special rule set forth below, the sale of agricultural products which retain their original physical form and have not been processed is exempt. Processed agricultural products are products which have been canned, frozen, slaughtered, milled, or otherwise changed in their physical form. Packaging is not considered a processing activity. Examples:

Exempt	*Nonexempt*
Live cattle, calves, hogs, sheep, and lambs.	Carcasses and meat cuts.
Live poultry	
Raw milk	Pasteurized milk and processed products such as butter, cheese, ice cream.
	Frozen, dried, or liquid eggs.
Sheared or pulled wool.	Wool products.
	Processed and blended honeybutter product.
Mohair.	
Hay: Bulk, pelleted, cubed, or baled.	Dehydrated alfalfa meal or alfalfa meal pellets.
Wheat	Flour.
Feed grains including:	
Corn	Mixed feed.
Sorghum	Cracked corn.
Barley	Rolled barley.
Oats	Rolled oats.
Soybean	Soybean meal and oil.
Leaf tobacco	Cigarettes and cigars.
Baled cotton, cottonseed, cotton lint.	Cotton yarn, cottonseed oil, cottonseed meal.
	Frozen french fries, dehydrated potatoes.
Unmilled rice	Milled rice.
	Roasted, salted, or otherwise processed nuts.
	Canned or freeze dried mushrooms.
Fresh hops.	
Sugar beets and sugarcane.	Refined sugar.
Maple sap.	
All seeds for planting.	Seeds processed for other uses.
Raw coffee bean	Roasted coffee bean.
	Canned and frozen vegetables.
	Dill pickles.
	Package slaw.
	Popped popcorn.
Stumpage or trees cut from the stump.	Milled lumber.
	Canned fruit or juices.
	Glazed citrus peel.
	Canned grapes, wine.
	Applesauce.
	Canned prunes and prune juice.
	Canned olives.
	Floral wreath.
Garden plants.	

(2) Special rule: Only the first sale by the producer or grower of those agricultural products which are of a type sold for ultimate consumption in their original physical form is exempt. Examples of these products are:

Shell, eggs packaged or loose.	Tomatoes.
Raw honeycomb honey.	Lettuce.
Fresh potatoes, packaged or not.	Sweet corn.
All raw nuts—shelled and unshelled.	Brussel sprouts.
Fresh mushrooms.	Beets.
Fresh mint.	Unpopped popcorn.
Dried beans, peas, and lentils.	All fresh or naturally dried fruits, packaged or not, including:
All fresh vegetables and melons including:	Fresh oranges.
	Grapes and raisins.
	Apples.
	Peaches.

Strawberries.	Honeydews.
Grapefruit.	Escarole.
Pears.	Garlic.
Lemons.	Artichokes.
Plums and prunes.	Eggplant.
	Avocados.
Cherries.	Blueberries.
Cranberries.	Apricots.
Onions.	Tangerines.
Green beans.	Olives, uncured.
Cantaloupe.	Nectarines.
Cucumbers.	Raspberries.
Cabbage.	Blackberries.
Carrots.	Figs.
Watermelons.	Tangelos.
Green peas.	Limes.
Asparagus.	Dates.
Pepper.	Papayas.
Broccoli.	Bananas.
Cauliflower.	Pomegranates.
Spinach.	Currants.
Green lima beans.	Persimmons.
	Cut flowers.

(b) *Dressed broilers and turkeys and raw seafood products.* The first sale by (1) a producer of broilers or turkeys or (2) a producer or fisherman of raw seafood products including those which have been shelled, shucked, iced, skinned, scaled, eviscerated, or decapitated is exempt.

(c) *Raw sugar prices.* Raw sugar price adjustments which are controlled under the Sugar Act of 1948, as amended.

§ 130.32 Real estate and insurance premiums.

(a) *Real estate*—(1) *Sales.* (i) Unimproved real estate.

(ii) Real estate with improvements completed prior to August 15, 1971.

(iii) Real estate with improvements completed on or after August 15, 1971, if—

(*a*) The sales price is determined after the completion of construction; or

(*b*) The sales price is determined before the completion of construction and the wage rates estimated by the builder at the time the price is determined are not subsequently reduced by any action under the Economic Stabilization Program.

(2) *Rentals.* All rentals of residential and nonresidential real property.

(b) *Insurance premiums.* (1) Premiums charged for the following lines of insurance purchased or renewed after November 13, 1971:

(i) Reinsurance of all kinds.

(ii) Ocean marine insurance.

(iii) Inland marine insurance on a bid basis applicable to facilities of transportation and communication.

(iv) Life insurance, annuities, and endowments (including individual and group contracts of: Ordinary and term life insurance, fixed and variable annuities, and endowments of all kinds); but excluding credit life insurance of any kind.

(v) Individually negotiated and rated insurance contracts written in excess of a self-insured retention of at least $100,000.

(2) Premiums charged for the following sublines of aviation insurance purchased or renewed after September 1, 1972:

(i) Hull insurance.

(ii) Liability insurance for bodily injury (excluding passenger hazard) caused by an aircraft.

(iii) Liability insurance for property damage caused by an aircraft.

§ 130.33 Certain price adjustments.

(a) *Federal, State, and local governments.* (1) Price adjustments including rent adjustments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred by any Federal department, agency, or other instrumentality including the Postal Service and wholly owned Government corporations as defined in the Government Corporation Control Act of 1945, as amended.

(2) Price adjustments including rent adjustments by State and local governments for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, facilities, materials, or similar thing of value or utility, performed, furnished, provided, granted, prepared, issued, or transferred including tuition and other charges for schools, colleges, and universities owned or operated by a State and local government; except, however, that fees or charges for health services (but not health service fees levied on all students as a condition of enrollment) and for utility services (including, gas, electricity, telephone, telegraph, public transportation by vehicle or pipeline, but not including water or sewage disposal services) provided directly or indirectly by a State and local government are not exempt under the provisions of this section.

(b) *Tuition fees of private nonprofit educational organizations.* Tuition fees and other charges by private schools, colleges, and universities not operated for profit; except that: (1) Fees and charges resulting in income which is subject to tax under Part III of Subchapter F of the Internal Revenue Code of 1954, as amended, as unrelated business taxable income and (2) medical fees and charges, other than a health service fee levied on all students as a condition of enrollment, are not exempt under the provisions of this section.

(c) *Custom products and services.* (1) The following products when custom made to individual order:

(i) Leather goods.

(ii) Wigs and toupees.

(iii) Fur apparel.

(iv) Jewelry.

(2) The following custom services when provided to individual order;

(i) Tailoring of clothing.

(ii) Framing of pictures and mirrors.

(iii) Taxidermy.

(d) *Exports, imports, ocean shipping rates, and foreign air transportation.* (1) Exports, including products sold to a domestic purchaser who certifies that the product is for export.

(2) Imports, but only the first sale into U.S. commerce.

(3) International ocean shipping rates.

(4) All rates, fares, and charges for foreign air transportation (as defined by the Federal Aviation Act, 49 U.S.C. 1301 (21)) which are set forth in tariffs filed with the Civil Aeronautics Board or which are established or approved by the Civil Aeronautics Board.

(e) *Damaged and used products.* Damaged and used products other than products which have been rebuilt, repackaged, baled, reassembled, or otherwise processed.

