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FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE
Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Executive Assistant to the Secretary is no longer excepted under Schedule C.

Effective on June 22, 1973, § 213.3316 (a)(31) is amended as set out below.

§ 213.3344 Department of Housing and Urban Development.

(a) Office of the Secretary.

(31) One Special Assistant to the Secretary and three staff assistants, one Secretary, and one administrative aide to the special assistant.


U.S. Civil Service Commission.

[SEAL]

James C. Spyr.

Executive Assistant to the Commissioners.

[FR Doc.73-12614 Filed 6-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE
Department of State

Section 213.3104 is amended to show that the following positions in the Office of the Assistant Secretary for Public Affairs are no longer excepted under Schedule C.

Effective on June 22, 1973; § 213.3104 (a)(6) is amended and § 213.3104(a)(61) is added as set out below.

§ 213.3104 Department of State.

(a) Office of the Secretary.

(6) Two staff assistants to the Secretary.

(61) One staff assistant to the Assistant Secretary for Programs for the Elderly and the Handicapped are excepted under Schedule C.

Effective on June 22, 1973; § 213.3104 (a)(6) is amended and § 213.3104(a)(61) is added as set out below.

§ 213.3104 Department of State.

(a) Office of the Secretary.

(6) Two staff assistants to the Secretary.

(61) One staff assistant to the Assistant Secretary for Programs for the Elderly and the Handicapped.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954-58 Comp. p. 216.)

U.S. Civil Service Commission.

[SEAL]

James C. Spyr.

Executive Assistant to the Commissioners.

[FR Doc.73-12614 Filed 6-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE
Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of staff assistant to the Secretary is no longer excepted under Schedule C.

Effective on June 22, 1973, § 213.3384 (a)(31) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary.

(31) One Special Assistant to the Secretary and three staff assistants, one Secretary, and one administrative aide to the special assistant.


U.S. Civil Service Commission.

[SEAL]

James C. Spyr.

Executive Assistant to the Commissioners.

[FR Doc.73-12615 Filed 6-21-73; 8:45 am]

PART 213—EXCEPTED SERVICE
Department of Health, Education, and Welfare

Title 5—Administrative Personnel

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U.S. Civil Service Commission.

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U.S. Civil Service Commission.

[SEAL]

James C. Spyr.

Executive Assistant to the Commissioners.

[FR Doc.73-12615 Filed 6-21-73; 8:45 am]
RULES AND REGULATIONS

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS AND FRUITS, VEGETABLES, TABLES, NUTS), DEPARTMENT OF AGRICULTURE

Title 7—Agriculture

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 June 24—June 30, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The maximum quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.891 Lemon Regulation 591.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR, pt. 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 relevant 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 shipped to the market during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendations and information concerning the quantity of lemons deemed advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee reports the demand for lemons continues strong, although the weather is somewhat cooler in major consuming centers. Temperatures generally are high enough to keep demand for lemons unchanged. Sales continue strong on all sizes and grades but the supply of 165's and smaller lemons continues short. Auction supplies are projected as adequate for both this week and next. Average f.o.b. price was $5.55 per carton the week ended June 16, 1973, compared to $4.94 per carton the previous week. Track and rolling supplies at 285 cars as of June 17, down 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.

(iii) It is hereby further found that it is impracticable and contrary to the public interest to engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof 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 public interest requires that the provisions hereof effective forthwith.

The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and demand 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 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 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 June 19, 1973.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
part 911—Limes grown in Florida


Charles R. Beader,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

PART 911—LIMES GROWN IN FLORIDA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This determination authorizes a 1973-74 season Florida Lime Administrative Committee budget of $9,035, an assessment rate of $0.035 per bushel of limes, and the carryover in reserve of $17,479 excess funds from the 1972-73 season. The committee advises that the foregoing expenses and the related rate of assessment are essential to its maintenance and functioning during said 1973-74 fiscal year.

On June 6, 1973, notice of rulemaking was published in the Federal Register (38 FR 14839) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, and carryover of unexpended funds, pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR, part 911), regulating the handling of limes grown in Florida. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

§ 911.212 Expenses, rate of assessment, and carryover of unexpended funds.

(a) Expenses.—Expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee during the period April 1, 1973, through March 31, 1974, will amount to $9,035.

(b) Rate of assessment.—The rate of assessment for said period, payable by each handler in accordance with § 911.41, is fixed at $0.035 per bushel of limes.

(c) Reserve.—Unexpended assessment funds in the amount of approximately $17,479, which are in excess of expenses incurred during the fiscal year ending March 31, 1973, shall be carried over as a reserve in accordance with §§ 911.42 and 911.204 of said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until July 23, 1973 (5 U.S.C. 553), in that shipments of limes are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable limes handled during the aforesaid period, and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such limes beginning with said date.


Charles R. Beader,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, WEST VIRGINIA AND MARYLAND

Distribution of Proceeds From Sale of Reserve Pool Cherries

This amendment establishes the procedure for the distribution of proceeds from the sale of reserve pool cherries; specifies a 60-day period during which pack reports must be submitted to the Cherry Administrative Board, and revises assessment billing procedure. Specifically, the amendment increases the time allowed for handlers to submit the end of pack report from 30 to 60 days after completion of packing. Handlers have had difficulty compiling and verifying cherry receipts within the 30-day period now provided. The revised assessment billing procedure requires payment of one-third of the assessment within 30 days after completion and the remainder in equal installments within 90 and 120 days, respectively, after pack completion. The procedure for the distribution of money obtained, from the sale of reserve pool cherries, is added to read as follows:

§ 930.106 Pack report.

Each handler, in accordance with § 930.62, shall submit to the Cherry Administrative Board at its office in Hartford, Michigan, or such other location as may be specified by the Board, all pack reports within 60 days after the date of pack completion. A written report of the total amount of cherries received for processing, showing the total number of cherries that were first handled.

2. Section 930.107, Assessment procedure is revised to read as follows:

§ 930.107 Assessment procedure.

(a) Each handler shall be billed for the first one-third of his total assessments at pack completion, the second one-third of such assessments 60 days after pack completion, and all remaining unpaid assessments 90 days after pack completion.

(b) Each handler shall pay interest of 1 percent per month on any unpaid balance beginning 30 days after date of billing.

3. A new § 930.109, Distribution of reserve pool proceeds, is added to read as follows:

§ 930.109 Distribution of reserve pool proceeds.

(a) All proceeds from the sale of reserve pool cherries shall be placed in a special reserve pool account, to be kept
separate and apart from all other marketing order funds.
(b) All expenses incurred by the Board, in receiving, handling, holding, and disposing of reserve pool cherries shall be charged to the individual handlers from the sale of such cherries prior to any distribution of such funds to equity holders.

(c) In accordance with § 930.63 all reserve pool under Section 930.64 shall be distributed to equity holders in direct proportion to each such person's equity in the total reserve pool.
(d) All prepaid storage fees shall be retained by the Board until complete disposition is made of all reserve pool cherries. Upon such disposition, any such unexpended fees shall be returned to the equity holders.


Charles R. Brader,
Acting Deputy Director, Fruit and Vegetable Division, Pecan and Peanut Marketing Service.

[FR Doc. 73-12592 Filed 6-21-73; 8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF. Certain Procedures on Export of Dates to Mexico Notice was published in the May 29, 1973, issue of the Federal Register (38 FR 14110) regarding a proposal to amend §§ 987.155(b) and 987.164 of Subpart—Administrative Rules (7 CFR 987.101–987.168; 37 FR 23324) to revise the reporting procedures applicable to the exportation of dates to Mexico. Such procedural requirements are pursuant to § 987.55 of the marketing agreement, as amended, and order No. 987, as amended (7 CFR, pt. 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

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

Section 987.155(b) provides, in part, that no dates shall be exported to Mexico until the handler obtains from the importer or trucker of each lot of dates a certification to the committee and the U.S. Department of Agriculture that such dates will not reenter the United States or be shipped to Canada. The certification is on CDAC form No. 11(a), which must be submitted to the committee.

Section 987.164 prescribes, in part, that if the lot of dates was certified as products dates and was exported to Mexico, the handler shall obtain a completed CDAC form No. 11(a) from the buyer and submit this form to the committee.

In its recommendation, the committee stated that the provision requiring a copy of CDAC form No. 11(a) to be delivered to U.S. Customs when the shipment crosses the border has not been adhered to in recent months. It indicated that handlers may be reluctant to admit that they are carrying dates because of the legal implications if the dates are reentered into the United States or are shipped to Canada. The submission of the form at the crossing station assures that such dates are exported to Mexico.

Pursuant to the order, dates shipped to Mexico are permitted to be of a lower quality than those shipped to destinations in the United States and Canada. The certifier shall be sufficiently certain that surveillance of these lots be maintained so that lower quality dates do not reenter the United States or be shipped to Canada.

Section 987.155(b) should be amended to require only the handler to execute CDAC form No. 11(a). The handler would certify on that form that the importing buyer is under an agreement that he will not reenter the dates into the United States or ship them to Canada. Pursuant to the amendment, the trucker delivering the dates to Mexico would only surrender the form at the border crossing. Section 987.155(b) should also be amended to enable the committee to request information on CDAC form No. 11(a) in addition to that now requested in paragraph (b). Section 987.164, should be amended to bring the provisions of this section into conformity with the changes in § 987.155(b) so as to require the handler, instead of the buyer, to complete CDAC form No. 11(a).

After consideration of all relevant matter presented, including that in the notice, the recommendation of the California Date Administrative Committee, and other available information, it is found and determined that the revision of the reporting procedures applicable to the exportation of dates to Mexico, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Therefore, it is ordered,
1. That § 987.155(b) of Subpart—Administrative Rules (7 CFR 987.101–987.168; 37 FR 23324) is amended by revising the last sentence thereof to read as follows: § 987.155 Outlet for restricted and other marketable dates.

(b) Export. * * * Furthermore, no dates shall be exported to Mexico unless the handler certifies to the committee that the lot was certified as products dates on CDAC form No. 11(a), which shall be submitted to the committee, that the importing buyer has agreed that such dates will not reenter the United States or be shipped to Canada. The form shall show the identity of the handler, the trucker, the importer, the destination of the dates, the location of the border crossing station, and such other information as the committee deems appropriate to perform its duties and exercise its powers under this part.

2. That § 987.164 of Subpart—Administrative Rules (7 CFR 987.161–987.168; 37 FR 23324) is amended by revising the last sentence thereof to read as follows: § 987.164 Disposition of products dates or utility dates.

If the lot was certified as products dates and is exported to Mexico, the handler shall submit completed CDAC form No. 8 together with completed CDAC form No. 11(a) to the committee. It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the Federal Register (37 U.S.C. 553) and for making this action effective at the time hereinafter provided in that: (1) This action improves the reporting procedures on dates exported to Mexico; (2) it is not necessary to delay the action and need no additional time to comply therewith; and (3) no useful purpose would be served by postponing the effective time.


Charles R. Brader,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 73-12592 Filed 6-21-73; 8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

Milk Order No. 125; Docket No. AO 226-A25

PART 1125—MILK IN THE PUGET SOUND, WASHINGTON, MARKETING AREA

Order Amending Order

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) Findings upon the basis of the hearing record. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.,) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain
proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Washington, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

1. The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act.

2. The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended; and

3. The said order as hereby amended, regularize uniform handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in a marketing agreement upon which a hearing has been held; and

It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in §1125.85.

(d) Determinations.—It is hereby determined that:

1. The refusal or failure of handlers (excluding cooperative associations specified in section 6(b)(2) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act.

2. The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers who have participated in a referendum and who have participated in the determination represented period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Puget Sound, Wash., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

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AGENCY USES

§1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§1125.2 Puget Sound, Wash., marketing area.

“Puget Sound, Wash., marketing area” (hereinafter called the “marketing area”) means all territory geographically within the places listed below, including all territory wholly or partly therein occupied by government (municipal, State or Federal) reservations, facilities, installations, or institutions:

WASHINGTON COUNTIES

Grays Harbor.

King.

Lewis (except the town of Vade).

Pierce (all territory south of township 11 N except Long Island and the North Beach Peninsula).

San Juan.

Skagit.

Snohomish.

Thurston.

Whatcom.

“District 1” shall include that portion of the marketing area in King, Pierce and Snohomish Counties. “District 2” shall include Thurston, Skagit, and Island Counties. “District 3” shall include that portion of the marketing area in Grays Harbor, Lewis, Pierce, and Whatcom Counties. “District 4” shall include San Juan County.

§1125.3 Route disposition.

“Route disposition” means any delivery of fluid milk products (including delivery at a plant, plant store, or eating place and delivery by a vendor or through a distribution point) except:

(a) A delivery to a plant: Provided, That packaged fluid milk products that are transferred to a pool distributing plant from another pool distributing plant, and classified as Class I under §1125.43(a), shall be considered route disposition from the transferor-plant for the sole purpose of qualifying it as a pool distributing plant under §1125.7(a), and the transferor-plant shall be assigned in-area dispositions but not in excess of the in-area dispositions of the transferee;

(b) A delivery in bulk to a commercial food processing establishment pursuant to §1125.40(b)(3); or

(c) A delivery to a military or other ocean transport vessel leaving the marketing area of fluid milk products which originated at a plant located outside the marketing area and were not received or processed at any pool plant.

§1125.4 Plant.

“Plant” means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or
more persons, constituting a single operating unit or establishment, which is maintained and operated primarily for the receiving, handling and/or processing of milk or milk products (including filled milk). The term "plant" does not include:
(a) "Bulk reload points" which comprise the buildings, premises and facilities for washing tanks, used primarily as a location at which milk is transferred from one farm pickup tank truck to another or to an over-the-road tank truck. Any reload point approved for such use by a duly constituted regulatory agency and located on the premises of a plant engaged in other operations shall constitute a part of the operations of such plant. However, milk which is reloaded at such a facility in transit to another plant at which it is processed, shall, for purposes of pricing only, be considered a receipt at the plant at which it is processed; or
(b) "Distribution points" which comprise the buildings, premises and storage facilities at which are stored, enroute in the course of disposition, fluid milk products that have been processed and packaged in consumer-type packages at a distributing plant. The following shall apply with respect to the operations of a distribution point:
(1) Operations of such a distribution point located on the premises of a nonpool plant or a pool supply plant shall not constitute a part of the operations of such plant;
(2) Fluid milk products moved through a distribution point shall be classified on the basis of disposition from the distributing plant at which processed and packaged fluid milk products are received during the month at the distribution point:
(i) Such distribution point is located west of the Cascade Mountain Range; and
(ii) Such fluid milk products are received during the month at such distribution point from more than one pool or
(iii) The handler operating such distributing plant notifies the market administrator of his intent to report regularly on the basis of disposition from such distribution point.
§ 1125.5 Distributing plant.
"Distributing plant" means a plant in which a fluid milk product approved by a duly constituted regulatory agency for fluid milk, and filled milk, is processed or packaged and that has route disposition in the marketing area during the month.
§ 1125.6 Supply plant.
"Supply plant" means a plant from which a fluid milk product approved by a duly constituted regulatory agency for fluid milk, and filled milk, is transferred during the month to a pool distributing plant.
§ 1125.7 Pool plant.
Except as provided in paragraph (e) of this section "pool plant" means a plant specified in paragraph (a) or (b) of this section. For the purpose of determining a plant's pool status under paragraphs (a), (b), or (c) of this section, the receipts and disposition of filled milk shall be considered in determining pool status.
(a) A distributing plant with route disposition in the marketing area during the month that averages more than 110 pounds daily of fluid milk products is classified as a pool plant.
(b) A supply plant from which there is transferred to a pool distributing plant fluid milk products that represent not less than the following percentages of the total quantity of Grade A milk that is physically received at such plant directly from dairy farmers, or a cooperative association pursuant to § 1125.9 (c), or diverted therefrom as producer milk pursuant to § 1125.12:

<table>
<thead>
<tr>
<th>Months</th>
<th>Applicable percentage</th>
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<tbody>
<tr>
<td>January, February, or September</td>
<td>60</td>
</tr>
<tr>
<td>March through August</td>
<td>30</td>
</tr>
<tr>
<td>October through December</td>
<td>50</td>
</tr>
</tbody>
</table>

Any such plant that has transferred the applicable percentage of its receipts during the March through August period shall be a pool plant for that month. The March through August period shall be a pool supply period for the month of March through August immediately following. Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply status in the March through August period if the operator of the plant files with the market administrator prior to the first day of such month a written request for such withdrawal. The plant may regain pool status during such period only by meeting the applicable qualifying percentage.
(c) The term "pool plant" shall not apply to the following plants:
(1) A producer-handler plant;
(2) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of any other Federal order on the basis of which the Secretary determines, there is a greater quantity of route disposition during the month in such other Federal marketing area than in the marketing area under such other Federal order; or
(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of an other order on the basis of which the Secretary determines, there is a greater quantity of route disposition in such other marketing area and from which the Secretary determines, there is a greater quantity of route disposition in this marketing area than in such other marketing area but which plant maintains pooling status for the month under such other Federal order;
(4) A plant pursuant to paragraph (b) of this section which also meets the pooling requirements of another Federal plant and from which greater shipments are made during the month to plants regulated under such other order than are made to plants regulated under this Federal order.

§ 1125.8 Nonpool plant.
"Nonpool plant" means any plant other than a pool plant. "Nonpool plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which fluid milk products are moved to a pool plant during the month.

§ 1125.9 Handler.
"Handler" means:
(a) The operator of one or more pool plants or pursuant to § 1125.40 (b) (3); or
(b) Any cooperative association with respect to producer milk which it caused to be diverted for the account of such cooperative association from a pool plant or pursuant to § 1125.3 (b) (5); or
(c) A producer-handler plant.

§ 1125.10 Producer-handler.
"Producer-handler" means a person who is engaged in the production of milk and also operates a plant from which during the month an average of more than 110 pounds daily of fluid milk products, except filled milk, is disposed as route disposition in the marketing area.
The market administrator upon his determination that all of the requirements of this section have been met, and that none of the conditions therein for cancellation of such designation exists, shall remain in effect until cause pursuant to paragraph (c) of this section. The Department of Institutions, State of Washington, shall be a producer-handler except from the provisions of this section and § 1125.30 and 1125.33 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions, and milk movements of milk to or from a pool plant.

(a) Requirements for designation. (1) The producer-handler has and exercises (in his capacity as a handler) complete and exclusive control over the operation and management of a plant at which he handles and processes milk received from his milk production resources and facilities (designated as such pursuant to paragraph (b) (1) of this section), the operation and management of which are under the complete and exclusive control of the producer-handler (in his capacity as a handler) directly or indirectly through any of his milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing within the marketing area any fluid milk product:

(1) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler; or

(2) In which the producer-handler in any way has an interest, including any contractual arrangement, or with respect to which the producer-handler directly or indirectly exercises any degree of management or control.

(c) Cancellation. The designation as a producer-handler shall be canceled under any of the conditions set forth in paragraph (b) (1), (2) and (3) of this section of determination by the market administrator that any of the requirements of paragraphs (a) (1), (2), and (3) of this section are not met, or the conditions for cancellation occurred.