(f) *Government property.* (1) Abandoned or confiscated property sold by any Federal, State, or local government agency pursuant to authorization of a court.

(2) Property sold by the United States, including lease-sales.

(g) *Transactions in gold.* Transactions in gold on the domestic market under license from the Secretary of the Treasury pursuant to the Gold Reserve Act of 1934 as amended, and regulations issued pursuant thereto.

(h) *Securities and financial instruments.* (1) Securities as defined in § 101.2

(2) Property subject to net leases as defined in 26 U.S.C. 163(d)(4)(a).

(3) Commercial paper.

(4) Commodity futures sold on an organized commodities exchange but not including the commodity (unless otherwise exempt).

(i) *Brokerage fees charged on a securities exchange.* Brokerage fees, charged for the trading of securities on a securities exchange, that are subject to the jurisdiction of the Securities and Exchange Commission, when the Securities and Exchange Commission has certified that such fees are consistent with the objectives of the economic stabilization program.

(j) *Retail firms, including restaurants.* Price adjustments of retail firms, including restaurants, with annual sales or revenues of less than $100,000.

(k) *Fees and charges imposed by Indian Tribal Councils.* Price adjustments, including rent adjustments, for any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, commodity, or similar thing of value or utility, performed, furnished, sold, leased, provided, granted, prepared, issued, or transferred by any Indian Tribal Council which is formally recognized by a State or the Federal Government are exempt whether or not all or part of a particular transaction takes place on or off Indian Tribal lands.

(l) *U.S. tanker rates.* Rates for the transportation of goods in a coastwise voyage by sea as defined in 46 U.S.C. section 88, in tank vessels built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or tank vessels to which the privilege of engaging in the coastwise trade is extended by

section 13 or 808 of title 46 of the United States Code.

(m) *Silver.* Price adjustments for (1) commercial grade silver in refining shapes, (2) silver content in ores and done, (3) silver coins, and (4) other forms of silver sold for manufacturing or professional uses.

§ 130.34 Certain pay adjustments.

(a) *Federal pay adjustments.* Federal Government employees' pay adjustments which are based upon Federal law and regulations and are determined by Presidential directives, including therein pay adjustments in the compensation and allowances of members of the Armed Forces; employees of the Judicial and of the Legislative Branch of the Federal Government: *Provided, however,* This section shall not exempt pay adjustments affecting employees of the U.S. Postal Service.

(b) *Pay adjustments affecting certain U.S. citizens.* Pay adjustments which apply to or affect U.S. citizens who reside and are employed outside the United States and the District of Columbia.

(c) *Professional athletes.* Pay adjustments of professional athletes, and pay adjustments of managers and coaches of professional athletes, when such managers and coaches are employed by professional sports organizations employing professional athletes.

§ 130.35 Miscellaneous.

(a) Royalties and other payments from the sale of copyrights, manuscripts, and like materials prepared for publication.

(b) Dues paid to a nonprofit organization.

(c) Antiques and art objects including paintings, etchings, and sculpture.

(d) Collectors' coins and stamps.

(e) Rock and stone specimens including precious stones and mounting into which precious stones are set.

(f) Handicraft objects.

(g) The first sale of mint oil and maple syrup or sugar.

(h) The first sale of dehydrated fruits.

(i) *Films.* Price adjustments for motion pictures and television productions when such price adjustments are made by producers or distributors of motion pictures and television productions.

Subpart E—Small Business Exemption

§ 130.40 Exemption of firms with 60 or fewer employees.

(a) *Applicability—firms existing on or before December 31, 1971*—(1) *General.* Subject to the provisions of (a) (2) and (3) of this section, price and pay adjustments (but not rent increases or adjustments) of any firm, existing on or before December 31, 1971, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (a) (3) of this section are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (a) (1) of this section shall not be applicable to:

(i) A firm which in its fiscal year ending prior to May 2, 1972 had annual sales or revenues of $50 million or more;

(ii) A firm which on May 2, 1972, was an institutional or noninstitutional provider of health services (as defined in §§ 300.18 and 300.19 of this title);

(iii) A firm which on May 2, 1972, was engaged in construction as defined by section 11 of Executive Order 11588 (3 CFR, 1971 Comp., p. 147);

(iv) A firm, if the pay adjustments immediately preceding the effective date of this regulation, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group, or other similar basis and which covered more than 60 employees; or

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding the effective date of this regulation were set or which are set at any time thereafter by a master employment or other employment contract described in subdivision (iv) of this subparagraph which covered more than 60 employees.

(3) *Determination of average number of employees.* The average number of employees for firms in existence on or before December 31, 1971, shall be computed by dividing the sum of the number of employees employed in the pay periods which included June 30, September 30, and December 31, 1971, and March 31, 1972, by the number of such pay periods for which any such firm was in existence.

(b) *Applicability—firms coming into existence on or after January 1, 1972.* (1) *General.* Subject to the provisions of paragraphs (b) (2) and (3) of this section, price and pay adjustments (but not rent increases or adjustments) of any firm coming into existence on or after January 1, 1972, including a local government, with an average of 60 or fewer employees (determined as provided in paragraph (b) (3) of this section) are exempt from and not included in the coverage of this title.

(2) *Exemption not applicable.* The exemption provided for in paragraph (b) (1) of this section shall not be applicable to:

(i) A firm which at any time during its first four calendar quarters after March 31, 1972, had annual sales or revenues of $50 million or more;

(ii) A firm which at any time during its first four calendar quarters after March 31, 1972, was an institutional or noninstitutional provider of health services (as defined in §§ 300.18 and 300.19 of this title);

(iii) A firm which at any time during its first four calendar quarters after March 31, 1972, was engaged in construction as defined by section 11 of Executive Order No. 11588 (3 CFR 1971 Comp., p. 147);

(iv) A firm, if the pay adjustments at any time during its first four calendar quarters after March 31, 1972, applicable to or affecting 50 percent or more of its employees, were set by a master employment or other employment contract which was negotiated on a joint or association basis or on an industry, area, group or other similar basis and which covered more than 60 employees;

(v) Pay adjustments applicable to or affecting those employees in firms otherwise exempt under this paragraph whose pay adjustments immediately preceding the effective date of this regulation were set or which are set at any time thereafter by a master employment or other employment contract described in subdivision (iv) of this subparagraph which covered more than 60;

(vi) A firm which is deemed to have an average of more than 60 employees in any calendar quarter in its first four calendar quarters, including its fourth calendar quarter, after March 31, 1972; or

(3) *Determination of average number of employees.* The average number of employees for firms coming into existence on or after January 1, 1972, shall be computed as follows:

(i) For its first calendar quarter after March 31, 1972, the average number of employees shall be deemed to be 60 or fewer until such time as the number of employees in that first calendar quarter after March 31, 1972, exceeds 60;

(ii) If the firm was deemed to have an average of 60 or fewer employees in the pay period which included the last day of its first calendar quarter after March 31, 1972, it shall be deemed to have 60 or fewer employees during its second calendar quarter after March 31, 1972;

(iii) A firm shall compute its average number of employees for its third calendar quarter after March 31, 1972, by dividing by two the sum of the number of employees employed in the pay period which included the last day of its first two calendar quarters after March 31, 1972;

(iv) A firm shall compute its average number of employees for its fourth calendar quarter after March 31, 1972, by dividing by three the sum of the number of employees employed in the pay period which included the last day of its first three calendar quarters after March 31, 1972; and

(v) If the firm's average number of employees was deemed to be 60 or fewer for its first four calendar quarters after March 31, 1972, its average number of employees shall be permanently established for the purpose of this paragraph by dividing by four the sum of the number of employees employed in the pay period which included the last day of its first four calendar year quarters after March 31, 1972.