(1) Milk from the designated milk production resources and facilities of the producer-handler is delivered in the name of another person as producer milk to another handler.

(2) The producer-handler handles fluid milk products derived from sources other than the designated milk production resources and facilities, (i) pool plants within the limitation specified in paragraph (c) of this section, or (ii) nonfat milk solids which are used to fortify fluid milk products.

(d) Designation of any person as a producer-handler following a cancellation of his prior designation shall be preceded by performance in accordance with paragraph (a) (1), (2), and (3) of this section for a period of 1 month.

(b) Resources and facilities. Designation of a person as a producer-handler shall include the designation and facilitation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation. The production of milk:

(1) As milk production resources and facilities: All resources and facilities (milking herd(s), buildings housing such herd(s), and the land on which such buildings are located) used for the production of milk:

(a) Which are directly, indirectly or partially owned, operated or controlled by the producer-handler;

(b) In which the producer-handler in any way has an interest including any contractual arrangement; and

(c) Which are directly, indirectly or partially owned, operated or controlled by any partner or stockholder of the producer-handler: Provided, That for purposes of this subparagraph any such milk production resources and facilities which the producer-handler proves to the satisfaction of the market administrator for which he is designated as a handler shall not constitute and actual or potential source of milk supply for the producer-handler's operation as such shall not be considered a part of his milk production resources and facilities:

(2) As milk handling, processing and distributing resources and facilities: All resources and facilities (including store outlets) used for handling, processing and distributing milk in the form of packaged fluid milk products, other than whole milk, which do not exceed a daily average during the month of 100 pounds.

(e) Public announcement. The market administrator shall publicly announce the name, plant location and farm location(s) of persons designated as producer-handlers, of those whose designations have been canceled, and the effective dates of producer-handler status or loss of producer-handler status except for purposes of reporting pursuant to § 1125.40 (b) (3) for the account of the operators of the producer-handler, subject to the conditions set forth in paragraph (c) of this section, and the milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.9 (e), for all purposes other than those specified in paragraph (b) (2) (i) of this section.

(b) With respect to milk for which a cooperative association is a handler in a capacity other than as the operator of a pool plant, producer milk shall include:

(1) Milk diverted from the pool plant of another handler to a nonpool plant or pursuant to § 1125.40 (b) (3) for the account of the cooperative association, subject to the conditions set forth in paragraph (c) of this section, and

(2) Milk, for which the cooperative association is a handler pursuant to § 1125.9 (c) to the following extent:

(a) For purposes of reporting pursuant to §§ 1125.30 (c) and 1125.31 (a) and making payments to producers pursuant to § 1125.73 (a);
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(ii) For all purposes, with respect to any such milk which is not delivered to the pool plant of another handler;

(c) With respect to diversions to nonpool plants, or pursuant to § 1125.40(b) (3) ;

(1) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.40(b) (3). The total quantity of milk diverted may not exceed 70 percent during the months of September through January and 80 percent during the months of February through April of the producer milk which the association or its agent causes to be delivered to all such pool supply plants or diverted therefrom. No percentage limit shall apply during the months of May through August;

(2) Milk of any producer may be diverted by a cooperative association or its agent for its account pursuant to § 1125.9(b) from pool supply plants to nonpool plants or pursuant to § 1125.40(b) (3). The total quantity of milk so diverted may not exceed 50 percent of the producer milk which the association or its agent causes to be delivered to all such pool supply plants or diverted therefrom during the month.

(3) A handler, other than a cooperative association, operating a pool distributing plant may divert therefrom for his account to nonpool plants or diverted therefrom during the month. The skim milk component of such products shall be as follows:

(1) A weight equal to the weight of the volume increase caused by nonfat milk solids, for skim milk or skim milk products used for the fortification of, or as an additive to, fluid milk products; and

(2) The weight of a volume equivalent to the skim milk used to produce such product, with respect to other such products or uses.

§ 1125.15 Fluid milk product.

"Fluid milk product" means the following, in fluid or frozen form (including such products reconstituted or fortified with additional nonfat milk solids):

(a) Milk, skim milk, skim milk drinks, buttermilk, filled milk, flavored milk, and flavored milk drinks;

(b) Concentrated milk, skim milk, flavored milk, and flavored milk drinks; and

(c) Cream (including plain, flavored, sweet or sour) and any mixtures of cream and milk or skim milk (exclusive of ice cream and frozen dessert mixes, cocoa mixes, aerated cream products, and eggnog).

Fluid milk products shall not include those products commonly known as evaporated milk, condensed milk (plain or sweetened), condensed skim milk (plain or sweetened), yogurt, starter, any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers; or a product which contains 6 percent or more nonfat milk (or oil).

§ 1125.16 [Reserved]

§ 1125.17 Filled milk.

"Filled milk" means any combination of nonfat milk (or oil) with skim milk (whether fresh, cultured, reconstituted or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonfat milk (or oil).

§ 1125.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers, duly organized as such under the laws of any State which includes members who are producers as defined in § 1125.12 and which the Secretary determines, after application by the association:

(a) To be qualified under the standards set forth in the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have its entire organization and all of its activities under the control of its members; and

(c) To be currently engaged in making collective sale of or marketing milk or its products for its members.

§ 1125.30 Reports of receipts and utilization.

On or before the 8th day of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information for the preceding month:

(a) Each handler operating a pool plant (a) shall report separately for each pool plant:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk received directly from producers, showing separately any milk of own-farm production;

(ii) Milk received from a cooperative association or its agents, showing separately any milk of own-farm production;

(iii) Milk products received from other pool plants showing filled milk separately; and

(iv) Other source milk showing filled milk separately.

(2) The utilization of all skim milk and butterfat required to be reported, including separate statements of quantities:

(i) Contained in packaged and bulk fluid milk products on hand at the beginning and end of the month; and

(ii) In route disposition showing separately route disposition of filled milk inside and outside the marketing area;

(3) The aggregate quantities of base milk and excess milk received; and

(4) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) Each producer-handler shall report:

(1) The quantities of skim milk and butterfat contained in:

(i) Milk of own-farm production;

(ii) Receipts of fluid milk products from pool plants, showing separately receipts in packaged form and in bulk; and

(iii) Other source milk, showing separately any receipts from another dairy farmer;

(2) As specified in paragraph (a) (2) and (4) of this section.

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§ 1125.32 Other reports.

At such time and in such manner as the market administrator may prescribe, each handler shall report to the market administrator such information in addition to that required under §§ 1125.30 and 1125.31 as may be requested by the market administrator with respect to such milk and milk products (including filled milk) handled by him.

CLASSIFICATION OF MILK

§ 1125.40 Classes of utilization.

Subject to the conditions set forth in §§ 1125.41 and 1125.42, the classes of utilization shall be as follows:

(a) Class I milk. Class I milk shall be all skim milk and butterfat.

(b) Class II milk. Class II milk shall be all skim milk and butterfat in the form of a fluid milk product, subject to the following limitations and exceptions:

(i) Any products fortified with added nonfat milk solids shall be Class I in any amount equal to the weight of an equal volume of a like unmodified product of the same butterfat content;

(ii) Fluid milk products in concentrated form shall be Class I in an amount equal to the skim milk and butterfat used to produce the quantity of such products disposed of; and

(iii) Products classified as Class II pursuant to paragraph (b)(3), and as Class III pursuant to paragraph (c)(3) and (4), of this section are excepted;

(c) Class III milk. Class III milk shall be all skim milk and butterfat.

1. Used to produce evaporated milk.

2. In fluid milk products disposed of in bulk to a commercial fluid milk processing establishment or in producer milk diverted to a commercial fluid milk processing establishment in Pacific County, Wash., subject to conditions of § 1125.42(d), for use in fluid milk products that are processed for general distribution to the public for consumption off the premises.

3. In fluid milk products disposed of in bulk to a commercial food processing establishment or in producer milk diverted to a commercial food processing establishment in Pacific County, Wash., subject to conditions of § 1125.42(d), for use in fluid milk products that are processed for general distribution to the public for consumption off the premises.

(c) Class III milk. Class III milk shall be all skim milk and butterfat.

1. Used to produce evaporated milk sterilized in sealed metal containers (whether produced from whole milk, skim milk, or partially skimmed milk), condensed milk and condensed skim milk used to produce another Class III product.

2. In fluid milk products disposed of in bulk in a pool plant located within the marketing area or used to fortify Class I products in a pool plant, butter, nonfat dry milk solids, powdered whole milk, casein, and cheese (other than that specified in paragraph (b)(1) of this section), including that contained in residual products resulting from the manufacture of butter and cheese.

3. In fluid milk products disposed of for livestock feed;

4. In fluid milk products dumped after such prior notice and opportunity for examination as may be required by the market administrator;

5. In shrinkage at each pool plant as computed pursuant to § 1125.41(b) but not to exceed the following amounts:

(a) Two percent of receipts of producer milk pursuant to § 1125.13(a) (1) and (2); and

(b) One and one-half percent of receipts of fluid milk products in bulk from other pool plants; plus

(c) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.44(b) (1); and

(d) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.44(b) (1); and

(e) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.44(b) (1).

§ 1125.41 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

<table>
<thead>
<tr>
<th>Handler</th>
<th>Shrinkage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>1%</td>
</tr>
<tr>
<td>Class II</td>
<td>2%</td>
</tr>
<tr>
<td>Class III</td>
<td>3%</td>
</tr>
</tbody>
</table>

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(a) Compute the total shrinkage of skin milk and butterfat, respectively (after reducing the quantity transferred to any nonpool plant located on the same premises by the authorized fluid milk method) of skim milk and butterfat in such nonpool plant based on the proportion that such transfers are of its total receipts; and

(b) Proride the resulting amounts between:

(1) A quantity equal to 59 times the maximum that may be computed pursuant to § 1125.40(c)(4); and

(2) The skim milk and butterfat in other source milk in the form of bulk fluid milk products, exclusive of that specified in § 1125.40(c)(4)(iv) and (v).

§ 1125.42 Classification of transfers and diversions.

Skim milk and butterfat moved by transfer, and by diversion under paragraphs (c) and (d) of this section, as fluid milk products from a pool plant shall be assigned (separately) to each class in the following manner:

(a) To a pool distributing plant: As Class III milk if the available Class III milk is available at the transferee-plant after computations pursuant to § 1125.44(a)(10) and the corresponding step of § 1125.44(b), subject to the following provisions:

(1) In the event the quantity transferred exceeds the total of receipts from producers and other pool plants at the transferee-plant, such excess shall be assigned to the available milk in each class at the transferee-plant in series beginning with Class III;

(2) If more than one transferor-plant is involved, the available Class I milk shall be first assigned to transferor-plants located outside District I and Kitsap and Pierce Counties, and then in sequence to the plants at which the greatest location adjustment applies; and

(3) If Class III and/or Class II milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to paragraph (b)(2) of this section to plants having the same location adjustments, the transferee-handler may designate to which of such plants the available Class III and/or Class II milk shall be assigned.

(c) To a nonpool plant:

(1) Except as provided for in paragraph (c) (4) and (5) of this section, as fluid milk products for purposes of verification; and

(2) As Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area;

(3) As Class II milk, if diverted pursuant to the Act, or to the plant of a producer-handler under such other order, and in all other cases, the transferee-handler may designate to which of such plants the available Class II milk shall be assigned; and

(d) Diverted to a commercial food processing establishment:

(1) Subject to the provisions of § 1125.13(c) and, except as provided in subparagraph (2) of this paragraph as Class III milk if diverted pursuant to § 1125.40(b)(3).

(2) The diversion shall be classified as a fluid milk product to Class I if the market administrator is permitted to audit the records of the commercial food processing establishment for purposes of verification.

§ 1125.43 General classification rules.

In determining the classification of producer milk pursuant to § 1125.44, the following rules shall apply:

(a) For each month the market administrator shall correct for mathematical and other obvious errors the reports of receipts and utilization submitted pursuant to § 1125.30 (a) and (c) and compute the total pounds of skim milk and butterfat in each class. For the purposes of such computation, 0.06 percent shall be used as the butterfat content of skim milk where no specific tests are available.

(b) If any other source milk not subject to allocation at such plant pursuant to § 1125.44(a) (2) through (6), and the corresponding steps of § 1125.44(b), is received at any pool plant of a handler, there will be computed for such handler the total pounds of skim milk and butterfat, respectively in each class at all of
his pool plants combined, exclusive of any classification based upon movements between such plants, and allocation pursuant to § 1125.52(a) and (b) with respect to fluid milk products moved between such plants, the skim milk and butterfat subtracted from each class pursuant to § 1124.44(a)(2), (3), (6), (7), (9), and (11) and the corresponding steps of § 1124.44(b) will be assigned so far as possible to utilization (exclusive of such interplant movements) reported at the plant at which it was received, and thereafter in sequence to plants at which location adjustment for such class is the same or most nearly similar, and the applicable location adjustments will be determined on the basis of the classification resulting from the application of § 1125.42(a) and (b) to the remaining utilization reported; (c) If no fluid milk products to be allocated pursuant to § 1124.44(a)(10) or (11), and if receipts at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, if the remaining utilization pursuant to § 1124.44 and computation of obligation pursuant to § 1125.60 shall be made separately for each pool plant of the handler; and (d) There will be computed for each cooperative association reporting pursuant to § 1125.30(c) the pounds in each class of skim milk and butterfat, respectively, in producer milk pursuant to § 1124.44 and (c). The amounts so determined shall be those used for computation pursuant to § 1124.44(c).

§ 1125.44 Classification of producer milk.

After making the computations pursuant to § 1125.43, the administrator will determine the classification of producer milk for each handler at all his pool plants (or at each pool plant, when § 1125.43(c) applies) as follows:

(a) Skim milk shall be allocated in the following manner, except that the quantities allocated to Class II milk and Class III milk shall be subtracted in sequence beginning with Class III.

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk classified as Class III pursuant to § 1125.49(c) (4); (2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of by such plant by handlers fully regulated by this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not used as an offset on any payment obligation under this or any other order; (3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form for route disposition from other order plants, except that to be subtracted pursuant to paragraph (a)(2) of this section as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and (ii) From Class I milk, the remainder of such receipts; (4) Subtract from the remaining pounds of skim milk in Class I the pounds of skim milk in packaged fluid milk products (and for the first month this subparagraph is effective, in bulk fluid milk products) in inventory at the beginning of the month; (5) Subtract in the order specified below, from the pounds of skim milk remaining in each class, in series beginning with Class II or III, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product; (iii) Receipts of fluid milk products not qualified for conversion in fluid form, or which are from unidentified sources; (ii) Receipts of fluid milk products from a producer-handler, as defined under this or any other order; (iv) Receipts of reconstituted skim milk in filled milk from unregulated supply plants that were not subtracted pursuant to paragraph (a)(2) of this section; (v) Receipts of reconstituted skim milk in filled milk from other order plants which are regulated under an order providing for individual handler transfers, for the month in which the reconstituted skim milk is allocated to Class I at the transferor-plant; and (vi) Receipts of milk from a dairy farmer who did not classify and price as Class I milk any of the milk that was reconstituted skim milk.

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section.

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section and § 1125.43(d) into one total for purposes of allocating receipts from other orders to such handler, when § 1125.43(e) applies, and receipts in bulk from other order plants, that were not subtracted pursuant to paragraphs (a)(2), (5), (6), and (8) of this section; and (ii) Receipts of fluid milk products in bulk from other order plants, that were not subtracted pursuant to paragraphs (a)(2), (5), (6), and (8) of this section; (ii) Receipts of fluid milk products not qualified for conversion in fluid form, or which are from unidentified sources; (c) If no fluid milk products to be allocated pursuant to § 1124.44(a)(10) or (11), and if receipts at any pool plant of a handler, the total pounds of skim milk and butterfat, respectively, in each class will be computed for each pool plant of such handler, if the remaining utilization pursuant to § 1124.44 and computation of obligation pursuant to § 1125.60 shall be made separately for each pool plant of the handler; and (d) There will be computed for each cooperative association reporting pursuant to § 1125.30(c) the pounds in each class of skim milk and butterfat, respectively, in producer milk pursuant to § 1124.44 and (c). The amounts so determined shall be those used for computation pursuant to § 1124.44(c).

§ 1125.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification.

(1) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.

(2) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.

(3) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.

(4) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.

(5) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.

(6) Whenever required for the purpose of allocating receipts from other order plants, including the pounds of such receipts that were not subtracted pursuant to paragraph (a) of this section.
order plants pursuant to §1125.44(a)(10) and the corresponding step of §1125.44(b), estimate and publicly announce the utilization (to the nearest whole percentage), in each class, during the month of July by milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(b) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report;

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant, the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report; and

(d) On or before the 13th day after the end of each month, report to each cooperative association (or its duly designated agent) which so requests the classification of milk of its member producers which is received by each handler directly from farms or from the cooperative association pursuant to §1125.9(c). For the purposes of this report, such milk shall be prorated to each class in the proportion that the total receipts of milk from producers and from cooperative associations pursuant to §1125.9(c) of such handler were used from cooperative associations pursuant to §1125.9(c). For the purposes of this report, such milk shall be prorated to each class in the proportion that the total receipts of milk from producers and from cooperative associations pursuant to §1125.9(c) of such handler were used from cooperative associations pursuant to §1125.9(c).

CLASS PRICES

§1125.30 Class prices.

Subject to the provisions of §1125.52, the class prices for the month, per hundredweight of milk containing 3.5 percent butterfat, shall be as follows:

(a) Class I price. The Class I price shall be the basic formula price for the second preceding month, plus $1.85.

(b) Class II price. The Class II price shall be the Class III price computed pursuant to paragraph (c) of this section, plus 25 cents per hundredweight.

(c) Class III price. The Class III price shall be the basic formula price for the month but not to exceed the price computed as follows:

(1) Multiply the Chicago butter price pursuant to §1125.51 by 4.2.

(2) Multiply by 9.2 the weighted average of carlot prices per pound for nonfat dry milk solids, spray process, for human consumption, f.o.b. manufacturing plants in the Chicago area, as published for the period. On the 25th day of the immediately preceding month by the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraphs (c)(1) and (2) of this section subtract 48 cents, and round to the nearest cent.

§1125.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the 15th day of the immediately preceding month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one point) of Grade A (32-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.38.

§1125.52 Plant location adjustments for handlers.

(a) The prices of Class I and Class II milk at each plant shall be, regarding point of disposition within or outside the marketing area, that computed pursuant to §1125.50 less a location adjustment for such plant shown in the table below or paragraph (b) of this section:

<table>
<thead>
<tr>
<th>Plant location</th>
<th>Adjustment (cents/cwt)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td>Class II</td>
</tr>
<tr>
<td>Counties</td>
<td>Counties</td>
</tr>
<tr>
<td>District 1 or Kittred or Pierce Counties</td>
<td>0.0</td>
</tr>
<tr>
<td>District 2 or Mason County</td>
<td>10.0</td>
</tr>
<tr>
<td>District 3 (including the entire counties of Lewis and Pinal)</td>
<td>15.0</td>
</tr>
<tr>
<td>District 4 or Chelan or Jefferson Counties</td>
<td>40.0</td>
</tr>
<tr>
<td>District 5 (including the entire counties of King and Snohomish)</td>
<td>60.0</td>
</tr>
</tbody>
</table>

(b) For other localities outside the marketing area:

(1) Class I milk. 1.5 cents for each 10 miles or fraction thereof by shortest, hard-surfaced highway distance, as determined by the market administrator, that the plant is located from the County-City Building in Seattle.