(c) Definitions.

(1) "Employee" means any person residing in and employed in the several States or the District of Columbia for

whom an employer is required to pay taxes imposed pursuant to the Federal Insurance Contributions Act, 1939, as amended, 26 U.S.C. sec. 3101, et seq. (FICA), and any person otherwise excluded from FICA coverage, who (i) performs services for any firm as an agent-driver, or commission-driver engaged in the distribution of milk for his principals; or (ii) is defined as an "employee" in 26 U.S.C. sec. 3121(d).

(2) "Local government" includes any town, village, city, or similar entity which was incorporated by authority of the State and which has and exercises local legislative powers, and any county, town, township, or similar entity which is a subdivision of the State or county and which possesses and exercises some powers of local self-government; any school district which is an independent governmental unit and any special district classified as an independent governmental unit created for the sole purpose of performing one or more municipal functions. An "independent governmental unit" is one which meets the criteria for classifying governmental units used by the Department of Commerce, U.S. Bureau of the Census, in the 1967 Census of Governments, "Governmental Organizations," beginning at p. 13.

Subpart F—Special Rules Applicable to the Food Industry

§ 130.51 Scope.

This subpart establishes special mandatory rules applicable to price adjustments and pay adjustments by manufacturers, service organizations, wholesalers, and retailers in the food industry unless exempted under the provisions of Subpart E of this part.

§ 130.52 Price Reporting: Wholesalers and retailers.

A wholesaler or retailer with annual sales or revenues of $250 million or more must report quarterly, in accordance with regulations issued by the Council, information as to markups and profit margin.

§ 130.53 Price Recordkeeping: Wholesalers and retailers.

A wholesaler or retailer must maintain quarterly records in accordance with regulations issued by the Council, as to markups and profit margin.

§ 130.54 Price Reporting: Manufacturers and service organizations.

A manufacturer or service organization with annual sales or revenues of $250 million or more shall submit quarterly reports to the Council in the form and within the time such reports were required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.55 Price Recordkeeping: Manufacturers and service organizations.

Manufacturers and service organizations must maintain information on prices, costs, and profits in accordance with regulations issued by the Council.

§ 130.56 Wholesalers and retailers—price rules.

A wholesaler or retailer remains subject to regulations of the Price Commission in effect on January 10, 1973, with respect to permissible price levels with the following modifications:

(a) The definition of base period is superseded by the definition in Subpart L of this part;

(b) Customary initial percentage markup may be applied and reported on the basis of total sales by the wholesaler or retailer or any other level of item or category control;

(c) Customary initial percentage markup may be increased to reflect on a dollar-for-dollar basis Government-mandated operating cost increases; and

(d) Only firms with $250 million or more in annual sales or revenues are subjust to the requirements for prenotification and reporting; and

(e) §§ 300.13(b)(c)(d)(e) and 300.13a of this title are hereby revoked.

§ 130.57 Manufacturers and service organizations—price rules.

Manufacturers and service organizations remain subject to the rules and regulations of the Price Commission in effect on January 10, 1973, except that only firms with $250 million or more in annual sales or revenues are subject to the requirements for prenotification and reporting and except that the definition of base period profit margin is superseded by the definition in Subpart L of this part. The Council shall succeed to and assume all applicable rights, duties, and obligations of the Price Commission as contained in the rules and regulations of the Price Commission applicable to manufacturers and service organizations. Whenever under those rules and regulations authorizations from or reports to the Price Commission are required, such authorizations and reports shall be obtained from or made to the Council in the form and within the time required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.58 Pay adjustments.

Pay adjustments affecting employees in the food industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

Subpart G—Special rules applicable to Providers of Health Services

§ 130.60 Scope.

This subpart establishes mandatory rules applicable to price adjustments and pay adjustments by providers of health services.

§ 130.61 Price adjustments.

Price adjustments by institutional and noninstitutional providers of health services remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Price Commission in effect on January 10, 1973, except that §§ 300.18(g) and 300.19(d) of this title are hereby revoked. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Price Commission contained therein. Whenever under those rules and regulations authorizations from or reports to the Price Commission are required, such authorizations and written reports shall be obtained from or made to the Council in the form and within the time required under regulations of the Price Commission in effect on January 10, 1973.

§ 130.62 Pay adjustments.

Pay adjustments affecting employees in the health industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein. Whenever authorizations from or reports to the Pay Board are required under those rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under regulations of the Pay Board in effect on January 10, 1973.

Subpart H—Special Rules Applicable to the Construction Industry

§ 130.70 Scope.

This subpart establishes special rules applicable to prices and pay adjustments in the construction industry.

§ 130.71 Prices.

Final payments under any construction contract all or part of which is performed by construction workers whose wages and salaries are subject to review by the Construction Industry Stabilization Committee (CISC), shall be renegotiated if the wage and salary level of construction workers used in determining the final payment is reduced pursuant to the provisions of the contract concerned relating to renegotiation, or if there are no such provisions in the contract, pursuant to customary renegotiation procedures and practices of the construction industry. The amount by which the final payment with respect to any contract shall be reduced as a result of the renegotiation must fairly reflect the results of the CISC action, including any allowable cost increases resulting therefrom.

§ 130.72 Pay adjustments.

Pay adjustments affecting employees in construction remain subject to the

classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board and the Construction Industry Stabilization Committee in effect on January 10, 1973. The Cost of Living Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained therein.

Subpart I—Special Rules Applicable to Public Utilities

§ 130.80 Scope.

This subpart applies to each rate increase authorized under law to be placed into effect after January 10, 1973, by any publicly, privately, cooperatively, or municipally owned public utility, whether or not that rate increase is approved by a regulatory agency. These standards shall be applied by public utilities whether or not subject to a regulatory agency, and by regulatory agencies.

§ 130.81 Rules.

Increases in rates for public utilities effective January 10, 1973, should be consistent with the following criteria:

(a) The increase is cost-justified and does not reflect future inflationary expectations;

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

(c) The increase will achieve the minimum rate of return needed to attract capital at reasonable costs and will not impair the credit of the public utility; and

(d) The increase takes into account expected and obtainable productivity gains.

Subpart J—Challenge Procedures

§ 130.90 Purpose and scope.

This subpart establishes the procedures under which the Council may challenge price or pay increases which have occurred or are proposed.

§ 130.91 General.

When any report required by Part 130 of this chapter or any audit or investigation discloses, or the Council otherwise discovers, that a person appears to have implemented or is about to implement a price increase or a wage or salary increase which is unreasonably inconsistent with the general price and pay standards set forth in this chapter or the goals of the Economic Stabilization Program, the Council may conduct proceedings to challenge such conduct and issue appropriate orders in accordance with the provisions of this subpart.

§ 130.92 Notice of challenge.

The Council shall begin proceedings under this Subpart J by issuing a notice of challenge to the person involved stating that the Council has reason to believe that conduct which is unreasonably inconsistent with the standards set forth in this chapter has occurred or is about to occur.

§ 130.93 Temporary orders.

If the Council finds that such action is necessary to further the goals of the Economic Stabilization Program, it may, in the notice of challenge, order the person to whom it is directed to take steps temporarily to suspend or halt the conduct being challenged.

§ 130.94 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings to be held with respect to the conduct being challenged.

§ 130.95 Reply.

(a) Within 10 days of receipt of a notice of challenge issued under § 130.92, the person to whom the notice of challenge is issued may file an answer in writing. In addition, a person may respond to the Council by personal appearance and may be accompanied by counsel. If a person wishes to appear in person, he must request an appointment; the request must be made promptly so that a time and place may be set within the period provided for reply. The Council will extend the period for reply for good cause shown.

(b) If a person does not reply within the time allowed by a notice of challenge, the challenged conduct will be considered unreasonably inconsistent with the general standards as alleged and the Council may issue whatever permanent order would be appropriate.

(c) The burden of producing evidence that the challenged conduct is not unreasonably inconsistent with the standards is upon the person who has taken or proposed the conduct.

(d) An order promulgated under this section is not subject to judicial or any other review with respect to any finding of fact or conclusion of law which could have been raised in proceedings before the Council but was not.

§ 130.96 Order.

(a) If the Council finds, after the person has filed a reply under § 130.95, that no conduct has occurred or is about to occur which is unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program or that for any other reason the issuance of an order would not be appropriate, it will issue a decision so stating, and if necessary an order revoking or modifying any prior temporary order.

(b) If the Council finds that conduct unreasonably inconsistent with the standards or the goals of the Economic Stabilization Program has occurred or is about to occur and that an order is appropriate, it will issue a decision so stating, specifying the nature and extent of the unreasonably inconsistent conduct and, if necessary, issue an order implementing the decision. The decision will state the findings and conclusions upon which it is based.

(c) Orders issued hereunder may prescribe prospectively:

(1) A specific price or wage or salary;

(2) Special reporting requirements; and

(3) Any other requirement which is reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

§ 130.97 Modification or rescission.

(a) *General.* The person to whom an order is issued under § 130.96 may file a request for modification or rescission of that order in accordance with the procedures set forth in this section.

(b) *Where to file.* A request for modification or rescission may be filed with the Cost of Living Council, Washington, D.C. 20506.

(c) *When to file.* A request for modification or rescission shall be filed within 10 days of receipt of the order issued under § 130.96.

(d) *Contents of request.* A request for modification or rescission shall—

(1) Be in writing and signed by the applicant;

(2) Be designated clearly as a request for modification or rescission;

(3) Identify the order which is the subject of the request;

(4) Point out the alleged error in the order;

(5) Contain a concise statement of the grounds for the request for modification or rescission and the requested relief;

(6) Be accompanied by briefs, if any; and

(7) Be marked on the outside of the envelope "Request for Modification or Rescission."

(e) *Preliminary processing by the Council.*

(1) A request for modification or rescission of an order issued under § 130.96 will be considered by the Council only if it:

(i) Is made by a person to whom the order sought to be modified or rescinded was issued;

(ii) Is timely; and

(iii) Makes a prima facie showing of error.

(2) The Council may summarily reject a request for modification or rescission which is not made by a person to whom the order was issued, or which is not timely filed, or which fails to make a prima facie showing of error.

(3) When the request for modification or rescission meets the requirements set forth in subparagraph (1) of this paragraph, the Council on its own motion or for good cause shown may temporarily suspend the order appealed from and then proceed in accordance with § 130.96.

Subpart K—Reassertion of Mandatory Controls

§ 130.100 Purpose and scope.

This subpart describes the circumstances under which the Council may reassert mandatory controls over an industry, sector of the economy, or a part thereof.

§ 130.101 Issuance of special rules.

Whenever the Council in the course of administering the Economic Stabilization Program determines that the goals

of the program would be significantly advanced by reasserting controls over an industry, sector of the economy, or a part thereof, it may issue a special rule providing, on a prospective basis, for the stabilization of prices or wages and salaries, on a mandatory basis, in that industry, sector of the economy or part thereof.

§ 130.102 Public hearings.

If the Council determines that such action is necessary to further the goals of the Economic Stabilization Program, it may order public hearings with respect to special rules issued or to be issued pursuant to this subpart.

Subpart L—Definitions

§ 130.110 Definitions.

"Act" means the Economic Stabilization Act of 1970, as amended.

"Annual sales or revenues" means the total gross receipts of a firm during its most recent fiscal year, from whatever source derived, except that it does not include gross receipts of or from a foreign branch or division of such a firm, or the gross receipts of or from a wholly or partially owned foreign entity such as a corporation, partnership, joint venture, association, trust, or subsidiary, if the gross receipts of such foreign entity, branch, or division are derived primarily from transactions with other foreign firms. A foreign entity, branch, or division is one located outside the several States and the District of Columbia. However, gross receipts of domestic entities from U.S. export sales and from sales to firms in the Commonwealth of Puerto Rico are included in the determination of annual sales or revenue.

"Appropriate employee unit" means a group composed of all employees in a bargaining unit or in a recognized employee category. Such bargaining unit or employee category may exist in a plant or other establishment or a department thereof, or in a company, or in an industry, or in a government unit or in an agency, or instrumentality thereof, and shall be determined so as to preserve, as nearly as possible, contractual or historical wage and salary relationships.

"Base period" means any two, at the option of the person concerned, of the following fiscal years: That person's last 3 fiscal years ending before August 15, 1971, and any fiscal year completed on or after that date. In determining a base period for the purpose of computing a profit margin during a base period, a weighted average of its profits during the 2 years chosen shall be used.

"Council" means the Chairman of the Cost of Living Council established by Executive Order 11615 (3 CFR, 1971 Comp., p. 199) and continued under the provisions of Executive Order 11695, or his delegate.

"Employer" means a firm which employs one or more persons who receive a wage or salary.

"Exception" means a waiver directed to an individual firm in a particular case which relieves it from the requirements of a rule, regulation, or order issued pursuant to the act.

"Exemption" means a general waiver of the requirements of all rules, regulations, and orders issued pursuant to the act.

"Firm" means any person, corporation, association, estate, partnership, trust, joint-venture, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal and State and local governments. For purposes of this definition, a firm includes any entity listed in the preceding sentence that is part of or is directly or indirectly controlled by the firm. A person will be deemed to control any firm which is controlled directly or indirectly by such person, his spouse, children, grandchildren, or parents.

"Nonprofit organization" or one which is "not operated for profit" is a firm which is defined as a nonprofit organization in section 501(c) and is exempt under section 501(a) of the Internal Revenue Code of 1954, amended.