(2) Class II milk. One-half of the amount specified in paragraph (b)(1) of this section, but not to exceed 20 cents per hundredweight.

(c) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that no price so adjusted shall be less than the Class III price.

§1125.53 Announcement of class prices.

The market administrator shall announce publicly on or before the 8th day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§1125.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

UNIFORM PRICES

§1125.60 Handler's value of milk for computing uniform prices.

The value of milk of each pool handler (for each pool plant, when §1125.49(c) applies and milk in a nonpool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class, as computed pursuant to §1125.52, by the applicable class prices (adjusted pursuant to §1125.52(a) and (b)) and add together the resulting amounts;

(b) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months or for which payment has not been made;

(c) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class III price with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to §1125.44(a)(5) and the corresponding step of §1125.44(b), except that for receipts of fluid milk products assigned to Class I pursuant to §1125.44(a)(5) and the corresponding step of §1125.44(b) the Class I price shall be adjusted to the location of the transferor-plant;

(d) Add the amount obtained from multiplying the pounds of overage reduced from each class pursuant to §1125.44(a)(12) and the corresponding step of §1125.44(b), by the applicable class prices. In cases where a handler in a nonpool plant located on the same premises as a pool plant, such overage shall be prorated between the quantity transferred from the pool plant and other source milk received at such nonpool plant, and an amount equal to the value of overage allocated to the transferred quantity at the applicable class price adjusted for location.

(e) Add or subtract, as the case may be, the amount necessary to correct errors as disclosed by the verification of reports of such handler of his receipts and utilization of skim milk and butterfat in previous months or for which payment has not been made;

(f) Add an amount equal to the difference between the value at the Class III price and the Class I price adjusted pursuant to §1125.53(a) and (b) as the case may be, for the current month by the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to §1125.44(a)(7) and the corresponding step of §1125.44(b); and

(g) Add an amount equal to the value at the Class I price, adjusted for location of the nearest unregulated supply plant (a) from which an equivalent volume was received, with respect to skim milk and butterfat subtracted from Class I pursuant to §1125.44(a)(9) and the corresponding step of §1125.44(b), excluding such skim milk or butterfat in bulk receipts of fluid milk products from an unregulated supply plant to the extent

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that an equivalent amount of skim milk or butterfat disposed of to such plant by a handler fully regulated under this or any other order issued pursuant to the Act is classified and priced as Class I milk and is not for the purpose of any payments or obligation under this or any other order.

§ 1125.61 Computation of uniform prices for base and excess milk (including weighted average price).

(a) For each month the market administrator shall compute the weighted average price for all milk of 3.5 percent butterfat content as follows:

(1) Combine into one total the values computed pursuant to § 1125.60 for all handlers who made reports prescribed in § 1125.30 and who made the payments pursuant to § 1125.71(a) for the preceding month;

(2) Add the aggregate of the location adjustments computed pursuant to § 1125.72;

(3) Add the aggregate of the values on nonpool milk computed pursuant to § 1125.75(c);

(4) Add an amount representing not less than one-half the unobligated cash balance in the producer-settlement fund;

(5) Divide the resulting amount by the sum of the following for all handlers included in such computations:

(i) The total hundredweight of producer milk; and

(ii) The total hundredweight for which a value is computed pursuant to § 1125.60.

(6) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to paragraphs (a)(5) of this section. The result shall be known as the weighted average price for all milk.

(b) For each month the market administrator shall compute the uniform prices per hundredweight for base milk and excess milk of 3.5 percent butterfat content received from producers as follows:

(1) From the net amount computed pursuant to paragraph (a)(1) through (4) of this section subtract the following:

(i) The amount computed by multiplying the hundredweight of milk specified in paragraph (a)(5) of this section by the weighted average price for all milk;

(ii) The amount obtained by multiplying the Class III price the total hundredweight of milk delivered by all producers described in § 1125.93 (c) and (d) for whom no base milk has been computed;

(iii) The amount computed by multiplying the hundredweight of excess milk by the Class III price rounded to the nearest one-tenth cent: Provided, That if such result is less as an offset on any amount computed by multiplying the hundredweight of base milk by the Class I price plus 4 cents, such amount in excess thereof may be subtracted from the result obtained prior to this provision.

(2) Divide the net amount obtained in paragraph (b)(1) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 3.5 percent butterfat content.

(3) Divide the amount obtained in paragraph (b)(1) of this section plus any amount subtracted pursuant to the proviso in paragraph (b)(3) of this section by the hundredweight of excess milk, and subtract any fractional part of 1 cent. The result shall be known as the uniform price per hundredweight of excess milk of 3.5 percent butterfat content.

§ 1125.62 Announcement of uniform prices and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The 5th day after the end of each month the butterfat differential for such month; and

(b) The 13th day after the end of each month the weighted average price and the uniform prices for the preceding month.

§ 1125.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into which he shall deposit all payments made by handlers pursuant to §§ 1125.71, and 1125.78 and out of which he shall make all payments to handlers pursuant to § 1125.72.

§ 1125.71 Payments to the producer-settlement fund.

(a) On or before the 15th day after the end of the month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §§ 1125.71(a)(2) exceeds the amount computed pursuant to §§ 1125.71(a)(1), and less any unpaid obligations of such handler to two or more market administrators or to the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to § 1125.60.

(3) Add to the result obtained prior to this proviso.

(4) Divide the resulting amount by the hundredweight of excess milk.

(b) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c) (ii), (iii), (4) of such plant is subject to the classification and pricing provisions of another order which provides for individual handling pooling, shall pay to the market administrator for the producer-settlement fund and amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing areas regulated by another order which may be subject to Class I at such other order plant. If reconstituted skim milk in filled milk is disposed of from such plant as route disposition in the marketing areas regulated by this part, the market administrator for the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in paragraph (a) of this section to Class I in accordance with the provisions of another order, at the Class I prices under this part applicable at the location of the other order plant (but not to be less than the Class III price) and subtract its value at the Class III price.

§ 1125.72 Payments from the producer-settlement fund.

On or before the 17th day after the end of each month during which the skim milk and butterfat were received, the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to §§ 1125.71(a)(2) exceeds the amount computed pursuant to §§ 1125.71(a)(1), and less any unpaid obligations of such handler to two or more market administrators or to the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(1) The total value of milk of the handler for such month as determined pursuant to § 1125.60; and

(2) The sum of:

(i) The value of milk received by such handler from producers at the applicable uniform prices pursuant to § 1125.75(a) (d) but without adjustment for butterfat;

(ii) The value to be paid to cooperative associations pursuant to § 1125.73(d) but without adjustment for butterfat;

(iii) The value at the weighted average price for all skim milk and butterfat applicable at the location of the plant(s) from which received (not to be less than the value at the Class III price) with respect to other source milk for which a value is computed pursuant to § 1125.60(c); and

(2) On or before the 19th day after the end of each month for milk received from such producers during such month:

(1) On or before the 28th day of the month to each producer who had not discontinued shipping milk to such handler before the 15th day of the month, at not less than the Class III price for the preceding month per hundredweight of milk received during the first 15 days of the month, less proper deductions authorized in writing by such producer; and

(2) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c) (ii), (iii), (iv) of such plant is subject to the classification and pricing provisions of another order which provides for individual handling pooling, shall pay to the market administrator for the producer-settlement fund and amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk disposed of as route disposition in the marketing areas regulated by this part, the market administrator for the reconstituted skim milk assigned to Class I shall be prorated according to such disposition in each area.

(2) Compute the value of the quantity assigned in paragraph (a) of this section to Class I in accordance with the provisions of another order, at the Class I prices under this part applicable at the location of the other order plant (but not to be less than the Class III price) and subtract its value at the Class III price.
(ii) At not less than the Class III price adjusted by the butterfat differential computed pursuant to §1125.74 for the quantity of milk received from producers and paid pursuant to §1125.42(a) and (c) for whom no base milk has been computed; and
(iii) At not less than the uniform price for excess milk for the quantity of excess milk received, computed pursuant to the butterfat differential computed pursuant to §1125.74; and
(iv) Minus payments made pursuant to paragraph (a)(1) of this section: Provided, however, that each handler has not received full payment for such month pursuant to §1125.72, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which the balance of payments is received from the market administrator.

(b) The payments required in paragraph (a) of this section shall be made, upon request, to the cooperative association, if any, duly authorized agent, with respect to milk received from each producer who has given the association authorization by contract or by other written instrument to collect the proceeds from the sale of his milk, and any payment made pursuant to this paragraph, shall be made on or before 2 days prior to the dates specified in paragraph (a) of this section.

(c) Each handler shall pay to each cooperative association or its duly authorized agent which operates a pool plant for skim milk and butterfat received from such plant;
(1) On or before the 23rd day of each month for milk received during the first 15 days of that month at not less than the Class III price for the preceding month; and
(2) On or before the 17th day after the end of such month, for milk received during the first 15 days of that month at not less than the weighted average price for all milk adjusted pursuant to §§1125.74 and 1125.75(b), minus payments made pursuant to paragraph (a) of this section.

§1125.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade B (92-score) bulk butter per pound at Chicago as reported by the Department for the month.

§1125.75 Plant location adjustments for producers on nonpool milk.

(a) In making payment to producers pursuant to §1125.73(a) subject to the application of §1125.13(e) deduction may be made for the butterfat differential for base milk received from producers at respective plant locations at the same rate as specified for Class I milk set forth in §1125.52(a) or §1125.52(b).

(b) In making payments to a cooperative association pursuant to §1125.73(d) deductions may be made at the rates specified for Class I milk in §1125.52(e) or §1125.52(b) for the location of the plant at which the milk was received from the cooperative association.

(c) For purposes of computations pursuant to §§1125.71(a) and 1125.72 the weighted average price for all milk shall be adjusted at the rates set forth in §§1125.52(a) or §1125.52(b) for Class I milk applicable at the location of the nonpool plant from which the milk or filled milk was received, except that the weighted average price shall not be less than the Class III price.

§1125.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts at the handler's option: (a) The amount computed as follows: (1) The obligation that would have been computed pursuant to §1125.50 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at each nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transferred to a nonpool plant or an other order plant shall be classified as Class II or Class III milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price for that respective order if so allocated to Class I milk, except that reconstituted skim milk in filled milk shall be valued at the Class III price. (b) The obligation shall apply to Class I milk transferred to a nonpool plant or an other order plant if such Class I utilization is assigned to receipts at the partially regulated distributing plant from pool plants and other order plants at which an equivalent amount of milk was classified and priced as Class I milk.

There shall be included in the obligation so computed a charge in the amount specified in §1125.60(a) and a credit in the amount specified in §1125.71(a) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk in excess of the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section, (i) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§1125.30(d) and 1125.31(b) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to

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such plant during the month equivalent to the requirements of § 1125.7(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, the amount will be added to the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (1) the gross payments made by such handler for Grade A milk received during the month from dairy farms at such plant adjusted to a 3.5 percent butterfat basis by the butterfat differential pursuant to § 1125.74, and like payments made by the operator of another order issued pursuant to the Act and (ii) any payments to the producer-settlement fund of an other order under which such plant is subject.

§ 1125.77 Adjustment of accounts.

Whenever verification by the market administrator of reports or payments of any handler discloses errors resulting in money due:

(a) The market administrator from such handler,

(b) Such handler from the market administrator, or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereon shall be made or the next day after the date for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1125.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator or before the 15th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1125.44(a) (a) and (b) and the corresponding steps of § 1125.44(b), except such other source milk on which no handler obligation applies pursuant to § 1125.60(f) and

(c) Routings or disposition of Class I milk:

(1) Received during the month at such plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(2) Specified in § 1125.76(b) (2) (ii).

§ 1125.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than with respect to milk of such handler's own production) pursuant to § 1125.73 (a) (2), shall make a deduction of 5 cents per hundredweight of milk, or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to the following:

(1) All milk received from producers at a plant not operated by a cooperative association set forth below in this subparagraph are not being performed by the cooperative association as determined by the market administrator. Such deduction shall be paid by the handler to the market administrator or before the 15th day after the end of the month.

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereon shall be made before the next day for making payments set forth in the provisions under which such error occurred following the 5th day after such notice.

CLASS I BASE PLAN

§ 1125.90 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

"Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1125.92 (b) or (c) of this section.

"Base Class I milk" means a quantity of milk in pounds per day as computed pursuant to § 1125.93 for which a producer may receive the base milk price.

"Average daily producer milk delivered" of a producer in any specified period used for computing production history bases means the total pounds of producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound. "Provided," that a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 4 days in any year may be deducted from the total number of calendar days in the period.

§ 1125.91 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month;

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1125.93 (c) or (d).

"Excess milk" means milk in excess of base milk delivered during any designated period from a producer who during such period is delivering base milk.

§ 1125.92 Computation of production history base for each producer.

A "production history base" as defined in paragraph (b) or (c) of this section shall be determined by the market administrator for each producer eligible for such base on the effective date of this provision and on February 1 of each year.
thereafter. The computation of production history base shall be subject to adjustments described in paragraph (c) (1) of this section due to acquisition or disposition by transfer, or through a succession of intrafamily transfers. The producer history bases to represent the milk deliveries for which a producer will receive credit in his production history in proportion to the net disposal of Class I base by transfer, or reduction due to undredelivery, shall be adjusted in proportion to the net change in Class I base. The adjustment factor shall be the Class I base base effective September 1, 1967, divided by the amount specified in the provision made effective September 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section. The adjustment factor shall be the Class I base base effective September 1, 1967, if now held by a producer who received it from the original holder by intrafamily transfer, or through a succession of intrafamily transfers.

(3) For a producer with a 3-year production history period, the production history base shall be the sum of his average daily total producer milk deliveries in each year in the specified months for production history subject to adjustment of deliveries in any year pursuant to paragraph (b) (1) of this section if applicable divided by 3.

(4) For a producer with a 1-year or 2-year production history period, the production history base shall be the sum of his average daily producer milk deliveries in each year in the specified months for production history subject to adjustment of deliveries in any year pursuant to paragraph (b) (1) of this section. If paragraph (b) (1) of this section is applicable, divided by the number of years in the production history period and multiplied by 80 percent for a 2-year production history period.

(5) A production history base shall be assigned to producers on the effective date of this provision who qualify for such base pursuant to paragraphs (d) (i), however, in the section.

The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

1. The production history period for any producer for any year other than those specified pursuant to paragraph (a) (1) of this section, the average daily producer milk deliveries of such producer in the months used in his production of the four production history periods specified in paragraph (a) (1) of this section to the average daily total producer milk in the market in the months used for such producer, except that for a producer described pursuant to paragraph (a) (1) of this section, the 4-month period specified in paragraph (a) (1) of this section shall be the applicable months in 1970.

2. In a producer who was issued a Class I base pursuant to the provisions which became effective on September 1, 1967, and thus had a limited supply of Class I base for the production history period ending December 31, 1967, the production history base shall be reduced by the net amount of Class I base issued on the preceding February 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section. The adjustment factor shall be the Class I base base effective September 1, 1967, divided by the amount specified in the provision made effective September 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section. The adjustment factor shall be the Class I base base effective September 1, 1967, divided by the amount specified in the provision made effective September 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section. The adjustment factor shall be the Class I base base effective September 1, 1967, divided by the amount specified in the provision made effective September 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section. The adjustment factor shall be the Class I base base effective September 1, 1967, divided by the amount specified in the provision made effective September 1, 1967, in § 1125.123 (i) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base pursuant to paragraph (b) (3) of this section.
(f) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned shall be the amount computed pursuant to paragraph (c) (1) of this section, divided by the number of years in his production history period and multiplied by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision or who is a producer described in §1125.93 (d).

(4) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned shall be the larger of the amounts computed pursuant to paragraph (c) (4) (i) or (ii) of this section, and on the February 1 following a 2-year production history period shall be the amount computed pursuant to paragraph (c) (4) (iii) of this section.

(i) The production history base associated with the Class I base acquired, adjusted pursuant to paragraph (c) (1) of this section.

(ii) One-third of the average daily producer milk deliveries in the specified production history months of the preceding year (adjusted pursuant to paragraph (b) (1) of this section, if applicable).

(iii) The production history base last assessed on a February 1 adjusted pursuant to paragraph (c) (1) of this section plus one-third of the excess of the producer's average daily producer milk deliveries in the 4 production history months of the preceding year over such adjusted production history base.

(5) For a producer who has been assigned a production history base calculated only from deliveries of his own milk production during a 1-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to paragraphs (c) (1) (i) (ii), and (iii) of this section, or the amount pursuant to paragraph (c) (2) (iv) of this section, whichever is larger:

(i) His average daily producer milk deliveries in the specified months for production history in the first year (adjusted pursuant to paragraph (b) (1) of this section, if applicable) reduced by any adjustments pursuant to paragraph (c) (1) (iii) of this section;

(ii) His average daily producer milk deliveries in the specified months for production history in the second year of his production history period, reduced by any adjustments pursuant to paragraph (c) (1) (i) (ii), and (iii) of this section;

(iii) His average daily producer milk deliveries in the specified months for production history in the third year of his production history period reduced by any adjustments pursuant to paragraph (c) (1) (i) (ii), and (iii) of this section which are applicable to net disposal of Class I base by transfer;

(iv) The production history base assigned to such producer on the preceding February 1 (or effective date of this provision) subject to any adjustments pursuant to paragraph (c) (1) of this section.

(3) For a producer with a 1- or 2-year production history period who did not acquire a Class I base by transfer from another producer, the production history base shall be the sum of his average daily producer milk deliveries for each year (calculated in the same manner and subject to the same adjustments as described in paragraph (c) (2) (i) of this section) divided by the number of years in his production history period and multiplied by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision or who is a producer described in §1125.93 (d).

(2) Only one production history base can be computed pursuant to this section the following rules shall apply:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year from the following:

(i) Class I producer milk pursuant to §1125.94 (c).

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

Multiply the sum by 1.20 and divide the result by the number of days in such year:

Provided, That, on the effective date of this provision, comparable Class I disposition for the year 1970 will be determined, including that of former nonpool plants and producer-handlers which in the second month preceding the effective date were, respectively, pool plants and producers.

(2) Divide the quantity computed pursuant to paragraph (a) (1) of this section by a quantity which is the total of production history bases computed pursuant to §1125.92. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage.

(b) The Class I base of each producer with a production history base shall be determined by multiplying the producer's production history base by the "Class I base percentage.