"Pay adjustment" means a change in wages and salaries which includes all forms of direct and indirect remuneration or inducement to employees by their employers for personal services, which are reasonably subject to valuation, including but not limited to: Vacation and holiday payments; bonuses; layoff and severance pay plans; supplemental unemployment benefits; night shift overtime, and incentive pay; employees contributions for insurance plans (but not including Federal public plans, e.g. old-age, survivors, health, and disability insurance under the social security system, Railroad Retirement Acts, Federal Insurance Contributions Acts, Federal Unemployment Tax Acts, and Civil Service Retirement Acts, and not including any workman's compensation or unemployment insurance plan pursuant to State law whether the participation of the employer is optional or obligatory), savings, pension, profit sharing, annuity funds, and other deferred compensation and welfare benefits (including payments to or on behalf of retirees); payments in kind; job prerequisites; housing allowances; uniform and other work clothing allowances (but not including employer-required uniforms and work clothing whether or not for safety purposes); cost-of-living allowances; commission rates; stock options; fringe benefits; and benefits which result in more pay per hour or other unit of work or production (e.g. by shortening the workday without a proportionate decrease in pay). Notwithstanding the foregoing definition of pay adjustment, contributions by any employer for:

(a) Any pension, profit sharing, or annuity and savings plan which meets the requirements of section 401(a), 404(a)(2), or 403(b) of the Internal Revenue Code of 1954;

(b) Any group insurance plan; or

(c) Any disability and health plan;

are not to be included in wages and salaries unless such contributions are determined to be unreasonably inconsistent with the standards issue pursuant to section 203(b) of the Act. Further, notwithstanding the foregoing definition of pay adjustment, pay adjustments paid to persons earning less than $2.75 per hour to increase their compensation up to $2.75 per hour are not to be included in wages and salaries.

"Pay Board" means the Board established pursuant to section 7 of Executive Order 11627 (3 CFR, 1971 Comp., p. 218).

"Prenotification" means notice submitted to the Price Commission or Pay Board relating to a proposed price adjustment or pay adjustment.

"Price adjustment" means an increase in the unit price of property or services or a decrease in the quality of substantially the same property or services.

"Price Commission" means the Commission established pursuant to section 8 of Executive Order 11627.

"Professional athlete" means any individual who undertakes or engages in, as a means of livelihood or for economic gain, either individually or as an employee of a professional sports organization, competitive sporting events requiring physical agility or strength.

"Profit margin" means the ratio that operating income (net sales less cost of sales and less normal and generally recurring costs of business operations, determined before nonoperating items, extraordinary items, and income taxes) bears to net sales as reported on the person's financial statement prepared in accordance with generally accepted accounting principles consistently applied.

"Public utility" means a person that furnishes service to the public or a recognized segment of the public, whether or not that person is under the jurisdiction of a regulatory agency, including gas, electric, telephone, telegraph, public transportation by vehicle or pipeline, water, and sewage disposal services, but not including water or sewage disposal services furnished by a government agency or instrumentality.

"Real estate with improvements" means land upon which there is a structure, dwelling, or other building. It does not mean land on which roads, water, sewer, or drainage facilities have been constructed.

"Regulatory agency" means any commission, board, or other legal body existing under law which has jurisdiction to regulate prices and services offered by a public utility.

"Retail firm" means a firm whose annual sales or revenues are primarily from the sale of goods to ultimate consumers.

"Security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, collateral-trust certificate,

preorganization certificate or subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, fractional undivided interest in oil, gas, or other mineral rights, or, in general, any interest or instrument commonly known as a "security," or any certificate of interest or participation in temporary or interim certificate for, receipt for, guarantee of, or warrant or right to subscribe to or purchase, any of the foregoing.

"State and local governments" means the several States and the District of Columbia, a municipality or other political subdivision, authority, commission, board, district, public corporation or other agency or instrumentality of the several States and the District of Columbia and any board, commission, agency, or other instrumentality of a local government.

APPENDIX

THE WHITE HOUSE

To the Congress of the United States:

During 1969, the annual rate of inflation in the United States was about 6 percent. During my first term in office, that rate has been cut nearly in half and today the United States has the lowest rate of inflation of any industrial country in the free world.

In the last year and a half, this decline in inflation has been accompanied by a rapid economic expansion. Civilian employment rose more rapidly during the past year than ever before in our history and unemployment substantially declined. We now have one of the highest economic growth rates in the developed world.

In short, 1972 was a very good year for the American economy. I expect 1973 and 1974 to be even better. They can, in fact, be the best years our economy has ever experienced—provided we have the will and wisdom, in both the public and private sectors, to follow appropriate economic policies.

For the past several weeks, members of my administration have been reviewing our economic policies in an effort to keep them up to date. I deeply appreciate the generous advice and excellent suggestions we have received in our consultations with the Congress. We are also grateful for the enormous assistance we have received from hundreds of leaders representing business, labor, farm and consumer groups, and the general public. These discussions have been extremely helpful to us in reaching several central conclusions about our economic future.

One major point which emerges as we look both at the record of the past and the prospects for the future is the central role of our Federal monetary and fiscal policies. We cannot keep inflation in check unless we keep Government spending in check. This is why I have insisted that our spending for fiscal year 1973 not exceed $250 billion and that our proposed budget for fiscal year 1974 not exceed the revenues which the existing tax system would produce at full employment. I hope and expect that the Congress will receive this budget with a similar sense of fiscal discipline. The stability of our prices depends on the restraint of the Congress.

As we move into a new year, and into a new term for this administration, we are also moving to a new phase of our economic stabilization program. I believe the system of controls which has been in effect since 1971 has helped considerably in improving the health of our economy. I am today submitting to the Congress legislation which would extend for another year—until April 30 of 1974—the basic legislation on which that system is based, the Economic Stabilization Act.

But even while we recognize the need for continued Government restraints on prices and wages, we also look to the day when we can enjoy the advantages of price stability without the disadvantages of such restraints. I believe we can prepare for that day, and hasten its coming, by modifying the present system so that it relies to a greater extent on the voluntary cooperation of the private sector in making reasonable price and wage decisions.

Under phase III, prior approval by the Federal Government will not be required for changes in wages and prices, except in special problem areas. The Federal Government, with the advice of management and labor, will develop standards to guide private conduct which will be self-administering. This means that businesses and workers will be able to determine for themselves the conduct that conforms to the standards. Initially and generally we shall rely upon the voluntary cooperation of the private sector for reasonable observance of the standards. However, the Federal Government will retain the power—and the responsibility—to step in and stop action that would be inconsistent with our anti-inflation goals. I have established as the overall goal of this program a further reduction in the inflation rate to 2½ percent or less by the end of 1973.

Under this program, much of the Federal machinery which worked so well during phase I and phase II can be eliminated, including the Price Commission, the Pay Board, the Committee on the Health Services Industry, the Committee on State and Local Government Cooperation, and the Rent advisory Board. Those who served so ably as members of these panels and their staffs—especially Judge George H. Boldt, Chairman of the Pay Board, and C. Jackson Grayson, Jr., Chairman of the Price Commission—have my deep appreciation and that of their countrymen for their devoted and effective contributions.

This new program will be administered by the Cost of Living Council. The Council's new Director will be John T. Dunlop. Dr. Dunlop succeeds Donald Rumsfeld who leaves this post with the Nation's deepest gratitude for a job well done.

Under our new program, special efforts will be made to combat inflation in areas where rising prices have been particularly troublesome, especially in fighting rising food prices. Our anti-inflation program will not be fully successful until its impact is felt at the local supermarket or corner grocery store.

I am therefore directing that our current mandatory wage and price control system be continued with special vigor for firms involved in food processing and food retailing. I am also establishing a new committee to review Government policies which affect food prices and a non-Government advisory group to examine other ways of achieving price stability in food markets. I will ask this advisory group to give special attention to new ways of cutting costs and improving productivity at all points along the food production, processing, and distribution chain. In addition, the Department of Agriculture and the Cost of Living Council yesterday and today announced a number of important steps to hold down food prices in the best possible way—by increasing food supply. I believe all these efforts will enable us to check effectively the rising cost of food without damaging the growing prosperity of American farmers. Other special actions which will be taken to fight inflation include continuing the present mandatory controls over the health and construction industries and continuing the present successful program for interest and dividends.

The new policies I am announcing today can mean even greater price stability with less restrictive bureaucracy. Their success, however, will now depend on a firm spirit of self-restraint both within the Federal Government and among the general public. If the Congress will receive our new budget with a high sense of fiscal responsibility and if the public will continue to demonstrate the same spirit of voluntary cooperation which was so important during phase I and phase II, then we can bring the inflation rate below 2½ percent and usher in an unprecedented era of full and stable prosperity.

RICHARD NIXON.

THE WHITE HOUSE,
January 11, 1973.

THE WHITE HOUSE

PHASE III

Background

The anti-inflationary policies of the last 4 years have sharply reduced the inflation rate. Whereas 4 years ago prices were rising, according to various measures, around 5 or 6 percent a year, by the end of 1972 the rate had been cut nearly to half that level. This progress has given the United States the lowest inflation rate of any free industrial country.

The decline of inflation in the past year was accompanied by the largest rise of civilian employment in history and a substantial drop in the rate of unemployment. All-in-all, 1972 was a very good year for the American economy.

The main element leading to this good performance was a balanced use of fiscal and monetary policy. The excess demand which generated the 1965–68 inflation was first removed; thereafter a steady expansion was promoted so as to reduce unemployment without reviving inflationary demand conditions. Since August 15, 1971, these fundamental measures have been supplemented by price and wage controls.

Prospects are exceedingly favorable for further economic expansion and reduced inflation in 1973 and 1974. These can be the best years in America's economic history. There are two trouble spots in this prospect.

One is that Federal spending may be so pumped up that the same forces are released that caused the earlier inflation. The other is that food prices may continue their recent rapid rise. The administration will resist both of these dangers vigorously.

The administration will submit a budget in which expenditures do not exceed $250 billion in the current fiscal year and do not exceed the revenues that the existing tax system would yield at full employment in the next fiscal year. Details of these expenditures will be contained in the budget to be published on January 29. To stay within these totals is the essential requirement of sound economic policy in 1973.

New actions and procedures to deal with the food price problem are described in this fact sheet below.

The National Goal in the Fight Against Inflation

Our goal is to reduce the rate of inflation further in 1973 and to establish general confidence in the reasonable stability of prices beyond 1973. Specifically, we propose as a guide to the policies of Government as well as to private behavior that the rate of inflation should be reduced to 2½ percent or below by the end of 1973. The Government's fiscal and monetary policies will be directed to that goal. The Government will manage its own actions that affect prices in particular sectors, such as food, so as to help in this

effort. Government will provide guidance as to private behavior that would be most consistent with the goal. And where necessary the Government will take further steps to assure that private behavior is consistent with the national goal.

The Place of Controls

The system of controls that began on August 15, 1971 with the 90-day freeze and continued with Phase II made a valuable contribution to the economic record of 1972. It helped to reduce inflation and put a damper on inflationary expectations. It also helped to bring about a situation in which wages were in better balance with living costs and the wages of the workers coming up for new wage decisions were in better balance with the wages of those who had previously obtained increases. Much has been done to pave the way for price stability.

These results were achieved in a manner that was fair, that did not impair production or productivity in any significant degree and that did not impose large administrative costs.

To help in assessing the place of controls in the future, an extensive consultation process was undertaken. Sixty-three consultation meetings were held. The over 400 individuals who participated represented a complete spectrum of interests. The views and comments obtained were most helpful.

After reviewing the results of this consultation process and the experience gained from operating the present system, it is clear that the burdens of a control system will mount in the coming period if the present system continued for long unchanged in an expanding economy. Red tape and administrative burdens, both for the government and for the public would expand. Delays and interferences with the normal conduct of business would become more serious. Inequities in the treatment of different individuals and businesses would multiply. Incentives to efficiency and investment would be weakened.

Features

Therefore the system is being modified to achieve its continuing contribution to the anti-inflation effort with less danger of injury to the economy. The main features of the modified system are:

The Government will develop standards for private conduct that would be consistent with the national anti-inflation goal. The wage standard will be developed with the advice of management and labor.

The standards will be self-administered. That is, businesses and workers will be able to determine by themselves what conduct conforms reasonably to the guides and will not require prior approval for their actions.

Voluntary behavior consistent with the standards and the goal will be expected.

Procedures will be established which will permit the Government to see whether conduct is reasonably consistent with the standards.

The Government will retain authority to set mandatory rules, controlling future conduct, where it appears that voluntary behavior is inconsistent with the goals of the program. To this end the President is asking for a 1-year extension of the Economic Stabilization Act.

Special programs will be maintained for food, health service, construction, and interest and dividends.

The Pay Board and the Price Commission are terminated. The Cost of Living Council will manage the Economic Stabilization Program during this phase.

Today's Action

The following actions will be taken today:

1. The President has established a goal to reduce the rate of inflation further in 1973 to 2½ percent or below by the end of 1973.

2. Except in special areas (food, health, construction industry, and interest and dividends) the present program will be replaced by one which is self-administering and based on voluntary compliance.

3. Pay and Price Divisions have been established in the Cost of Living Council. The Price Commission and Pay Board cease to exist.

4. A Labor-Management Advisory Committee is being established.

5. A request has been forwarded to the Congress for a 1-year extension of the Economic Stabilization Program.

6. Dr. John Dunlop has been named by the President as the new Director of the Cost of Living Council.

7. An Executive order implementing the program has been signed with an effective date of January 11, 1973.

SUMMARY OF THE PROGRAM

The General Standards

As a general guide for prices, increases of prices above presently authorized levels should not exceed increases of costs. Even where costs have increased prices should not be increased if the firm's profit margin exceeds the firm's base-period profit margin. Alternatively, a firm may increase prices to reflect increased cost without regard to its profit margin if the firm's average price increases would not exceed 1.5 percent in a year. The definition and measurement of costs, price, profits, etc., can be guided by the regulations already established by the Price Commission, which are presumably known to the firms involved.

The base period for calculation of the profit-margin guide is revised to permit inclusion of any fiscal year that has been concluded since August 15, 1971.

The existing general standards of the Pay Board can be taken for the present as a guide to appropriate maximum wage increases unless and until they are modified. A Labor-Management Advisory Committee is being established to advise the Cost of Living Council on whether the standards should be modified and, if so, how. Certain minor modifications are being announced at this time and published in the FEDERAL REGISTER.

The details of the phase III program are briefly summarized below.

Monitoring

The Cost of Living Council staff and the Internal Revenue Service under the direction of the Cost of Living Council will monitor performance through:

Reviewing reports received from firms and employee units;

Spot checks and audits of firm records; and

Use of Government and trade data.