(c) A producer, other than a producer pursuant to paragraph (d) (4) of this section, who has no production history base
shall be assigned base milk each month effective on the first day of the third month after the month in which he began deliveries of producer milk. Such base milk for each month prior to the first February 1 on which he is eligible for a Class I base shall be computed as follows:

(1) Multiply the quantity of producer milk delivered by the producer during the month by the ratio of average daily total producer milk in the market in the last 3 months described in §1125.92(a).

(2) Multiply the quantity resulting from the computation pursuant to paragraph (c) of this section by 40 percent and by the Class I base percentage, and if such producer began production before the effective date, by the production history base for assignment on the effective date hereof or on the February 1 preceding this computation to the average daily total producer milk in the market in the last 3 months of the current calendar year. Multiplying this calculation which corresponds to the current month for which Class I base assignment is being computed.

§1125.94 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of the production history base and the Class I base held by the producer at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of the Class I base prior to the first day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of base to be transferred.

(c) It must be established to the satisfaction of the market administrator that the continued use of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(d) A transfer may be made only to a producer who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer.

(e) A transfer of Class I base may be made in amounts of not less than 150 pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the quantity transferred if less than the entire Class I base held by the transferee.

(f) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of the month in which it is effective, unless the transferee will combine the Class I base held with the Class I base already held and shall be considered a partial transfer.

(g) A transfer of a complete Class I base of a producer to a person who does not hold a Class I base will be effective on the date of transfer of herd and farm, or on the first day of the month if no herd and farm is involved in either case that a base transfer request was made to the market administrator.

(h) A transfer may be made only to a producer who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer.

(i) A transfer of Class I base to a person to whom the Class I base is to be transferred shall be assigned base milk each month effective on the first day of the third month after the month in which it is effective.

(j) A transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section.

(k) A transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section.

§1125.95 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues delivery of producer milk for a period of 60 consecutive days after a Class I base is issued to him shall forfeit his production history and Class I base prior to the first day of the month of transfer and the amount of base to be transferred if less than the entire Class I base held by the transferee.

(b) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market, or the first day of the month in which he recommences deliveries of producer milk on the market.

(c) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(d) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(e) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(f) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(g) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(h) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.

(i) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c) of this section, such assignment to be effective on the first day of the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which he recommences deliveries of producer milk on the market.
(3) Loss or potential loss of Class I base pursuant to § 1125.85(a);
(4) Loss or potential loss of Class I base because of undeliveries pursuant to § 1125.82(c)(1);
(5) Inability to transfer base due to the provisions of § 1125.94 (1), (j), or (k);
(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.85 for their services at $20 per day or proportionate thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.
(1) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during business hours of the market administrator.

§ 329.10 Obligations other than deposits.

(b) Exceptions.—The provisions of this section shall not apply to any obligation other than a deposit obligation of an insured nonmember bank that:
(1) Is issued to (or undertaken with respect to), and held for the account of, (i) a bank,” (ii) any organization the purpose of obtaining funds to be used in the business of Minbanc Capital Corp. (Minbanc) should not be subject to the limitations on deposits or the ceilings on interest rates in part 329 so long as such loans are subordinated to the claims of depositors. Minbanc is a closed-end investment company organized at the instance of the Urban Affairs Committee of the American Bankers Association to provide capital funds to minority-owned banks that do not have ready access to other sources of such funds. Minbanc is currently owned by banks which are members of the American Bankers Association (or their parent holding companies). While Minbanc is a “bank subsidiary” of the type covered by the first exception in paragraph (b) (12 CFR 329.10(b)(1)).

The provisions of the Federal Deposit Insurance Corporation (12 CFR, pt. 329) relates to members of the Federal Reserve System.

The term “bank” includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building and loan association, a cooperative State or the Government Development Bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.

Title 10—Atomic Energy
CHAPTER I—ATOMIC ENERGY COMMISSION
PART 71—PACKAGING OF RADIOACTIVE MATERIAL FOR TRANSPORT AND TRANSPORTATION OF RADIOACTIVE MATERIALS UNDER CERTAIN CONDITIONS
Approval of Type B, Large Quantity, and Fissile Material Packaging

Correction
In FR Doc. 73–8072, appearing at page 10437 for the issue of Friday, April 27, 1973, make the following corrections:
1. In the seventh line of § 71.7(b)(3) and in the seventh line of § 71.9(c), the reference to “1 percent” should be “1.0 percent.”
2. In the ninth line of § 71.7(b)(3) and in the ninth line of § 71.9(c), the reference to “1 percent” should be “1.09 percent.”

Title 12—Banks and Banking
CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION
SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY
PART 329—INTEREST ON DEPOSITS
Obligations Other Than Deposits

1. Part 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR, pt. 329) relates to the payment of deposits and interest thereon by insured banks which are not members of the Federal Reserve System. Paragraph (a) of § 329.10 (12 CFR 329.10(a)) applies the provisions of part 329 to “obligations other than deposits that are issued or undertaken by insured nonmember banks for the purpose of obtaining funds to be used in the business of a bank.” The paragraph is intended to limit the use of nondeposit obligations as a means of avoiding the ceilings on deposit interest rates established by the Federal bank regulatory agencies. However, certain exceptions are permitted under paragraph (b) (12 CFR 329.10(b)). These exceptions encompass nondeposit obligations arising out of interbank transfers and agreements for the purchase of United States Government and Federal agency securities, the issuance of qualified capital debt securities, and short-term borrowings from securities dealers or other funds.

The term “bank” includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building and loan association, a cooperative State or the Government Development Bank subsidiaries that engage in business in which their parents are authorized to engage and subsidiaries the stock of which is by statute explicitly eligible for purchase by national banks.
Bank for Puerto Rico, or (iv) Minbanke Capital Corp. (where such obligation is subordinated to the claims of depositors to the extent of any deposits they may have in the issuing bank).

3. The rulemaking procedures set forth in the Administrative Procedure Act (5 U.S.C. sections 553 (b) and (d)) and the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR 302.1, 302.2, and 302.5) with respect to notice, public participation, and referred effective date were not followed in connection with this amendment because it constitutes a substantive rule which grants an exemption and the Board of Directors of the Federal Deposit Insurance Corporation found that subordinated loans made by Minbanke to minority-owned insured member banks are in the public interest and that deferral of final action on the amendment would delay the time when Minbanke and other insured member banks may begin making such loans.

4. Effective date.—This revision shall become effective on June 18, 1973.

By order of the Board of Directors, June 18, 1973.

FEDERAL DEPOSIT INSURANCE CORPORATION,
(SEAL) ALAN R. MILLER,
Executive Secretary.

[FR Doc. 73-13256 Filed 6-21-73; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12097; Amendment 30—1970]

PART 30—AIRWORTHINESS DIRECTIVES

Hawker Siddeley Model DH-125 and BH-125 Airplanes

There have been reports of failures of the flap outer hinge assembly on Hawker Siddeley model DH-125 and BH-125 airplanes that could result in loss of the wing flaps from the aircraft in flight, caused by failure of the outer flap hinge assembly fittings, due to cracked lugs in the flap outer hinge assembly fittings caused by stress corrosion, or fractured pivot bolts caused by binding. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection and replacement, as necessary, of the flap outer hinge assembly fitting lugs and to provide service life limits on the flap pivot bolts and pivot pins on all Hawker Siddeley model DH-125 and BH-125 airplanes. In addition, an initial inspection and replacement, if necessary, of the outer flap hinge assembly fitting lugs and flap pivot pins is required on airplane Serial Nos. 25014, 25074, 25104, 256002, and 256004. These five airplanes are not currently in flight status. Therefore, even though an initial inspection of the lugs and pivot bolts is required before further flight, a telegraphic AD is not required.

All other Hawker Siddeley model DH-125 and BH-125 airplanes have been voluntarily initially inspected on the basis of HSA Service Bulletins. If the operators of these airplanes have complied only with the repetitive pivot bolt and pivot pin replacement provisions of the applicable HSA service bulletins, they will not encounter any difficulty in plasing their airplanes into the repetitive inspection requirements of this AD. However, if an operator has only complied with the initial inspection and replacement provisions of these service bulletins, depending on when this was accomplished, he could be in noncompliance with this AD on its effective date.

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.

This AD is issued under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of sections 50102 and 50145 of the Department of Transportation Act (49 U.S.C. 1655(e)).

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR § 11.99), the Federal Aviation Regulations are amended by adding the following new airworthiness directive:

HAWKER SIDDELEY AVIATION, LTD.: Applies to all model DH-125 and BH-125 airplanes.

Compliance is required as indicated.

To prevent possible in-flight failures of the outer flap hinge assembly fittings, due to cracked lugs in the flap outer hinge assembly fittings caused by stress corrosion, or fractured pivot bolts caused by binding. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection and replacement, as necessary, of the flap outer hinge assembly fitting lugs and to provide service life limits on the flap pivot bolts and pivot pins on all Hawker Siddeley model DH-125 and BH-125 airplanes. In addition, an initial inspection and replacement, if necessary, of the outer flap hinge assembly fitting lugs and flap pivot pins is required on airplane Serial Nos. 25014, 25074, 25104, 256002, and 256004. These five airplanes are not currently in flight status. Therefore, even though an initial inspection of the lugs and pivot bolts is required before further flight, a telegraphic AD is not required.

There have been reports of failures of the flap outer hinge assembly on Hawker Siddeley model DH-125 and BH-125 airplanes that could result in loss of the wing flaps from the aircraft in flight, caused by failure of the outer flap hinge assembly fittings, due to cracked lugs in the flap outer hinge assembly fittings caused by stress corrosion, or fractured pivot bolts caused by binding. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require repetitive inspection and replacement, as necessary, of the flap outer hinge assembly fitting lugs and to provide service life limits on the flap pivot bolts and pivot pins on all Hawker Siddeley model DH-125 and BH-125 airplanes. In addition, an initial inspection and replacement, if necessary, of the outer flap hinge assembly fitting lugs and flap pivot pins is required on airplane Serial Nos. 25014, 25074, 25104, 256002, and 256004. These five airplanes are not currently in flight status. Therefore, even though an initial inspection of the lugs and pivot bolts is required before further flight, a telegraphic AD is not required.

1. Replace cracked pivot bolts, Part No. 25WF91, with new parts of the same part number or with a FAA-approved equivalent, according to the following:
   (a) On airplanes, serial Nos. 25014, 25074, 25104, 256002, and 256004, before further flight, unless already accomplished within the last 3 months, except that the airplane may be flown in accordance with PAR. § 21.197 to a base where the work can be performed.
   (b) The fitting is one of a pair incorporating fail-safe links of HSA modification No. 25/2300, part A, or an FAA-approved equivalent.
   (c) On airplanes, Serial Nos. 25014, 25074, 25104, 256002, and 256004, before further flight, if—
   (i) The mating lugs of the fitting are not cracked;
   (ii) The mating lugs of the fitting are in a single plane, parallel to the plane of the fitting.
   (d) On airplanes, Serial Nos. 25014, 25074, 25104, 256002, and 256004, before further flight, if—
   (i) The mating lugs of the fitting are not cracked;
   (ii) The mating lugs of the fitting are in a single plane, parallel to the plane of the fitting.
   (e) The fitting is one of a pair incorporating fail-safe links of HSA modification No. 25/2300, part A, or an FAA-approved equivalent.
   (f) On airplanes, Serial Nos. 25014, 25074, 25104, 256002, and 256004, before further flight, if—
   (i) The mating lugs of the fitting are not cracked;
   (ii) The mating lugs of the fitting are in a single plane, parallel to the plane of the fitting.
   (3) If cracks are found during an inspection performed in accordance with paragraph (a) (2), before further flight, as applicable:
   (A) Do not exceed 3 months from the last inspection.
   (B) Do not exceed 3 months after the effective date of this AD, unless already accomplished within this AD.
3 months after refitting, whichever occurs sooner.

(3) For new pivot bolts fitted as replacements for uncracked pivot bolts, before the accumulation of 500 flights after such replacement.

(4) For new pivot pins fitted as replacements for uncracked pivot bolts or pivot pins, before the accumulation of 1,200 flights after such replacement.

(5) For new pivot bolts or pivot pins fitted as replacements for cracked pivot bolts or pivot pins, before the accumulation of 200 flights within 3 months after such replacement, whichever occurs sooner.

Exception: Such service life may be extended, without time limit, if full-safety life modification No. 25/2300, part A are incorporated.

This amendment is effective June 29, 1973.


ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc. 73-12522 Filed 6-21-73;8:45 am]

AIRCRAFT Docket No. 73-194-18

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

Extension of Federal Airway

On April 9, 1973, a notice of proposed rulemaking (NPRM) was published in the Federal Register (38 FR 9629), stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would extend V-469 airway from Lynchburg, Va., to Elkins, W. Va.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable with one exception. One commenter objected to the circuitous routing. Actually, the airway as proposed is only 2.28 miles farther than the direct route, and the FAA feels this slight increase is justified in order to avoid the National Radio Astronomy Observatory. In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective September 1, 1973, as hereinafter set forth.

In § 71.1323 (38 FR 397) V-469 is amended to read:

From Danville, Va., via Lynchburg, Va.; to Elkins, W. Va.

In § 71.1324 (38 FR 397) V-469 is amended to read:

From Danville, Va., via Lynchburg, Va.; to Elkins, W. Va.


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

[FR Doc. 73-12523 Filed 6-21-73;8:45 am]

AIRCRAFT Docket No. 73-194-20

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

Extension of VOR Federal Airways

On April 17, 1973, a notice of proposed rulemaking (NPRM) was published in the Federal Register (38 FR 9516), stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would extend Victor airway 214 from Richmond, Ind., to Kokomo, Ind., and Victor airway 221 from Fort Wayne, Ind., to Bible Grove, Ill.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable. However, the Aircraft Owners and Pilots Association (AOPA) recommended that rulemaking action be taken to realign Victor 7W slightly to the west so that the New Hebron reporting point would be located on both Victor 221 and Victor 7W. The FAA concurs with this suggestion and action is taken herein to make this change.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective September 1, 1973, as hereinafter set forth.

Section 71.1323 (38 FR 307 and 8136) is amended as follows:

In V-214 "From Richmond, Ind.," is deleted and "From Kokomo, Ind., via Marion, Ind.; Muncie Ind.; Richmond, Ind.," is substituted therefor.

In V-221 "From Fort Wayne, Ind., via Litchfield, Mich.," is deleted and "From Bible Grove, Ill., via INT Bible Grove 037 and Bloomington, Ind. 253* radial; Bloomington; Shelbyville, Ind.; Muncie, Ind.; Fort Wayne, Ind.; Litchfield, Mich.," is substituted therefor.


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

[FR Doc. 73-12525 Filed 6-21-73;8:45 am]

AIRCRAFT Docket No. 73-194-20
3. In V-7 "Terre Haute 215° radials;" is deleted and "Terre Haute 217° radials;" is substituted therefor. 

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1600(c).)


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

[FR Doc. 73-12623 Filed 6-21-73; 8:45 am]  

[Airspace Docket No. 73-NW-01]

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

Alteration of Transition Area; Correction

On May 23, 1973, FR Doc. No. 73-10426 was published in the Federal Register (38 FR 13730) which altered the description of the Lewiston, Idaho Control Zone and Transition Area. A review of the docket revealed that the description of the transition area extending upward from 1,200 ft above the surface is incomplete. Action is hereby taken to complete this description.

Since this change is editorial in nature and imposes no additional burden on any person, notice and public procedure hereon is unnecessary.

In view of the foregoing, FR Doc. 73-10426 (38 FR 13730) is amended by adding the following: "... thence to point of beginning; and that airspace west of Lewiston bounded on the northeast by V-520, on the south by V-520,90° to the last line of the description of the transition area."

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c) Department of Transportation Act, 49 U.S.C. 1600(c).)


C. B. Walk Jr., Director, Northwest Region.

[FR Doc. 73-12623 Filed 6-21-73; 8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER C—ORGANIZATION

[Regulation OR-76; Amendment 385-28]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NONHEARING MATTERS

Miscellaneous Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on June 19, 1973.

Part 384 of the Board's Organization Regulations, which includes the Board's statement of organization and sets forth the titles and functions of various officers, was recently amended. Among other things, the amendment substituted the title of "Managing Director" for the title of "Executive Director."

Part 385 of the Board's Organization Regulations provides for certain delegations of authority by the Board to various officers, and § 385.12 sets forth the Board's delegations of authority to the "Executive Director." The purpose of this amendment is to amend § 385.12 so as to reflect the substitution of the new title "Managing Director" for the former title "Executive Director."

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR 385.19, and shall become effective on July 12, 1973. Procedures for review of this amendment by the Board are set forth in subpart C of part 385 (14 CFR 385.50 and 385.54). Accordingly, the Board hereby amends part 385 of the Organization Regulations (14 CFR, pt. 385) effective July 12, 1973, as follows:

1. Amend the Table of Contents to read as follows:

Part 385.12 Delegation to the Managing Director.

2. Amend the title and introductory paragraph of § 385.12 to read as follows:

§ 385.12 Delegation to the Managing Director.

The Board hereby delegates to the Managing Director the authority to:

... (Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 73; 49 U.S.C. 1324. Reorganization Plan No. 5 of 1961, 75 Stat. 687, 55 FR 5966; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL]

RICHARD LITTELL, General Counsel.

[FR Doc. 73-12825 Filed 6-21-73; 8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 73-170]

PART 1—GENERAL PROVISIONS

Designating a Port of Entry

On May 18, 1973, notice of a proposal to designate Charleston, W. Va., as a port of entry in the Norfolk, Va., district (region III), was published in the Federal Register (38 FR 13027). The port of Charleston was to include all of Putnam and Kanawha Counties, W. Va. Based on representations received, Cabell County, W. Va., has been added to the port of Charleston. Accordingly, by virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, vol. 1, TD) and pursuant to authority provided by Treasury Department Order No. 190, Revision 8 (37 FR 16792), Charleston, W. Va., is hereby designated a port of entry in the Norfolk, Va., district (region III), effective as of July 1, 1973.

The geographical limits of the port of Charleston shall include all of Cabell, Putnam, and Kanawha Counties, W. Va.

To reflect this change, the table in § 1.2(c) of the Customs regulations is amended by inserting in the column headed "Ports of Entry" in the Norfolk, Va., district (region III), "Charleston, W. Va. (including the territory described in T.D. 73-170)," directly below Cape Charles City.

(see. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U.S.C. 1.2)

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

[SEAL] JAMES B. CLAWSON, Acting Assistant Secretary of the Treasury.


[FR Doc. 73-12716 Filed 6-21-73; 8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135A—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Chloramphenicol Ophthalmic Ointment, Veterinary Correction

In FR Doc. 73-11927 appearing at page 15719 of the issue for Friday, June 15, 1973, in § 135a.29(c) (1) (i), third line, the word "installations" should read "installations".

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER D—RIGHTS-OF-WAY—ROADS

PART 162—ROADS OF THE BUREAU OF INDIAN AFFAIRS

Public Hearings on Road Projects

Correction

In FR Doc. 73-3894, appearing at page 13014 in the issue of Friday, May 18, 1973, in the second column, in the line immediately preceding the signature, the phrase "on or before" should be deleted.
and 40 CFR part 51, the Administrator approved with certain exceptions Rhode Island's plan for implementation of the national ambient air quality standards. One exception pertained to Rhode Island's plan to submit an acceptable date for that source. Individual requirements for second-class mail privileges. Publishers may now mail from places other than the original entry office post office within the county.

In addition to making the above changes, technical amendments are made to indicate certain changes in relevant titles and offices in the Postal Service. Accordingly, the following amendments to part 132 of this title are effective on June 22, 1973.

1. The first sentence of paragraph (c) of §132.3 is amended to read as follows: "A publisher may apply for permission to mail at additional entry post offices."  
2. The fourth sentence of paragraph (e) (5) of §142.3 is amended by deleting the phrase "Regional Mail Classification Branch."  
3. The first sentence of paragraph (f) of §132.3 is amended by deleting the phrase "Director, Office of Rates and Classification, Finance Department" and substituting "Manager, Mail Classification Division, Finance Department."  
4. The third and fifth sentences of paragraph (f) of §132.3 are amended by deleting the word "Director" and substituting "Manager."

Title 39—Postal Service  
CHAPTER 1—U.S. POSTAL SERVICE  
PART 132—SECOND CLASS  
Second-Class Mail—Additional Points of Entry

Heretofore the Postal Service required publishers to mail from the original entry office post office ordinarily the place where the publication may have been originally published and where it has its home office. Publishers may now mail from places other than the original entry post office, in order to be eligible for second-class mail privileges. The Postal Service has eliminated this requirement. Publishers may now mail to the original entry post office, in order to be eligible for second-class mail privileges. The Postal Service has eliminated this requirement.

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seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-6.)


ROBERT W. FRI.
Acting Administrator.

Part 52 of chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

**RULES AND REGULATIONS**

**Subpart O0—Rhode Island**

1. Section 52.2076 is revised to read as follows:

§ 52.2076 Attainment dates for national standards.

The following table presents the latest dates by which the national standards are to be attained. These dates reflect the information presented in Rhode Island's plan, except where noted.

<table>
<thead>
<tr>
<th>Source Location</th>
<th>Metropolitan Providence In-</th>
<th>Location</th>
<th>Regulation Involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>All sources subject to Regulation</td>
<td>Rhode Island</td>
<td>Ne. 12.2(a) and (b)</td>
<td>12.2(a)</td>
<td>Feb. 25, 1973</td>
<td>Immediately</td>
<td>Jan. 21, 1974</td>
</tr>
<tr>
<td>All sources subject to Regulation</td>
<td></td>
<td>Ne. 12.2(b)</td>
<td>12.2(b)</td>
<td>do</td>
<td>do</td>
<td>May 31, 1973</td>
</tr>
</tbody>
</table>

NOTE: Dates or notes following which are in italics are prescribed by the Administrator because the plan did not provide a specific date for the date provided was not acceptable.

2. Section 52.2077 is amended by adding a new paragraph (d), as follows:

§ 52.2077 Compliance schedules.

(d) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

<table>
<thead>
<tr>
<th>Source</th>
<th>Location</th>
<th>Regulation Involved</th>
<th>Date of adoption</th>
<th>Effective date</th>
<th>Final compliance date</th>
</tr>
</thead>
<tbody>
<tr>
<td>All sources subject to Regulation</td>
<td></td>
<td>Ne. 12.2(a) and (b)</td>
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<td></td>
<td>Ne. 12.2(b)</td>
<td>12.2(b)</td>
<td>do</td>
<td>do</td>
</tr>
</tbody>
</table>

* * * * *

This notice reflects only an approval of the final compliance date for the source category involved; it does not relieve any source from other requirements of 40 CFR 61.16 (b) and (c) that may be applicable.

[Dated June 18, 1973.]

HENRY J. KOPP,
Deputy Assistant Administrator
for Pesticide Programs.

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RULES AND REGULATIONS

In view of these comments the time period for submitting the pathologist's findings has been extended to 180 days after the post mortem examination.

In accordance with the notice of proposed rulemaking, the amendment to part 37, as set forth below, is hereby adopted effective on June 22, 1973.


HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administra-


FRANK CARLUCCI,
Acting Secretary.

In § 37.202(a), subparagraph (2) is redesignated as subparagraph (3), a new subparagraph (2) is added, and subparagraph (1) is revised to read as follows:

§ 37.202 Payment for autopsy.

(a) * * *

(1) Performs an autopsy on a miner in accordance with this subpart; and

(2) Submits to the person conducting the autopsy and other materials to ALFORD in accordance with this subpart within 180 calendar days after having performed the autopsy; and

* * * * *

(3) Deletion of an inappropriate definition of the term "autopsy program." In addition to the proposal of the Secretary of Health, Education, and Welfare, the Council heard oral testimony on the July 22, 1972, revision presented by representatives of interested organizations and individuals and received written comments, objectives, and suggestions from such representatives.

After consideration of the proposals of the Secretary, the Federal Hospital Council approved the deletion of paragraph (b) (5) of § 53.111 but voted to defer action on other proposed changes until its meeting of March 13, 1973. At the March 13, 1973, meeting the Council approved additional technical changes in § 53.111 which were proposed by the Secretary, but voted not to approve the two substantive changes (items (1) and (2) above) which had been proposed by the Secretary at the October 20, 1972, meeting.

The additional technical changes approved by the Federal Hospital Council at its meeting of March 13, 1973, are as follows:

1. Amendment of § 53.111(e) (3) to eliminate unnecessary reporting requirements for applicants which they shall not be held in compliance with § 53.111(d) (2).

2. Amendment of §§ 53.111(h) (4) and (5) to clarify the provisions requiring that State agencies invite comments and objections to the level of uncompensated care which they establish for applicants. As clarified, the requirement is applicable when the level established is less than the presumptive compliance guideline, except that the applicant may object to any level established which is greater than the level proposed in the applicant's budget statement.

Accordingly, the revision of § 53.111 promulgated on July 22, 1972, has been considered by a fully constituted Federal Hospital Council which voted to make only the technical changes set forth below. Subject only to those amendments, § 53.111 as promulgated on July 22, 1972, continues in effect.

Notice of proposed rulemaking, public rulemaking procedures, and postponement of effective date have been omitted for good cause in the issuance of the following amendments to § 53.111 because it has been found that such notice, public participation, and delay would be contrary to the public interest in light of the technical and clarifying nature of the

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amendments and the need for the estab-
lishment of a complete regulation which
may be relied upon by medical facilities
in complying with their assurances to
make available a reasonable volume of
services to persons unable to pay there-
for, and by members of the public seek-
such services.

The following amendments shall be


FREDERICK L. STONE,
Acting Administrator, Health
Services and Mental Health
Administration.


CASPER W. WEINBERGER,
Secretary.

Section 53.111 of part 53 is amended as
follows:

1. Subparagraph (5) of paragraph (b)
is deleted and subparagraphs (6), (7),
and (8) of paragraph (b) are renum-
bered as, respectively, subparagraphs
(1), (2), and (3) of paragraph (b).

2. Subparagraph (3) of paragraph (b)is
amended to read as set forth below.

3. Subparagraphs (4) and (5) of para-
graph (h) are amended to read as set
forth below.

§ 53.111 Services for persons unable to
pay.

(e) * * *

(3) Each applicant shall file with its
annual statement a copy of that portion
to uncapped services in such year.
Such budget for uncompensated services
shall be based on the operating costs
of the applicant for the preceding fiscal
year and shall give due cognizance to
probable increases in operating costs.
Except in the case of a certification pur-
suant to paragraph (d) (2) of this section,
if the budget statement does not conform
to the presumptive compliance guideline,
the applicant shall submit its statement.

(i) A justification therefore, showing
that such lower level of uncompensated
services is reasonable under the circum-
stances, and

(ii) A plan to increase such uncen-
pen services to meet the presum-
compliance guideline or such other level
of uncompensated services as may
have been established as or as it requests
the State agency to establish in accord-
ance with paragraph (h) of this section.

(b) * * *

(4) The State agency shall notify the
applicant in writing of the level of un-
compensated services which it has estab-
lished for the applicant for the fiscal
year. At the time of notifying the ap-
licant, the State agency shall also
publish as a public notice in a news-
paper of general circulation within the
community served by the applicant the
rate that has been established and a
statement that the documents upon
which the agency based its determina-
tion are available for public inspection
at a location and time specified by the
State agency to establish in accord-
ance with paragraph (h) of this section.
In the case of the establishment by the State
agency of a rate which is less than the
presumptive compliance guideline, such
notice shall also include a statement that
person wishing to object to the rate
established may do so by writing to the
State agency within 20 days after pub-
lication of the notice: Provided, That the
applicant may object to any level estab-
lished which is greater than the level
proposed in the applicant's budget
statement.

(5) In accordance with the provisions of
paragraph (h) (4) of this section, the
applicant may object to the rate estab-
lished or as it requests the State agency
to establish in accord-
ance with paragraph (h) of this section.
The applicant shall give due cognizance
to the presumptive compliance guideline,
that such lower level of uncompensated
services in such year.
Each applicant shall file with its annual
statement a copy of that portion
of the budget notice and sending of the notice
objections to the rate established by the
State agency for the applicant. Such ob-
jects may be supported in writing by
persons wishing to object to the rate
established and to the public. The State agency shall within 60
days of the expiration of the period
within which objections may be filed,
make available a reasonable volume of
services to persons unable to pay there-
for, and by members of the public seek-
such services.

16354

RULES AND REGULATIONS

PART 294—OPERATING-DIFFERENTIAL
SUBSIDY FOR BULK CARGO VESSELS
ENGAGED IN CARRYING BULK RAW
AND PROCESSED AGRICULTURAL COM-
MODITIES FROM THE UNITED STATES
TO THE UNION OF SOVIET SOCIALIST
REPUBLICS

Filing of Profit or Loss Statements

The rules in this section establish re-
quirements for the filing of a statement
of profit or loss on the carriage of bulk
raw and processed agricultural commodi-
ties from the United States to U.S.S.R.
and the Maritime Subsidy Board.

1 Paled as part of the original document.
time. Where an extension is sought because the due date for filing the Federal income tax return has been extended, a statement thereto attached, must be filed within 15 days from the due date of filing the Federal income tax form.

(b) Limitation on time for renegotiation—If within 1 year from the date the statement is filed the Board does not commence renegotiation or inform the operator in writing that it intends to commence renegotiation, the operator is relieved from further liability for renegotiation expediency under this Part.

(f) Scope of renegotiation—(1) Voyages. Renegotiation will not be conducted on a voyage-by-voyage basis but will be conducted on the basis of all voyages submitted pursuant to this Part (renegotiable voyages) and terminated during the taxable year.

(2) Consolidated renegotiations. Neither filing of a consolidated statement nor acceptance of renegotiation will be permitted even though a consolidated Federal income tax return is filed. Thus, for example, if companies B and C, which are subsidiaries of company A, each have an existing-differential subsidy contract, B and C must file separately for renegotiation whether or not a consolidated tax return is filed.

(g) Allocation of Form MA-782—(1) In general. The purpose of form MA-782 is to make allocations of revenues and expenses between operations subject to renegotiation under this Part, operations exempted from renegotiation under this Part, and all other operations (nonrenegotiable operations).

(2) Applicability of standard Maritime Administration accounting. Form MA-782 is based on the standard Maritime Administration accounting system prescribed in part 282 of this chapter and in Maritime Administration General Order 22. Operators who do not keep their books in accordance with this system are required to submit a statement as similar to form MA-782 as possible and attached thereto an explanation of the accounting system used and the basis for allocations between renegotiable operations and other operations.

(3) Definition of voyage for purposes of renegotiation. The definition of voyage contained in §294.5(c) applies. However, for the purpose of determining profits subject to renegotiation, the following additional expenses may be allocated entirely to the renegotiable operations:

(i) Voyage maintenance and repair expenses incurred after and as a result of a renegotiable voyage.

(ii) “Inactive vessel expenses.” All inactive vessel expenses are to be allocated directly to nonrenegotiable operations, unless specifically approved by the Board for allocation to renegotiable operations.

(iii) “Net income or expense of terminal operations, cargo handling operations, tug and lighter operations and other shipping operations.” These accounts are to be allocated between renegotiable and nonrenegotiable operations in the same proportion as the charges for such facilities and services attributable to the renegotiable operation bear to the total of the charges for such facilities and services.

(iv) “Interest expense on vessel mortgaged and depreciation expense on vessels.” Interest expense on vessel mortgages and depreciation expense on vessels subject to the provisions of this Part is to be charged directly to nonrenegotiable operations in proportion to the ratio of the number of days such vessel operates on subsidized renegotiable voyages to the total number of days in the tax year for which the vessel was owned.

(v) “Interest expense on vessel mortgages and depreciation expense on vessels not included in the operating-differential subsidy contract” are to be charged directly to nonrenegotiable operations. Interest expense not attributable to vessel mortgages and depreciation and amortization expense other than for vessels to be allocated between renegotiable and nonrenegotiable operations on the basis of the vessel operating and maintenance expense formula prescribed in paragraph (g)(4).

(vi) “Agency fees, commissions and brokerage earned, administrative and general expenses, management commission, and amortization of deferred charges, debt discount and expense, organization and preoperating expenses.” These accounts are to be allocated between renegotiable and nonrenegotiable operations in the same proportion as the charges for such facilities and services attributable to the renegotiable operation bear to the total of the charges for such facilities and services.

(vii) “Charter hire,” and in account 800—“inactive vessel expense,” excepting account 825—“Charter hire,” as prescribed in part 282 of this chapter.

(viii) “Interest expense on vessel mortgages and depreciation expense on vessels.” Interest expense on vessel mortgages and depreciation expense on vessels subject to the provisions of this Part is to be charged directly to nonrenegotiable operations in proportion to the ratio of the number of days such vessel operates on subsidized renegotiable voyages to the total number of days in the tax year for which the vessel was owned.

(x) The following amendments to §§30.1, 30.2, and 30.12 will permit greater latitude in disposition of these animals and increase efficiency by (1) deletion of elk and pronghorn from §30.1 and (2) permitting: Donation (§30.2 and 30.12) to public agencies or institutions that are entirely tax supported, for scientific, exhibition, or propagation purposes; and disposition of feral animals (§ 30.12) limits by ‘gift or loan to public or private institutions for exhibition or propagation.’

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 30—RANGE AND FERAL ANIMAL MANAGEMENT

PART 31—WILDLIFE SPECIES MANAGEMENT

Miscellaneous Amendment

The present regulations contained in 50 CFR, pt. 30, Range and Feral Animal Management, are unnecessarily restricted in that: Elk are included within the definition of surplus range animals (§ 30.1); disposition of surplus range animals (§ 30.5) is limited to sale on the open market of live animals or butchered animals, or disposition of live animals to public agencies or institutions that are entirely tax supported, for scientific, exhibition, or propagation purposes; and disposition of feral animals (§ 30.12) is limited by ‘gift or loan to public or private institutions for exhibition or propagation.’


By order of the Assistant Secretary of Commerce for Maritime Affairs and the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board, Maritime Administration.

[FR Doc. 73-12691 Filed 6-21-73; 8:45 am]
specific purposes, or by sale on the open market.

The present regulation does not permit donation for other than "scientific, exhibition or propagation purposes." Additional latitude is needed to permit wildlife species to the Government—donation for specific purposes (including food purposes) to the organizations described above.

The present regulations contained in 50 CFR, pt. 31, Wildlife Species Management, are unnecessarily restrictive in that wildlife specimens (§ 31.11) may be donated or loaned to public institutions only for purposes of propagation or exhibition. In addition, the provision that "all costs incurred shall be charged to the recipient" is outdated and results in increased administrative costs to the Government. The following revised § 31.11 permits donation to public institutions for specific purposes (including food purposes) and deletes the reimbursement requirement.

Part 31 is revised by amending §§ 30.1, 30.2, and 30.12 to read as follows:

§ 30.1 Surplus range animals.

Range animals on fenced wildlife refuge areas, including buffalo and longhorn cattle, determined to be surplus to the needs of the conservation program may be planned and scheduled for disposal.

§ 30.2 Disposition of surplus range animals.

Disposition shall be made only during regularly scheduled disposal program periods, except in the event of emergency conditions affecting the animals or their range. Surplus range animals may be disposed of, subject to State and Federal health laws and regulations, by donation to public agencies or institutions that are entirely tax supported, or charitable institutions, for specific purposes, or sold on the open market.

§ 30.12 Disposition of feral animals.

Feral animals taken on wildlife refuge areas may be disposed of by sale on the open market, gift or loan to public or private institutions for specific purposes, and as otherwise provided in section 401 of the act of June 19, 1935 (49 Stat. 383, 16 U.S.C. 718c).

§ 31.11 Donation and loan of wildlife species.

Wildlife specimens may be donated or loaned to public institutions for specific purposes. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

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RULES AND REGULATIONS

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§ 31.11 Donation and loan of wildlife species.

Wildlife specimens may be donated or loaned to public institutions for specific purposes. Donation or loans of resident species of wildlife will not be made unless the recipient has secured the approval of the State.

The credit for State taxes imposed on coin-operated gaming devices is effective on and after July 1, 1972. It allows persons maintaining or allowing the operation of coin-operated gaming devices on premises they occupy a credit against the Federal tax on the devices for certain State taxes paid on the devices. No credit is allowed unless the State taxes are similar to the Federal tax and maintenance of the devices is legal under State law. No credit is allowed for State personal property tax. The maximum credit allowed in any year shall not exceed the amount of the Federal tax for that year. The amendment is designed to make the Federal tax treatment of coin-operated gaming devices more uniform with the Federal tax treatment of pari-mutuel wagering devices. The Federal tax on wagering is not applied to pari-mutuel wagering licensed under State law or State controlled sweepstakes. The Federal tax on wagering is not applied to pari-mutuel wagering licensed under State law or State controlled sweepstakes.

On Wednesday, March 7, 1973, notice of proposed rulemaking with respect to the amendment of the Miscellaneous Stamp Tax Regulations (26 CFR, pt. 45) was published in the Federal Register (38 FR 6181). The amendment is designed to make the Federal tax treatment of coin-operated gaming devices more uniform with the Federal tax treatment of pari-mutuel wagering devices. The Federal tax on wagering is not applied to pari-mutuel wagering licensed under State law or State controlled sweepstakes. The Federal tax on wagering is not applied to pari-mutuel wagering licensed under State law or State controlled sweepstakes.
§ 45.0-1 Introduction.

(a) In general. * * * The regulations relate to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, Subchapters B, C, and D of Chapter 39 of the Internal Revenue Code of 1954, as amended, and to certain general provisions relating to occupational taxes contained in Chapter 40 of such Code and to certain related administrative provisions of Subtitle F of the Code. * * *

(b) Division of regulations. The regulations in this part are divided into 12 subparts. Subpart A contains provisions relating to the arrangement and numbering of the sections of the regulations in this part, general definitions and use of terms, scope of regulations, and extent to which the regulations in this part supersede prior regulations relating to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, and D of Chapter 39 of the Code. The other subparts of the regulations in this part and the subject matter to which they relate are as follows:

Subpart B—[Deleted]

Subpart C—Occupational tax on coin-operated devices.