Price Reporting and Recordkeeping

With the exception of firms subject to special rules (food and health) or exceptions:

All firms with sales of more than $50 million (approximately 3,500 firms) are required to keep records of profit margin changes as well as price changes which will permit the computation of weighted average price increases. Firms will have the obligation of producing these upon request.

All firms with sales of $250 million or more (approximately 800 firms) are required to file quarterly reports concerning any weighted average price change and their profit margin.

Regulated industries will be guided by the general criteria listed in present Price Commission regulations and restraint is expected to be reflected in their actions and the actions of the regulatory agencies.

Requirements will not apply to rental units not already exempt under the present program. Landlords are expected to exercise restraint but no standards or binding requirements will be issued. This step is taken in view of the expanding supply of rental units, increasing vacancy rates and the modest rate of inflation shown in this sector. It is estimated that the present program affects less than 30 percent of residential rental units.

Wage Reporting and Recordkeeping

With the exception of units subject to special rules (food, health, and construction) or exceptions:

All employee units of 1,000 or more will be required to keep records of wage rate changes. They will have the obligation of producing these upon request.

All employee units of 5,000 or more will be required to file reports with CLC indicating wage rate changes.

Reserve Authority and Action of the Cost of Living Council

The Cost of Living Council reserves the authority to establish mandatory standards where that is necessary to assure that future action in a particular industry is consistent with the national goal.

Upon learning through its monitoring of prices and labor negotiations that action has been or is about to be taken that is not consistent with the standards or the goals of the program, the Cost of Living Council can use its authority to issue a temporary order setting interim price and wage levels. This would allow the Council to:

Require parties to supply information and assurances demonstrating that their actions are not or will not be inconsistent with the standards or goals of the program.

Hold public hearings.

Issue a special rule or order of the Council setting out a specific legally binding level for proposed price or pay action that would restrain an industry or firm from that point on. Such a rule or order could include the requirement to roll back already effected price or wage increases.

Food

Food processors will be required mandatorily to comply with present regulations, somewhat modified, including prenotification and approval of cost-justified price increases. Food retailers will be held to present margin markups. Minor administrative modifications will be made. Pay units in the food processing and retailing industries will continue to be covered by present regulations.

A committee drawn from the Cost of Living Council will be established. It will be chaired by the Chairman of the Cost of Living Council and composed of the Chairman of the Council of Economic Advisers, Secretary of Agriculture, Director of the Office of Management and Budget, and Director of the Cost of Living Council. The committee's purpose will be to review and recommend appropriate changes in Government policies having an adverse effect on food prices.

Health

The present controls applicable to this sector will be continued until appropriate modifications are recommended by the committee described below.

A committee drawn from the Cost of Living Council will be established. It will be chaired by the Director of the Cost of Living Council and composed of the Chairman of the Council of Economic Advisers, the Director of the Office of Management and Budget, and the Secretaries of the Treasury and Health, Education, and Welfare. (The Secretary of Health, Education, and Welfare is

being added to the Cost of Living Council.) The committee's purpose will be to review and make appropriate recommendations concerning changes in Government programs that could lessen the rise of health costs.

An advisory committee composed of knowledgeable individuals outside the Federal Government will be established. It will have a broad mandate and will advise the Cost of Living Council on such matters as the operation of controls in the health industry and changes in Government programs that could help alleviate the rise of health costs. This committee will also work to mobilize insurance companies and other third-party payers to use their influence to curb the rise in health costs.

Construction

The present Construction Industry Stabilization Committee will continue its work with the twin goals of improving the bargaining structure in the industry and achieving additional progress in bringing the rate of wage growth in this sector into line with the general wage growth in the economy.

Rules are provided to insure that modifications in the wage growth rate can be reflected by adjustments in construction prices.

Interest and Dividends

The present highly successful voluntary program will be continued under the direction of the Committee on Interest and Dividends chaired by Dr. Arthur Burns of the Federal Reserve.

Structure

The Cost of Living Council will be continued and its membership expanded to include:

The Secretary of Health, Education, and Welfare.

Mrs. Anne Armstrong, Counselor to the President.

The Price Commission and Pay Board and all advisory committees will terminate effective not more than 90 days from the date of the Executive order or such earlier date as the COLC Chairman determines. The Price Commission and Pay Board authority and staff will be transferred to the Cost of Living Council.

The following units will be established or reestablished by a new Executive order:

The Cost of Living Council.

Labor-Management Committee.

Cost of Living Council Committee on Food.

Food Industry Advisory Committee.

Cost of Living Council Committee on Health.

Health Industry Advisory Committee.

Construction Industry Stabilization Committee.

Committee on Interest and Dividends.

It is estimated that the Economic Stabilization Program personnel will be decreased from the present, about 4,000, to about 2,000 positions.

Transition

New regulations and requirements will take effect immediately.

Parties covered by present program rules will be required to comply with all such rules up to the effective date of the new regulations. Price-wage changes or profit developments occurring at a time when they are subject to present program rules will be subject to review and enforcement even after the new regulations have taken effect. Parties required to report under present rules will be obligated to report in the regular manner all developments occurring under these rules prior to this date.

While the Price Commission and Pay Board will terminate operations, their staffs will immediately be assigned to the Cost of Living Council to handle the orderly disposition of pending matters including the application of present regulations to matters occurring while they were in effect, particularly annual profit margin reports.

A major program of placement will be undertaken by the Director's office of the Cost of Living Council to assist Pay Board and Price Commission and advisory committee employees in finding suitable employment as the workload decreases.

The Legislation

A 1-year extension of the present Economic Stabilization Act is requested.

[FR Doc. 73-911 Filed 1-11-73;3:36 pm]

COST OF LIVING COUNCIL

COST OF LIVING COUNCIL ORDER NO. 14

Delegation of Authority

Pursuant to the authority vested in me as Chairman of the Cost of Living Council by Executive Order No. 11695 (hereinafter referred to as the Order), it is hereby ordered as follows:

1. There is delegated to the Director of the Cost of Living Council all of the authorities delegated to the Chairman of the Cost of Living Council by the Order.

2. Significant policy decisions shall be made by the Director after consultation with the Chairman of the Cost of Living Council or the Cost of Living Council as appropriate.

3. The Director of the Cost of Living Council is authorized to redelegate any or all of the authorities set out in such Order that he deems necessary for the orderly and efficient exercise of the authority delegated to him.

4. Cost of Living Council Orders 3, 4, 6, 7, 12, and 13 are hereby superseded.

5. This delegation shall be effective as of January 11, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-934 Filed 1-11-73;5:30 pm]

COST OF LIVING COUNCIL ORDER NO. 15

Delegation of Authority

Pursuant to the authority delegated to me by Executive Order No. 11695, it is hereby ordered as follows:

1. There is hereby delegated to the Commissioner of Internal Revenue (the Commissioner), subject to the policy guidance and direction of the Director of the Cost of Living Council (the Director), authority to perform the following functions:

(a) Operation and maintenance of local service and compliance centers established in support of the Economic Stabilization Program in Standard Metropolitan Statistical Areas and such other places as the Commissioner may determine;

(b) Dissemination of information and informal guidance in response to inquiries from the public, except that inquiries received with respect to firms with annual sales or revenues of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director for response;

(c) All functions previously delegated to the Secretary of the Treasury, the Commissioner or District Directors of the Internal Revenue Service applicable to the food industry or the health services industry by the Pay Board or the Price Commission, except that matters involving firms with annual sales or revenues of $50 million or more or pay units of 1,000 employees or more shall be forwarded to the Director for response;

(d) Conducting investigations as directed by the Director;

(e) Receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to program violations in the food industry and the health services industry and recommending enforcement action to the Director, where necessary; and

(f) Maintaining adequate records and the making of periodic reports to the Director.