Subpart D—[Deleted]

Subpart E—Oleomargarine.

Subpart F—White phosphorus matches.

Subpart G—Adulterated butter, and butter, processed or renovated butter.

Subpart H—Filled cheese.

Subpart I—Cotton futures.

Subpart J—[Deleted]

Subpart K—General provisions relating to occupational taxes.

Subpart L—Administrative provisions.

(c) Arrangement and numbering. In general, each section of the regulations in Subparts C through L is preceded by the section, subsection, or paragraph of the Internal Revenue Code which it interprets. * * *

Par. 2. The introductory paragraph and paragraphs (a), (d), (c), and (i) of § 45.0-3 are amended to read as set forth below:

§ 45.0-3 Scope of regulations.

The regulations in this part relate to the taxes imposed by Subchapter B of Chapter 36, Subchapter F of Chapter 38, and Subchapters B, C, and D of Chapter 39 of the Code and, except where otherwise specifically provided, have application as provided in the following paragraphs:

(a) Subpart B. [Deleted]

(b) Subpart C. The regulations in Subpart C are applied to coin-operated gaming devices maintained for use by any person on or after July 1, 1965.

(c) Subpart D. [Deleted]

(d) Subpart I. [Deleted]

Par. 3. Section 45.0-4 is amended to read as follows:

§ 45.0-4 Extent to which the regulations in this part supersede prior regulations.

The regulations in this part, with respect to the subject matter within the scope thereof, supersede the following regulations and such provisions as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 6991, signed August 16, 1954 (19 FR 5167, August 17, 1954):

Special taxes with respect to coin-operated gaming devices.

Tax on white phosphorus matches.

Taxes on oleomargarine, ad ulcerated or process or renovated butter.

Tax on filled cheese.

Tax on contracts of sale of cotton for future delivery.

Withdrawal of filled cheese from factories, free of tax, for use of the United States.

Exportation of tax paid on tobacco manufacturers, oleomargarine, ad ulcerated butter; shipments to possessions of the United States, and drawback on tobacco manufacturers and stills exported, or shipped to Puerto Rico or Philippine Islands.

Removals of alcoholic liquors, tobacco products, and other articles of domestic manufacture to foreign-trade zones.

Subpart B [Deleted]

Par. 4. Subpart B is deleted.

Par. 5. Section 45.4461 is amended by revising section 4461 and the historical note to read as follows:

§ 45.4461 Statutory provisions; imposition of tax.

Sec. 4461. Imposition of tax—(a) In general. There shall be imposed a special tax to be paid at the rate of $250 per year on coin-operated devices, to prevail in the case of tax upon any place or premises occupied by him, a coin-operated gaming device (as defined in section 4462) at the following rates:

(1) $250 a year; and

(2) $250 a year for each additional device so maintained or the use of which is so permitted. If one such device is replaced by another, such other device shall not be considered an additional device.

(b) Exclusions. No tax shall be imposed on a device which is commonly known as a slot machine to receive a prize of a retail value of, or entitles a person to receive a prize of a retail value of, or entitles him to receive a prize of a retail value of, more than 10 cents, or (2) such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than the merchandise dispensed by such machine, (3) such device is actuated by a nonelectrical mechanism, and (4) such device is not operated other than in connection with, and as part of carnivals or county or State fairs.

Subpart B [Deleted]

Par. 1. Subpart B is deleted.

Par. 2. The introductory paragraph and paragraphs (a), (b), (c), and (i) of § 45.4462 are amended to read as set forth below:

§ 45.4462 Statutory provisions; definition of coin-operated gaming device.

Sec. 4462. Definition of coin-operated gaming device—(a) In general. For purposes of this subchapter, the terms "coin-operated gaming device" means any machine which—

1. A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

2. A machine which is similar to machines described in paragraph (1) and is operated without the insertion of a coin, token, or similar object.

(b) Exclusions. The term "coin-operated gaming device" does not include—

(1) A bona fide vending or amusement machine in which gaming features are not incorporated; or

(2) A vending machine operated by means of the insertion of a 1-cent coin, which, when dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is a prize of a retail value of, or

[Sec. 4462 as amended and in effect, July 1, 1955]

Par. 6. Section 45.4461-1 is amended as follows:

1. Paragraph (a) is amended by deleting "amusement or" from the first and third sentences, and by deleting "liable to be" and substituting "liable for" in the second sentence.

2. Paragraph (b) is amended by deleting "amusement" and inserting in lieu thereof "gaming" in each of the two places it appears in the second sentence, and by deleting the last sentence.

3. A new paragraph (c) is added, to read as set forth below:

§ 45.4461-1 Imposition of tax.

(c) Exception. No tax is imposed on a device commonly known as a claw, crane, or digger machine—(1) the charge for each operation of such device is not more than 10 cents, (2) such device never dispenses a prize other than merchandise of a maximum retail value of $1, and with respect to such device there is never a display or offer of any prize or merchandise other than the merchandise dispensed by such machine, (3) such device is actuated by a nonelectrical mechanism, and (4) such device is not operated other than in connection with, and as part of carnivals or county or State fairs.

Par. 7. Section 45.4461-2 is amended to read as follows:

§ 45.4461-2 Rate of tax.

The special tax under section 4461 is imposed at the rate of $250 per year per coin-operated gaming device.

Par. 8. Section 45.4462 is amended by revising section 4462 and the historical note to read as follows:

§ 45.4462 Statutory provisions; definition of coin-operated gaming device.

Sec. 4462. Definition of coin-operated gaming device—(a) In general. For purposes of this subchapter, the terms "coin-operated gaming device" means any machine which—

1. A so-called "slot" machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens, or

2. A machine which is similar to machines described in paragraph (1) and is operated without the insertion of a coin, token, or similar object.

(b) Exclusions. The term "coin-operated gaming device" does not include—

(1) A bona fide vending or amusement machine in which gaming features are not incorporated; or

(2) A vending machine operated by means of the insertion of a 1-cent coin, which, when dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is a prize of a retail value of, or

[Sec. 4462 as amended and in effect, July 1, 1955]

Par. 9. Section 45.4462-1 is amended to read as follows:
§ 45.4462—1 Definition of coin-operated gaming device.

(a) Devices within scope of section 4462(a)—(1) In general. Section 4462(a) includes within its scope any machine which is:

(i) A so-called “slot” machine which operates by means of the insertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing, to operating the machine to receive cash, premiums, merchandise, or tokens, or

(ii) A machine which is similar to machines described in subdivision (1) of this subparagraph and is operated without the insertion of a coin, token, or similar object.

(2) Examples. The following devices and machines illustrate the type of machines or devices within the scope of section 4462(a):

(i) A machine which is operated by means of the insertion of a coin, token, or similar object and which, even though it does not dispense cash or tokens, has the features and characteristics of a gaming device whether or not evidence exists as to actual payoffs.

(ii) A so-called crane machine, claw, digger, or rotary merchandising type device which is operated by the insertion of a coin and adjustment of a control lever for the purpose of removing from the machine, by gripping, pushing, or other manipulation articles such as figurines, lighters, etc., in the machine. See, however, § 45.4461—1(c) for exemption of certain devices from the tax imposed by section 4462(a).

(iii) A pinball machine equipped with a pushbutton for releasing free plays and a meter for recording the plays so released, or equipped with provisions for multiple coin insertion for increasing the odds.

(iv) Pinball machines in connection with which free plays are redeemed in cash, tokens, or merchandise, or prizes are offered to any person for the attainment of designated scores.

(b) Display of devices by the person liable for the tax imposed by section 4462(a) provides evidence that the device is within the scope of section 4462(a) and that such device is a coin-operated gaming device.

(i) A coin-operated device that displays for actual play on the device a recording of a coin, token, or similar object that entitles the player to a prize if the coin-token-handled by the machine or symbolized on the ticket constitutes a winning hand.

(ii) Exclusions.—(1) Bona fide vending or amusement machines. Section 4462(b)(1) specifically excludes from the term “coin-operated gaming device” a bona fide vending or amusement machine in which gaming features are not incorporated. An example of a device in which gaming features are not incorporated is a machine or object which, upon insertion of a coin, records a person’s voice, plays the record back, and then delivers the record to the purchaser.

(ii) Certain vending machines. Section 4462(b)(2) specifically excludes from the term “coin-operated gaming device” a vending machine operated by means of the insertion of a 1-cent coin, which, when it dispenses a prize, never dispenses a prize of a retail value of, or entitles a person to receive a prize of a retail value of, more than 5 cents, and if the only prize dispensed is merchandise and not cash or tokens.

Par. 10. Immediately after § 45.4463—1, §§ 45.4464 and 45.4464—1 are added, to read as follows:

§ 45.4464 Statutory provisions: credit for State-imposed taxes.

Sec. 45.4464. Credit for State-imposed taxes—(a) In general. Where there shall be allowed as a credit against the tax imposed by section 4461 with respect to any coin-operated gaming device for any year a amount equal to the amount imposed by reason of section 4461 upon the device for such year with respect to such device by the person liable for the tax imposed by section 4461, if such State tax (1) is paid under a law of the State in which the place or premises on which such device is maintained or used is located, and (2) is similar to the tax imposed by section 4461 (including a tax, other than a general personal property tax, imposed on the device) for such year if—

(1) On or before the date prescribed by law for the payment of the tax imposed by section 4461 with respect to such device for such year, he has paid the amount of such tax to the State or political subdivision of the State in which the device is located.

(2) On or before the last day of such year, the amount paid to the State or political subdivision of the State in which the device is located with respect to such device for such year is at least 80 percent of the tax imposed by section 4461 with respect to such device for such year if—

(a) The credit under subsection (b) with respect to any coin-operated gaming device for any year may satisfy his liability for the tax imposed by section 4461 for such year if—

(i) The credit is attributable to the tax imposed by section 4461 for such year;

(ii) The credit is based on the credit for State-imposed taxes claimed in the current year;

(iii) The credit is claimed for such year if—

(A) The credit is claimed for such year if—

(B) The credit is claimed for such year if—

(b) Credit not to exceed 80 percent of tax. The credit allowed under paragraph (a) of this section with respect to any coin-operated gaming device may not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

(c) Special provisions for payment. A person who believes he will be entitled to the credit described in paragraph (a) of this section for the taxable year may pay such tax on or before the due date of the tax imposed by section 4461 upon such device for such year by paying, on or before the date prescribed for payment of such tax, an amount of such tax reduced by the amount of the credit which he estimates in good faith and on the basis of reasonable cause will be allowable under paragraph (a) of this section. If such payment is made, the credit shall be allowed to such person for such year if—

(i) The credit based on the estimated State tax for such year exceeds the credit for State-imposed taxes claimed for such year; and

(ii) The credit based on the estimated State tax for such year is less than the credit for State-imposed taxes claimed for such year if—

(a) The credit is claimed for such year if—

(b) The credit is claimed for such year if—

(c) The credit is claimed for such year if—

(d) Proof of payment of State tax. Pursuant to the credit allowed under paragraph (a) of this section the person liable for the tax imposed by section 4461 for any year shall retain documentary evidence of payment of the State tax upon which the credit is based for at least 3 years after the due date of the tax imposed by section 4461 (with respect to which the credit is claimed) or the date the tax imposed by section 4461 is paid (with respect to which the credit is claimed), whichever is later.

(e) Examples. The application of this section may be illustrated by the following examples:

Example 1. On July 1, 1972, X placed in operation one coin-operated gaming device on premises that he occupied in a State where operation of such a device is legal. X is liable for the tax imposed by section 4461 for the fiscal year beginning July 1, 1972, and ending June 30, 1973. Under the law of the State X is also liable for a tax on such device of $125 for the last 6 months of 1972. In addition, X estimates that he will be liable for State tax of $250 for the fiscal year of 1973. The amount which X will be attributable to the first 6 months of 1973. X may reduce his payment for the tax imposed by section 4461, due on or before July 1, 1972, from $500.
to $50 by claiming under section 4464 an estimated State tax credit of $200 (i.e., State tax liability of $125 for the last 6 months of 1972 plus $125 for the first 6 months of 1973, but not to exceed 80 percent of the tax imposed by section 4401 for such period).

Example (2). Assume the same facts as in example (1) except that X removed the coin-operated gaming device from his premises on December 31, 1972. Removal of the device eliminates X's liability under State law for the period beginning July 1, 1972, and ending June 30, 1973. X must file, on or before July 30, 1973, an amended Form 10-F accompanied by a payment of $75 (i.e., liability under section 4461 of $250 reduced by the sum of the credits of $125 allowable under section 4461 with respect to such device for the period beginning July 1, 1972, and ending June 30, 1973). If X fails to pay the $75 within the prescribed time, he will become liable for interest on such amount, computed under section 6691 for the period running from July 1, 1972, until the date of payment.

Subpart D [Deleted]

Par. 11. Subpart D is deleted.

Par. 12. Section 45.4816-1 is amended by deleting paragraph (d), by redesignating paragraph (e) as paragraph (d), and by adding the following new paragraphs (e) through (f):

§ 45.4816-1 Exemption in case of exportation of adulterated butter.

(e) Definition of exportation. Exportation to a foreign country means the conveyance of an article from the mass of things belonging within the United States with the intention of uniting it with the mass of things belonging within some foreign country.

(f) Responsibility for compliance with the provisions of this section. The manufacturer shall be liable for the payment of the tax on adulterated butter removed by him from his place of manufacture for export to a foreign country, modifies or cancels his written order or contract for export, the manufacturer may return the shipment of such adulterated butter to his place of manufacture provided he maintains adequate records relating to such return.

(1) Removal to foreign-trade zones—(1) In general. Adulterated butter may be removed from the place of manufacture without having stamps affixed thereto for delivery to a foreign-trade zone for exportation. Such removal and delivery thereof to a foreign-trade zone is considered an exportation.

(2) Definition of foreign-trade zone. "Foreign-trade zone" or "zone," as used in this section, means a foreign-trade zone established and operated pursuant to section 81 of title 19 of the United States Code.

(3) Proof of delivery to a foreign-trade zone. A manufacturer of adulterated butter who removes such adulterated butter from the place of manufacture for delivery to a foreign-trade zone without affixing stamps thereto shall maintain adequate records of all such removals and deliveries and shall keep on file a sufficient written proof of such removals and deliveries as may be necessary to substantiate actual delivery of the adulterated butter to the foreign-trade zone. The records referred to in the preceding sentence may be obtained by the manufacturer and made available for inspection by any revenue officer upon his request.

Subpart J [Deleted]

Par. 13. Subpart J is deleted.

§ 45.4901 [Amended]

Par. 14. Section 45.4901 is amended by deleting "4461(2) [4461(a) (2)] (coin-operated gaming devices)" and inserting in lieu thereof "4461(a) (1) (coin-operated gaming devices)" and by amending the historical note to read "Sec. 4901 as in effect May 1, 1971."


2. Paragraph (b) is amended by deleting "amendment and" from the second sentence.

3. Paragraph (c)(1) is amended by deleting "district director" and inserting in lieu thereof "director of the service center".

4. Paragraph (c)(2) and (3) is amended by deleting "District directors" and inserting in lieu thereof "Directors of service centers".

§ 45.1901—1 Payment of special tax.

(a) Conditions precedent to carrying on certain business. No person shall maintain for use or permit the use of, on any place or premises occupied by him, a coin-operated gaming device defined in section 4462(a) (see paragraphs (a) and (b) of § 46.442-1) until he has filed a return on Form 11-B and paid the special tax imposed by section 4461 (a)(1). * * * For registration requirements relating to special taxes imposed by sections 4461, 4821, and 4841, see §§ 470101 and 4731-1.

* * * * *

Par. 16. Section 45.4905 is amended by revising section 4905(b)(1) and the historical note to read as follows:

§ 45.4905 Statutory provisions; liability in case of death or change of location.

Sec. 4905. Liability in case of death or change of location. * * *

(b) Registration. (1) For registration in case of * * * white phosphorus matches, see sections * * * 4804(d). * * * *

§ 4905 as amended and in effect May 1, 1971.

§ 45.4905—1 [Amended]

Par. 17. Section 45.4905—1 is amended as follows:

1. Paragraph (a) is amended by deleting "4471," in the first sentence and by deleting "district director" and inserting in lieu thereof "director of the service center" in the last sentence.

2. Paragraph (b) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the last sentence.

3. Paragraph (c) is amended by deleting "4471," in the fourth sentence.

4. Paragraph (d) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the first sentence.

Par. 18. Section 45.4905—2 is amended as follows:

1. Paragraph (a) is amended by deleting "district director" and inserting in lieu thereof "director of the service center" in the first and second sentences.

2. Paragraph (b) is amended to read as follows:

§ 45.4905—2 Change of address.

(a) Procedure by director of service center.—(1) Removal within area served by service center. When registration of a change of address within the same area served by the service center is made by a taxpayer in the manner specified in paragraph (a) of this section, the director of the service center will enter on his records the new address and the date of change. If the information disclosed on the supplemental return is such as to require a change on the face of the special tax stamp, the director of the service center will return the stamp to the taxpayer for posting as provided in § 45.6806.

(2) Removal to an area served by another service center. In case of removal of the taxpayer's place of business to an area served by another service center, the director of the service center after noting the transfer on his records, shall transmit the special tax stamp to the director of the service center for the area to which such business was removed. The latter will make proper entry on his records, as in the case of an original registration on his area, correct the address on the stamp, and then note thereon his name, title, date, and area, and then forward the stamp to the taxpayer for posting as provided in § 45.6806.

§ 45.6001—5 [Amended]

Par. 19. Paragraph (c) of § 45.6001—5 is deleted.

§ 45.6001—6 [Amended]

Par. 20. Section 45.6001—6 is amended by deleting "4451, 4461, 4471, 4591, 4801, 4811, 4821, 4831, 4841, 4851, or 4891" and inserting in lieu thereof "4461, 4591, 4801, 4811, 4821, 4831, 4841, or 4851" in paragraph (a) and by inserting "or directors of service centers" in the first sentence of paragraph (b).

§ 45.6001—8 [Deleted]

Par. 21. Section 45.6001—8 is deleted.

§ 45.6001—11 [Amended]

Par. 22. Section 45.6001—11 is amended by deleting "or 4471" in the first sentence of paragraph (a) and by deleting "4432(a)(2)" and inserting in lieu thereof "4462(a)" in the last sentence of paragraph (c).

§ 45.6001—12 [Amended]

Par. 23. Section 45.6001—12 is amended by deleting paragraph (c).

§ 45.6071—1 [Amended]

Par. 24. Section 45.6071—1 is amended by deleting § 45.6001—8 to 45.6001—10, inclusive, and inserting in lieu thereof "45.6001—9 or § 45.6001—10" in the first sentence of paragraph (a) and by deleting paragraph (b)(2).

§ 45.6071—2 [Amended]

Par. 25. Section 45.6071—2 is amended as follows:

1. Paragraph (a) is amended by deleting "4462(a)(2)" and inserting in lieu thereof "4462(a)" and by deleting "4461(a)(2)" and inserting in lieu thereof "4462(a)" in the first sentence and by deleting "4461(a)(2)" and inserting in lieu thereof "4461(a)" in the fourth sentence.

2. Paragraph (b) is amended by deleting "4461(a)(1)" (relating to operated amusement devices), 4471 (relating to bowling alleys, billiard and pool tables), and the common alteration "backs" in the final sentence and by deleting "or Form 11-B as the case may be," from the first and last sentences.

§ 45.6091—2 [Deleted]

Par. 26. Section 45.6091—2 is deleted.

§ 45.6101—1 [Amended]

Par. 27. Section 45.6101—1 is amended by deleting "paragraphs (b) and (c)" and inserting in lieu thereof "paragraph (b)" in paragraph (a), by deleting paragraph (b), and by redesignating paragraph (c) as paragraph (b).

§ 45.6109—1 [Amended]

Par. 28. Section 45.6109—1 is amended by deleting "4471," from the first sentence of paragraph (a)(1), from paragraph (a)(2) and from paragraph (b).

§ 45.6115 [Amended]

Par. 29. Section 45.6115 is amended by deleting "principal internal revenue officer for the internal revenue district in which the return is required to be" and inserting in lieu thereof "internal revenue officer with whom the return is" in section 6151(a) and by revising the historical note to read "(Sec. 6151 as amended and in effect November 2, 1966)."

§ 45.7011—1 [Amended]

Par. 30. Section 45.7011—1 is amended by deleting "taxes imposed by sections 4461 and 4471" and inserting in lieu thereof "tax imposed by section 4611 in the first sentence and by deleting "4461(a)(1), "4461(a)(2)" and inserting in lieu thereof "4461(a)" in the last sentence.

Par. 31. Section 45.7011—3 is amended to read as follows:

§ 45.7011—3 Registration; other requirements.

For requirements for registration by manufacturers of white phosphorus matches, see § 45.4804—8.

§ 45.7272 [Amended]

Par. 32. Section 45.7272 is amended by deleting "4455, * * *" in section 7272(b) and by revising the historical note to read "(Sec. 7272 as amended and in effect June 22, 1961)."

§ 45.726 [Amended]

Par. 33. Section 45.726(a) is amended by deleting "disposals" in the heading and inserting in lieu thereof "disposal," by deleting "4462(a)(2)" and inserting in lieu thereof "4462" in section 7262(a), and by revising the historical note to read "(Sec. 7262(a) as amended and in effect May 1, 1971)."

§ 45.7510—1 [Amended]

Par. 34. Section 45.7510—1 is amended by deleting "and playing cards" from the section heading and the first sentence.

§ 45.7510—2 [Amended]

Par. 35. Section 45.7510—2 is amended as follows:

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
1. Paragraph (a) is amended by deleting "or playing cards".
2. Paragraph (c) is amended by deleting "or playing cards" from the sentence enclosed by parentheses at the beginning of the exemption certificate form.

§ 45.7510-3 [Amended]
Par. 36. Paragraph (a) of § 45.7510-3 is deleted.

§ 45.7641 [Amended]
Par. 37. Section 45.7641 is amended by deleting "* * *" from section 7641 and by revising the historical note to read "(Sec. 7641 as amended and in effect May 1, 1971)."

Par. 38. Section 45.7701 is amended by revising section 7701(a) (12) and the historical note to read as follows:

§ 45.7701 Statutory provisions; definitions.
Sec. 7701. Definitions. (a) * * *
(12) Delegate—(A) In general. The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(B) * * *
[Sec. 7701 as amended and in effect Sept. 13, 1960]

[FR Doc.73-12936 Filed 6-21-73;8:45 am]
This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
[7 CFR, Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Handling Regulations

This notice contains the proposed grade, maturity, size, and pack requirements for Washington peaches during the 1973 season. The proposed requirements are designed to provide consumers with an ample supply of acceptable quality peaches. The proposal would require peaches to grade Washington Fancy, unless the standards are met. All peaches would be required to be well matured and have a reasonably uniform degree of firmness. Loose or jumble packs would be permitted for containers with a net weight of 26 pounds and in containers of less capacity if the packages are well filled.

Consideration is being given to the following proposal which would limit the handling of fresh peaches grown in designated counties in Washington by establishing a regulation which was recommended by the Washington Fresh Peach Marketing Committee, pursuant to the marketing agreement, and order No. 921 (7 CFR, pt. 921) regulating the handling of fresh peaches grown in designated counties in Washington. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in quadruplicate with the Hearing Clerk, room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than July 16, 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 1.37(b)).

The recommendations of the Washington Fresh Peach Marketing Committee reflect its appraisal of the current and prospective crop and market conditions. Washington's 1973 peach crop is estimated at 18,000 tons, compared with commercial production in 1972 of 13,750 tons. Total fresh market shipments are expected to be 11,200 tons. The regulation, hereinafter set forth, is designed to prevent the handling on and after August 1, 1973, of lower quality and smaller size peaches and to maximize marketing in the interest of producers and consumers, consistent with the objectives of the act.

Such proposal reads as follows:

§ 921.310 Peach Regulation 10.

ORDER.—(a) During the period August 1, 1973, through July 31, 1974, no peaches shall be packed or handled, unless such peaches meet the following applicable requirements, or are handled in accordance with paragraph (b) (7) of this section:

(1) Minimum grade.—Such peaches shall grade at least Washington Extra Fancy Grade: Provided, That such peaches have skin and flesh colored sufficiently mature but not well matured.

(2) Minimum size.—(i) Such peaches of any variety, except peaches of the Elberta variety, packed in any container except the standard peach box or approved experimental containers measure at least 2½ inches in diameter; and

(ii) Such peaches of the Elberta variety, packed in any container except the standard peach box or approved experimental containers shall measure not less than 2⅔ inches in diameter;

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "mature" shall have the same meaning as when used in the Washington Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Not withstanding the provisions of paragraph (a) (1) through (5) of this section, peaches of the Elberta variety, packed in any container, except the standard peach box, or approved experimental containers grade at least Washington Fancy; (iii) such peaches in such experimental containers measure at least 2⅔ inches in diameter; and (iv) such experimental containers commonly known as "family packs" contain not less than 10 lb nor more than 12 lb, net weight, of peaches.

(7) Notwithstanding any other provision of this section, any individual shipment of peaches sold by the producer or an establishment packinghouse which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 921.41 Assessments, and of § 921.55 Inspection and Certification:

(i) The shipment consists of peaches sold for home use and not for resale;

(ii) Each container is stamped or marked with the handler's name and address, and with the words "not for resale" in letters at least one-half inch in height.

(8) The terms "Washington Extra Fancy Grade," "Washington Fancy Grade," and "mature" shall have the same meaning as when used in the Washington Standards for Peaches.

The term "family pack" shall mean a container with inside dimensions of 4⅔ by 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 16 inches, the term "well filled" shall mean that the level of fruit is filled at least to the top edge of the container; the term "diameter" shall mean the greatest distance, measured through the center of the peach at right angles to a...
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[7 CFR, Part 1140]  [Docket No. AO-376]

MILK IN THE FRONTIER MARKETING AREA

Notice of Postponement of Hearing on Proposed Marketing Agreement and Order

A notice was issued on May 11, 1973 (38 FR 12986) giving notice of a public hearing to be held at the U.S. Courthouse, Old Federal Building (courtroom 1), 111 South Wacott Street, Cooper, Wyo., beginning at 10 a.m., local time, on June 26, 1973, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Frontier marketing area.

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

Notice is hereby given, pursuant to the rules of practice applicable to these proceedings (7 CFR, pt. 900) that the said hearing is postponed until a date to be announced at a later time.

Statement of consideration.—The Wyoming Commissioner of Agriculture, on behalf of the Wyoming Board of Agriculture, has formally requested that the Commission, as the agency to administer the terms of the marketing order in a motion adopted June 5, 1973.

Accordingly, the hearing is postponed pending further inquiry and investigation into the representations made by the State of Wyoming officials concerning the production of the widest possible range of products from which consumers may make selections for purchase. It appears, therefore, that consumers and the meat processing industry would benefit from an amendment to the standard to clearly indicate that precooking of the meat in such a "pizza" product is not required, provided it complies with the other applicable provisions of the regulations. One of the purposes of these amendments would be to dispel chances for confusion on this point in the product's preparation.

The second purpose of the amendments would be to identify the minimum percentage of cheese to be included in federally inspected "pizzas." The Department has received a number of questions concerning the quantity of cheese permitted in "pizzas.

The Department's records on approved labels include information that specifies percentages of the individual ingredients of product formulas. Such information on approved "pizza" labels indicates that a requirement of not less than 12 percent cheese would appropriately represent the quantity of such an ingredient that has been usually present in formulas for "pizza" products processed under Federal supervision.

A requirement of at least 12 percent cheese in the standard for federally inspected "pizzas" would insure that the consumers are provided with such products that contain customary amounts of this important ingredient, but would not prevent processors from using additional cheese in response to particular marketing demands.

Statement of Considerations.—Pizza products that contain meat or processed meat have been made in volume by federal inspected "pizzas." For several decades, the composition standards for "pizza" with various kinds of meat or processed meat ingredients, were proposed in the August 14, 1969, Federal Register. Notice and publication in the Federal Register of October 3, 1970. The standards require that federally inspected pizza products contain cheese. The minimum amount of meat or processed meat required in formulas for products identified with particular names is specified in the standards. These provisions are intended to provide sufficient amounts of the two distinctive ingredients to inspire the names and separate them from the characteristics that have been customarily associated with "pizzas" prepared under Federal inspection.

Numerous inquiries directed to the Department since the standards were announced indicate they should be changed in several respects to be of maximum service to the public. First, the standards for products labeled "Pie or Processed Meat Meat" require the use of cooked meat which restricts the kinds of such consumer foods that can be made. Limitations serving no purpose are contrary to the Department's policy of encouraging the production of the widest possible range of products from which consumers may make selections for purchase. It appears, therefore, that consumers and the meat processing industry would benefit from an amendment to the standard to clearly indicate that precooking of the meat in such a "pizza product is not required, provided it complies with the other applicable provisions of the regulations. One of the purposes of these amendments would be to dispel chances for confusion on this point in the product's preparation.

The second purpose of the amendments would be to identify the minimum percentage of cheese to be included in federally inspected "pizzas." The Department has received a number of questions concerning the quantity of cheese permitted in "pizzas.

The Department's records on approved labels include information that specifies percentages of the individual ingredients of product formulas. Such information on approved "pizza" labels indicates that a requirement of not less than 12 percent cheese would appropriately represent the quantity of such an ingredient that has been usually present in formulas for "pizza" products processed under Federal supervision.

A requirement of at least 12 percent cheese in the standard for federally inspected "pizzas" would insure that the consumers are provided with such products that contain customary amounts of this important ingredient, but would not prevent processors from using additional cheese in response to particular marketing demands.
In order to provide for more comprehensive and definitive standards for "pizza" products made by official establishments, the Department proposes to amend §319.600 of the meat inspection regulations to read as follows:

§ 319.600 Pizza.

(a) "Pizza with Meat" is a bread-base meat food product with tomato sauce, cheese, and meat topping. It shall contain not less than 12 percent cheese and meat which may be raw or cooked. Provided it complies with the provisions of §318.10 of this chapter, and which shall not be less than 15 percent of the total ingredients of the product computed on a raw meat basis.

(b) "Pizza with Sausage" is a bread-base meat food product with tomato sauce, cheese, and sausage topping. It shall contain not less than 12 percent cheese and 12 percent cooked sausage (such as "sausage for pizza") or 10 percent dry sausage (such as "pepperoni").

Any person wishing to submit written comments or objections to this proposed amendment may do so by filing the same in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by August 31, 1973.


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

Comments on the proposal should bear a reference to the date and page number of this issue of the Federal Register.
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§1823.3 Eligible loan purposes.

Funds may be used:
(a) To construct, enlarge, extend, or otherwise improve community water, sanitary sewerage, solid waste disposal, and other public or private facilities; or social facilities;
(b) Community electric or telephone systems.

(b) In selecting projects, the State Governor shall give priority to:
(1) The application of any municipally owned or substantially owned agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a water system in excess of in excess of 5,000 which in the case of a water facility has a community water supply system but due to unanticipated diminution or deterioration of its water supply, or other occurrences such system is inadequate to meet the needs of the community.
(2) Those projects which will enlarge, extend, or otherwise modify existing facilities to provide service to additional rural residents.
(3) Projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and service to more rural areas.
(4) Projects which will enlarge, extend, or otherwise improve community facilities providing essential service to rural residents. Such facilities include but are not limited to those providing or supporting overall community development such as fire and rescue services; transportation; traffic control; community, social, cultural, and recreational benefits; industrial and business development.
(5) For items relating to those facilities in paragraphs (a) and (b) of this section as follows:
(1) Fees, services, and costs such as legal, engineering, fiscal, advisory, recording, planning, establishing or acquiring rights through appropriation, eminent, agreement or condemnation. Fees for "loan finding" are not an eligible cost item.
(2) Paying interest installments in connection with loans to be repaid from facility revenues when such installments cannot be deferred for such time as the facility is generating sufficient revenue to be self supporting. Ordinarily, this will be limited to an amount sufficient to pay the interest at the estimated loan closing date. Funds may be included for interest installments for loans secured by general obligation bonds through the period when taxes are available for payment, ordinarily not to exceed 2 years.
(3) Purchase existing facilities when it is determined that the purchase is necessary to provide efficient service through a community owned and operated facility, and a satisfactory agreement between buyer and seller is reached and receives FHA concurrence.
(a) The application of any municipally owned agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a water system which due to unanticipated diminution or deterioration of its water supply, or other occurrences such system is inadequate to meet the needs of the community.
(b) Those projects which will enlarge, extend, or otherwise modify existing facilities to provide service to additional rural residents.
(4) Projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and service to more rural areas.
(5) Projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and service to more rural areas.
(6) Acquire interests in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.
(7) Construction of roads, bridges, utilities, fences, and other public or private improvements.
(8) Assistance in land and rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.
(9) Refinancing debts incurred by or on behalf of a community prior to an application for a loan when all of the following conditions exist:
(i) The debts were incurred for the facility or part thereof or service to be installed or improved with the loan.
(ii) Arrangements cannot be made with the creditor to extend or modify the terms of the debt so that a sound basis will exist for making a loan.
(10) Paying obligations for construction incurred before loan approval. Construction costs such as labor, materials, and obligations for such work or materials should not be incurred before the loan is approved. However, if there are compelling reasons for proceeding with construction, the applicant may request FHA approval to pay such obligations. If upon receipt of such request FHA determines that:
(i) A necessity exists for incurring obligations;
(ii) The obligations will be incurred for authorized loan purposes;
(iii) Contract documents have been approved by FHA;
(iv) The applicant has the legal authority to incur the obligations at the time proposed, and payment of the debts will remove any basis for any mechanic's, materialmen's, or other liens that may attach to the security property, and FHA concurs in the contract documents, FHA may authorize payment of such obligations at the time of loan closing. FHA's authorization to pay such obligations however, is on the condition that it is not committed to make the loan; it assumes no responsibility for any obligations incurred by the applicant or the contractor, and the applicant must subsequently meet all loan approval requirements. The applicant request and FHA authorization for paying such obligations shall be written.
(a) Private funds may be used in connection with funds provided by the applicant or from other sources. FHA loan funds may also be used to finance that portion of a project serving rural areas when the project is to serve both rural and urban areas. Since "matching funds" are not a requirement for FHA loans, shared revenues may be used with such loans for projects or construction. Applicants expecting funds from other agencies for use in completing projects being partially financed with FHA funds will present evidence that funds from such agencies will be available at the time needed for construction of the project before closing the FHA loan.

§1823.4 Facilities for public use.

All facilities financed under the provisions of this subpart shall be for public use.
(a) Facilities providing a utility-type service such as water and waste disposal will be installed so as to afford service to all users living within the area which logically should be served by the central system unless State or local law or ordinance requires otherwise.
(b) In no case will boundaries for the proposed service area be chosen in such a way that any user or area will be excluded because of race, color, or national origin.
(c) This does not preclude financing or construction of:
(1) Projects in phases when it is not practical to finance or construct the entire project at one time,
(2) Facilities where it is not economically feasible to serve the entire area involved provided economic feasibility is determined on the basis of separate extensions to or parts thereof; the applicant publicly announces a plan for extending service to areas not initially receiving service from the system; and those families living in the areas not to be initially served receive written notice from the applicant that service will not be provided until such time as it is economically feasible to serve.
(3) Extensions to serve industrial areas when service is made available to users located along the extension.
(d) The applicant will be required to notify each potential user of the availability of the service.

§1823.5 Rates and terms.
(a) Loans will bear interest at the rate of 5 percent on the unpaid principal balance.
(b) Loans will ordinarily be scheduled for repayment on terms similar to those used in the State for financing such facilities but in no case exceed 40 years from the date of the note(s) or bond(s)
or the life of the facility, whichever is less.

(1) Repayments will be scheduled annually beginning with January 1 following the date of loan closing or on the first January 1 following the end of any approved deferment period unless an annual due date other than January 1 is required by the FHA State Director, which shall be done upon written authorization of FHA.

(2) If the borrower will be retiring other debts represented by bonds or notes the repayment on such bonds may be considered in developing the repayment schedule for the FHA loan.

(3) Principal payments may be deferred in whole or in part for a period not to exceed the end of the third full calendar year after the estimated date of loan closing. Deferments of principal will not be used to:

(1) Postpone the levying of taxes or assessments.

(2) Delay the collection of the full rates which the borrower has agreed to charge users for its services as soon as major benefits or the improvements are available to the users thereof.

(iii) Create reserves for normal operation and maintenance.

(iv) Make any capital improvements except those approved by FHA to be scheduled as part of the repayment of the loan or to the obtaining of adequate security therefor.

(v) Accelerate the payment of other debts.

§1823.6 Security.

Loans will be secured in a manner which will adequately protect the interest of FHA during the repayment period of the loan. Specific requirements for security for each loan will be included in a letter of conditions.

(a) Other-than-public bodies.—Ordinarily, security will consist of an assignment of corporation revenues or a mortgage on the corporation’s real property and a security interest in its personal assets or a combination thereof.

(b) Borrower.—Where the borrower income will be taken and perfected by filing, if legally permissible.

(2) A lien will be taken on the interest of the applicant in all land, easements, rights-of-way, and similar property rights, including leasehold interest, used, or to be used in connection with the facility whether owned at the time the loan is approved or acquired with loan funds. In unusual circumstances where it is not feasible to obtain a lien on such land rights (such as land rights obtained from Federal or local government agencies, and from railroads) and the FHA Director determines that the interest of the FHA otherwise is secured adequately, the lien requirement may be omitted as to such land rights. In those instances where such property rights have not been legally perfected, it will be the responsibility of the applicant to obtain and record such releases, consents, subordinations to such property rights from holders of outstanding liens, or other instruments as it determines, with the advice of its attorney, are necessary for the construction, operation, and maintenance of the facility.