2. All executive departments and agencies shall furnish such necessary assistance to the Commissioner as may be authorized by law.

3. The Commissioner may redelegate to any agency, instrumentality, or official of the United States any authority under this Order, and may, in carrying out the functions delegated by this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

4. Cost of Living Council Orders 5, 8, and 9 and all prior delegations of authority from the Pay Board or the Price Commission to the Secretary of the Treasury, the Commissioner, or District Directors of the Internal Revenue Service are hereby superseded, except that actions in process relating to Phase II matters shall be expeditiously completed.

5. This delegation shall be effective as of January 11, 1973.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-935 Filed 1-11-73;5:30 pm]

COST OF LIVING COUNCIL ORDER NO. 16

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. There is delegated to the Construction Industry Stabilization Committee (hereinafter referred to as the "Committee") acting through its Chairman authority to assure generally conformance of any increases in any wage or salary in the construction industry to the provisions of this Order. In carrying out its functions the Committee shall give particular attention to improving the collective bargaining process in the construction industry and to the rationalization of the wage structure within geographic areas and between crafts within a particular area.

2. Each craft dispute board established under authority of section 2 of Executive Order No. 11588 and continued under section 5(b) of Executive Order No. 11695 has the responsibility to determine whether wages and salaries are acceptable in accordance with the criteria established pursuant to this Order.

3. (a) It shall be the responsibility of each board, in relation to the craft or branch over which it has jurisdiction, to provide advice and assistance in an effort to resolve any unresolved collective bargaining disputes over wages and salaries and to promptly examine every collective bargaining agreement negotiated on or after March 29, 1971, and to determine in accordance with the criteria established pursuant to this Order whether wage and salary increases in the agreement are acceptable and may thus be approved. The board shall make determinations within a reasonable time and shall notify the parties and the Committee of action taken. When it is determined by the board that a wage or salary increase is not acceptable, the board shall also notify the Chairman of the Cost of Living Council.

(b) Each board shall also have the authority to examine collective bargaining agreements negotiated prior to March 29, 1971, which contain wage or salary increases scheduled to take effect on or after such date to determine whether any increase is unreasonably inconsistent with the criteria established pursuant to this Order.

4. (a) Upon receipt of notification by a board that it has found a wage or salary increase acceptable, the Committee shall have fifteen days in which to determine whether it will assume jurisdiction over the matter. If the Committee does not determine within that time, and so notify the parties and the board, that it will assume jurisdiction, the board's determination will be deemed final and the increase may take effect. If the Committee determines that it will assume jurisdiction it shall be a violation of this Order to implement the increase unless and until the Committee affirms the board's initial determination. The Committee shall notify the parties, the board and the Chairman of the Cost of Living Council of its final action.

(b) The Committee is also authorized, upon its own motion, if a board has not yet reported or an appropriate board has not been established, to review any proposed wage or salary increase to determine its acceptability.

(c) Unless and until an increase in wage or salary has been approved in accordance with the provisions of sections 3(a) and 4 of this Order, it shall be a violation of this Order to put such wage or salary increase into effect.

5. Upon a determination by a board or the Committee that a proposed wage or salary increase is not acceptable and certification of that determination by the Chairman of the Cost of Living Council the following actions shall be taken.

(a) In implementing the provisions of the Davis-Bacon Act of March 3, 1931 (46 Stat. 1494, as amended) and related statutes the provisions of which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act, and including State statutes or laws requiring similar wage standards, the Secretary of Labor and all States shall not take into consideration any wage or salary increase in excess of that found to be acceptable in making determinations under that Act and related statutes;

(b) In order to assure that unacceptable wage rates shall not be utilized in Federal or federally-related construction, the heads of all Federal departments and agencies, subject to the direction and coordination of the Chairman of the Cost of Living Council:

(1) shall review all plans for construction and financial assistance for construction in localities in which wage or salary increases have been certified by the Chairman of the Cost of Living Council to be unacceptable and shall, on the basis of that review, determine whether such plans can be approved or continued; and

(2) shall review current and prospective construction contracts for Federal construction and for construction on projects receiving Federal financial assistance in the area affected by a certification by the Chairman of the Cost of Living Council and shall, on the basis of such review, determine whether such contracts can be awarded or continued.

(c) The Committee and the boards shall make public their determinations specifying the craft and area affected and the wages or salaries deemed unacceptable.

6. The Committee shall establish criteria, subject to approval by the Chairman of the Cost of Living Council, to be applied in determining whether any wage or salary increase is acceptable.

7. The parties to a labor contract negotiated in the construction industry shall promptly submit that contract to the appropriate board or boards. Where there is no appropriate board to consider the acceptability of a proposed wage or salary increase, the affected national or international union, and the affected association of contractors shall promptly submit that contract to the Committee.

8. The Committee, subject to approval by the Chairman of the Cost of Living Council, is authorized to issue such rules and regulations as may be necessary to provide for the expeditious and effective conduct of its responsibilities under this Order and to effectuate its purposes. Such authority of the Committee under this section shall include the authority to issue such rules and regulations as may be necessary to assure the effective operation of any board which may be established under this Order, and to provide for the resolution of impasses within any board.

9. (a) The term "construction" shall mean, for the purpose of this Order (1) all work relating to the erecting, construction, altering, remodeling, painting, or decorating of installations such as buildings, bridges, highways and the like, when performed on a contract basis, but shall not include maintenance work performed by workers employed on a permanent basis in a particular plant or facility for the purpose of keeping such plant or facility in efficient operating condition; (2) the transporting of materials and supplies to or from a particular building or project by the workers of the contractor or subcontractor performing the construction or the manufacturing of materials, supplies, or equipment on the site of a project by such workers; and (3) all other work classified as construction in section 5.2(g) of Part 5, Title 29 of the Code of Federal Regulations.

(b) The term "wage or salary" will mean, for the purpose of this Order, all wage or salary rate schedules and economic benefits established pursuant to a collective bargaining agreement in the construction industry.

10. (a) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee may redelegate to any agency, instrumentality, or official of the United States any authority under this Order and may, in carrying out the functions delegated to him by this Order, utilize the services of any other agencies, Federal or State, as may be available and appropriate.

(b) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee shall have the authority to sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, and to administer oaths, all in accordance with section 206 of the Economic Stabilization Act of 1970, as amended, for any purpose related to the Act.

(c) Subject to approval by the Chairman of the Cost of Living Council, the Chairman of the Committee may recommend to the Department of Justice enforcement action designed to assure compliance with this Order and the regulations and orders of the CISC.

11. This Order shall be effective immediately.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.73-936 Filed 1-11-73;5:30 pm]