(i) When the loan is approved for the acquisition of real property subject to an outstanding lien indebtedness, the next highest priority lien obtainable will be taken.

(ii) When easements, right-of-way, or leases only are obtainable on site for structures such as reservoirs and pumping stations, release, consents, or subordinations may be required by the FHA.

(iii) Other security. Promissory notes from individuals, stock or membership subscription agreements, individual members’ liability agreements, or other evidences of debt, as well as mortgages or other security instruments encumbering the private property of members of the association may be pledged or assigned to the FHA as additional security in which the interest of the FHA will not be otherwise adequately protected.

(4) Loans to incorporated fire departments may be secured through assignments of revenues of sources such as insurance premium revenues, or commitments from counties, townships, or municipalities.

(b) Public bodies.—Loans to such borrowers will be evidenced by notes, bonds, warrants, or other contractual obligations as may be authorized by relevant State statutes and by borrower documentation, or resolutions, and ordinances.

(1) Loans to borrowers for operating utility-type facilities such as water and sewer systems may be secured by:

(i) The full faith and credit of the borrower where the debt is evidenced by general obligation bonds.

(ii) Pledges of taxes or assessments.

(iii) Pledges of facility revenue.

(iv) Liens on real and personal property where such liens are permitted by State law.

(2) Loans for solid waste projects may be secured by bonds pledging solid waste disposal revenue only when the revenue pledged is derived from a solid waste project plus revenue from other facilities of the applicant with tie-in enforcement rights, or by the taxing power of participating local governments.

(3) Loans for other community facilities will be secured by general obligation bonds, assessments, bonds which pledge other taxes, or bonds pledging revenues of the facility being financed if such bonds provide for the mandatory levy and collection of general obligation taxes if revenues are insufficient to properly operate and maintain the facility and retire the loan.

(c) Public bodies and other than public bodies.—(1) Title for right-of-way or easement.—When a lien will be taken on a site for structures such as reservoirs or pumping station facilities and the applicant is able to obtain only a right-of-way or easement on such site rather than a fee simple title, the applicant will furnish a title report thereon by the applicant’s attorney showing the ownership of the land and all mortgages or other liens, defects, or encumbrances, if any. Consents, releases, or subordinations will be obtained from the holders of outstanding liens or mortgages as may be required by the FHA.

(2) Water rights.—When an assignment will be taken on water rights owned or other water supply contracts, the applicant will furnish a written authorization of FHA.

§1823.7 Economic feasibility requirements.

All projects financed under the provisions of this subpart must be based on tax, assessment, revenues, fees, or other satisfactory sources in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment.

(a) Applications for loans for service type utility facilities dependent on user fees for debt payment shall base their income and expense forecasts on realistic user estimates in accordance with the following:

(1) In estimating the number of users and establishing rates or fees on which the loan will be based for new systems or extensions to existing systems, consideration should be given to the following:

(i) An estimated number of maximum initial users should not be used when setting user fees and rates since it may be several years before all residents in the community will need the services provided by the system. In establishing rates a realistic number of initial users should be employed.

(ii) User agreements from vacant lot owners will not be considered when determining feasibility. Income from these sources will be considered only as cash income.

(2) In order to establish realistic user estimates, the following are required:

(i) Meaningful potential user cash contribution: Contributions shall be high enough to indicate sincere interest on the part of the potential user but not so high as to preclude service to low-income families. Contributions ordinarily shall be an amount approximating 1 year’s minimum use fees and shall be paid in...
full before loan closing. User cash contributions are required except for users presently receiving service: the user agreement above is not required, or in those cases where FHA determines that users cannot make a cash contribution.

(ii) Except for users presently receiving service, an enforceable user agreement with a penalty clause is required unless state statutes or local ordinances require mandatory use of the system and the applicant agrees in writing to enforce such statutes or ordinances, or otherwise approved by FHA.

(3) User connection program.—In those cases where all or a part of the borrower’s revenues will come from user fees, applicants must provide a positive program to encourage connection by all users as soon as service is available for review and approval by FHA before loan closing. Such a program shall include: (i) An aggressive information program to be carried out during the construction period. The borrower should send written notification to all signed users at least 3 weeks in advance of the date service will be available, stating the date users will be expected to have their connections completed, and the date user charges will begin.

(ii) Positive steps to assure that installation services will be available. These may be provided by the contractor installing the system, local plumbing companies, or local contractors.

(iii) Aggressive action to see that all signed users have financed their connections. This might require collection of sufficient user contributions to finance connections. Extreme cases might necessitate additional loan funds for this purpose; however, loan funds should be used only when absolutely necessary and when approved by FHA prior to loan closing.

(b) Facilities for new or developing communities or areas.—Private developers are expected to provide essential community facilities in new or developing areas. FHA financing will be considered in such cases only when failure to complete connections would lead to adverse economic conditions for the rural area (not the community being developed): the proposal is necessary to the success of an area development plan, and loan repayment can be assured by:

(1) The applicant already having sufficient assured revenues to repay the loan; or

(2) Developers providing a bonded guarantee of sufficient income to meet expenses servicing the area in connection until a sufficient number of the building sites are occupied and connected to the facility, to provide enough revenue to meet operating, revenue, and debt service requirements.

(3) Developers paying cash for the increased capital cost and any increased operating expenses until the developing area will support the increased costs.

§ 1823.8 Reserve requirements.

Provision for the accumulation of necessary reserves over a reasonable period of time will be included in the loan documents and in assessments, tax levies, or rates charged for services. In those cases where statutes providing for extinguishing assessment liens of public bodies when properties subject to such liens are sold for delinquent State or local taxes, such liens may be avoided or paid off.

(a) General obligation or special assessment bonds.—Ordinarily, the requirements for reserve will be considered to have been met if general obligation or other bonds which pledge the full faith and credit of the political subdivision are used, or special assessment bonds are used, and if such bonds provide for the annual collection sufficient tax or assessments to cover debt service, operation and maintenance, and a reasonable amount for emergencies and to offset the nonpayable nonamortizable tax or assessments by a percentage of the property owners, or a statutory method is provided to prevent the incurrence of a deficiency.

(b) Revenue bonds.—Each borrower will be required to establish and maintain reserves for delinquent accounts sufficient to assure that loan installments will be paid on time, to pay for emergency maintenance, and for extensions to facilities. It is expected that borrowers issuing bonds pledging facility revenues as security will ordinarily plan their reserve program to provide for a total reserve in amount equal, at least, to one average installment. It is also expected that ordinarily such reserve will be accumulated at the rate of at least one-tenth of the total each year until the desired level is reached.

§ 1823.9 General requirements.

(a) Planning, bidding, contracting, constructing.—See §§ 1823.21 to 1823.33 of this subpart.

(b) Insurance and bonding.—Property, insurance, workman’s compensation insurance, liability insurance, and fidelity bond requirements will not normally be over and above that required by the borrower; provided the coverage is found to be adequate, and in accordance with the following:

(1) Property insurance.—Fire and extended coverage may be required on all aboveground structures, including borrower-owned equipment and machinery housed therein, usually in the amount of their value. This does not apply to water reservoirs, standpipes, elevated tanks, and other permanent and immovable materials used in treatment plants, clearwells, clarification units, filters and the like. Where lift stations are property ventilated, property insurance is not required except for the value of the pumping equipment and electrical equipment therein.

(2) Workman’s compensation.—The borrower will carry suitable workman’s compensation insurance for all of its employees in accordance with applicable State laws.

(3) Liability and property damage insurance.—Requirements for liability insurance will be carefully and thoroughly considered in connection with each project financed. Public liability and property damage insurance amounts will be established accordingly. If the borrower owns trucks, tractors, or other vehicles that are driven over public highways, public liability and property damage insurance will be required.

(c) Fidelity bonds.—The borrower will provide fidelity bond coverage for the positions of officials entrusted with the control and disposal of funds and the custody of valuable property. The amount of the bond will be at least equal to the maximum amount of money that the borrower will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. If permitted by state law, the United States will be named as co-obligee in the bond. Corporate fidelity bonds will be obtained only in circumstances where appropriate regulation FRA may give prior approval to cash bonds. Form FHA 440-26, Position Fiduciary Schedule Bond, may be used.

(d) Purchasing land rights and existing facilities.—Borrowers are required to assure that prices paid for land, rights, and facilities are reasonable and fair. FHA may require an appraisal by an independent appraiser, or appraise the property itself.

(e) Notes and bonds.—Notes and bonds will be completed on the date of loan closing except for the entry of subsequent multiple advances where applicable. The amount of each note or bond will be in multiples of $100.

(1) Form FHA 440-22, Promissory Note (Association or Organization), will ordinarily be used for loans to nonprofit bodies.

(2) Sections 1823.41 to 1823.48 of this subpart contain instructions for preparation of notes and bonds evidencing indebtedness of public bodies.

(3) The following types of provisions in instruments of debt should be avoided:

(i) Provisions for the holder to maintain post each payment to the instrument;

(ii) Provision for returning the instrument to the borrower in order that it, rather than FHA, may post the date and amount of each note or bond to a register or otherwise receive or pay on the instrument.

(f) Environmental impact statements.—The need for an environmental impact statement will be determined by FHA. If a statement is determined to be necessary the applicant will provide any information required for its preparation.

§ 1823.10 Other Federal, State, and local requirements.

Each application shall contain the comments, necessary certifications and recommendations of appropriate regulatory or other agency or institution having expertise in the planning, operation, and management of similar facilities. Proposals for facilities financed in whole or in part with FHA loans will be coordinated with appropriate Federal, State, and local agencies in accordance with the following whether or not required by State law:

(a) Compliance with special laws and regulations.—Applicants will be required
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§ 1823.11 Professional services and contracts related to the facility.

(a) Professional services.—Applicants will be responsible for providing the services necessary to plan projects including design of facilities, preparation of cost and income estimates, development of proposals for organization and financing, and overall operation and maintenance of the facility. Professional services of the following may be necessary: Engineer, architect, attorney, bond counsel, accountant, auditor as defined in § 1823.14, financial advisory or fiscal agent (if desired by applicant). Contracts or other forms of agreement between the applicant and its professional and technical representatives are required and are subject to FHA concurrence.

(b) Contracts for other services.—Contracts or other forms of agreements for other services including management, operation, and maintenance will be developed by the applicant and presented to FHA for review and approval.

§ 1823.12 Applying for FHA loans.

(a) Preapplication.—Preapplications will be processed by FHA only after the State Governor or his delegate has selected the projects to be funded and the order of funding priorities. Applicants desiring loans will file Form AD 621, Preapplication for Federal Assistance, which are available at all FHA offices with the appropriate substate district or such other agency or place as designated by the State Governor. They will also file written notice of intent with the appropriate State agency regulating water rights which will be the substate planning district.

(b) Preapplication review.—Upon receipt of the preapplication and evidence of available funds, FHA will tentatively determine eligibility including the likelihood of credit elsewhere at reasonable rates and terms and availability of FHA loan funds. The determination as to availability of other credit will be made after considering present rates and terms available for similar proposals (not be based upon 5 percent interest and 40 year repayment terms); the repayment potential of the applicant; the long-term cost to the applicant; and average user or other charges.

(1) In those cases where FHA determines that loans at reasonable rates and terms should be available from commercial or cooperative sources, FHA will notify the applicant so that it may apply for such financial assistance. Such applicants may be reconsidered for FHA loans if the application is submitted in amounts not to exceed $500,000, where it is possible to assure construction completion within an 8-month period, whichever is smaller.

(2) Applicants shall not proceed with planning nor obligate themselves for expenditures until FHA notifies them to proceed with application assembly.

(c) Applicants are.—(1) Responsible for completing all applications within a time scheduled as agreed upon with FHA.

(2) Encouraged to utilize their professional and technical representatives or other personal and financial resources to assist in assembling their applications.

(d) Preapplication conference.—As soon as the applicant has selected its professional and technical representatives, they shall arrange with FHA for a preapplication conference to provide a basis for orderly application assembly. FHA will provide applicants with a list of documents necessary to complete the application.

§ 1823.13 Closing loans and fund delivery.

(a) Interim financing.—In all loans exceeding $40,000, where it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained as to preclude the necessity for multiple advances of FHA funds. When interim commercial financing is used, the application will be processed including obtaining construction bids. FHA officials will be in the FHA loan account normally be closed, that is immediately prior to the start of construction. When the interim financing funds have been expended, the FHA loan will be closed and permanent financing will be issued to evidence the FHA indebtedness. The FHA loan proceeds will be used to retire the interim commercial indebtedness. The FHA loan will be closed, the applicant will be required to provide FHA with statements from the contractor, engineer, architect, and attorney that they have been paid to date in accordance with their contracts or other agreements. In the case of the contractor, that he has paid his suppliers and subcontractors.

(b) Multiple advances.—In the event interim commercial financing is not legally permissible, multiple advances of FHA loan funds are required. Multiple advances will be used only for loans in excess of $50,000. Advices will be prepared and submitted to cover disbursements required by the borrower over a 30-day period. Advances should not exceed 24 in number nor extend longer than 2 years beyond loan closing, normally the retained percentage withheld from the contractor to assure construction completion will be included in the last advance, and will be advanced to the contractor under the terms of his contract.

(1) Sections 1823.41 to 1823.46 of this subpart contain instructions for making advances to public bodies.

(2) Nonpublic body notes will be issued in amounts not exceeding $50,000 or that amount estimated necessary for an 8-month period, whichever is smaller.

(3) Advances will be requested in sufficient amounts to assure that ample funds will be on hand to pay costs of construction, rights-of-way, and land, legal, engineering, interest, and other expenses as needed. The applicant will prepare form FHA 440-11, Estimate of Funds needed, to show the amount of funds needed during the 30-day period. Form AD-627, Report of Federal Cash Transactions, will be prepared and submitted with each request for FHA funds. After the initial advance of funds is made, construction funds may be requested on form FHA 440-11, however, actual payment for construction will be made in accordance with form FHA 424-18, Partial Payment Estimate. A final form AD-627 will be submitted to FHA to include the final
PROPOSED RULES

§ 1823.14 Borrower accounting, financial reporting, auditing, and bank accounts.

(a) Requirements.—Each applicant shall provide and obtain FHA concurrence as to its accounting, financial reporting and auditing systems prior to loan closing or commencing with construction, whichever shall occur first.

(b) Requirements.—Each borrower shall keep and safely preserve its books of account and all other books, records, and memoranda which support the entries in such books-account so as to be able to furnish full information as to any items included in any account. Such supporting data shall be kept for at least 3 years. Each entry shall be supported by such detailed information as will permit ready identification, analysis, and verification of all facts relevant thereto.

(c) Accounting systems.—Borrowers shall maintain their accounting systems on an accrual basis and close their accounting records at the end of their fiscal year unless State statutes or regulations prescribed otherwise.

(d) Accounting systems.—Borrowers shall maintain their accounting systems on a cash basis and close their accounting records at the end of their fiscal year unless State statutes or regulations prescribed otherwise.

(e) Borrowers operating water and waste disposal systems may use the Uniform System of Accounts for Class D Water Utilities published by the National Association of Regulatory Utility Commissioners.

(f) Borrowers with small operations may use Form FHA 436-5, Soil and Water Association Record Book.

(g) Borrowers shall maintain a minimum Chart of Accounts for those applicants desiring it.

(h) Financial reports.—The following minimum required reports will provide the following information:

(1) Operations: providing utility-type services—$100,000.

(2) Public body borrower audit reports prepared in accordance with State statutes or regulations are acceptable provided they contain the financial information necessary and are prepared on a frequency sufficient to furnish borrowers with management assistance guidance and FHA the information for proper loan analysis.

(3) Borrowers other than public bodies and public bodies in those cases where the State has no audit requirements, are required to have their records audited at least biennially by an independent public accountant.

(4) Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants or by independent licensed public accountants licensed on or before December 31, 1970, who are certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

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PROPOSED RULES

COMMUNITY FACILITIES—PLANNING, Bidding, Contracting, Constructing § 1823.21 General.

These §§ 1823.21—1823.33 outline the policies for planning and developing essential community facilities.

§ 1823.22 Technical services.

Applicants are responsible for providing the engineering and architectural services necessary for planning, designing, bidding, contracting and constructing their facilities. Such service may be provided by the applicants’ “in house” engineer or architect or through contracts as authorized in §§ 1823.1—1823.15 of this part.

§ 1823.23 Design policies.

Facilities financed by FHA will be designed and constructed in accordance with sound engineering and architectural practices, and meet the requirements of State and local agencies having jurisdiction in such matters.

(a) Location of facilities in flood plain area. — Facilities will not be located in flood plains except for supply and treatment plants and equipment. When applicants will evaluate the proposal from the standpoint of special design and additional initial and maintenance costs, and provide FHA with the recommendations of appropriate agencies such as the U.S. Army Corps of Engineers, the Soil Conservation Service (SCS) or appropriate State officials.

(b) Water system. — (1) Capacity. — Have sufficient capacity to provide for reasonable growth and fire protection.

(2) Pressure. — Maximum pressure should not exceed 90 lb/in², minimum should not be less than 20 lb/in², calculated at maximum use flow.

(c) Plastic pipe. — If plastic pipe is used it must meet current product and American Society for Testing and Materials (ASTM) standards and be acceptable to the National Sanitation Foundation. Operating pressures not to exceed two-thirds rated working pressure. Wall thickness shall not be less than 0.090 inches. Friction loss computations not to exceed a C-factor of 150.

(d) System testing. — (1) Capacity. — Leakage shall not exceed 10 gallons per inch of pipe diameter per mile of pipe per 24 hours.

(5) Service through individual installations. — Community water systems may provide service through individual installations to individuals or small clusters of users within the central system service area but who are beyond the physical or economic limits of the central system, when it is more feasible to provide such service through individual or remote facilities. The determination shall be based on factors in which event applicants will provide such service through individual or remote facilities. The determination shall be based on factors in which event applicants are obligated to provide service through individual or remote facilities.

(d) Agreements between the community and individuals for the installation and payment for individual facilities and their operation will be subject to approval by FHA.

(ii) Applicants providing service through individual facilities will obtain such security as the FHA determines is necessary to assure collection of any sum the individual is obligated to repay the applicant, if taxes or assessments are not pledged as security.

(iii) Notes representing indebtedness obtained from an individual will be scheduled for repayment over a period not to exceed the useful life of the individual facility or the loan whichever is the shorter. The interest rate will be the same as the rate owed by the community on its FHA loan.

(iv) If the applicant cannot levy taxes or assessments against property being served through individual installations arrangements are to be made for:

(A) Easements for the installation and ingress to and egress from the installation.

(B) Satisfactory method for denying service in the event of nonpayment of user fees.

(c) Sanitary sewerage systems. — (1) Have sufficient capacity to provide for reasonable growth and fire protection.

(2) Collection and treatment facilities shall be designed and installed so as to meet the requirements of the State environmental protection (water pollution control) agency by a user for an individual facility will be scheduled for repayment over a period not to exceed the useful life of the individual facility or the loan whichever is the shorter. The interest rate will be the same as the rate owed by the community on its FHA loan.

(d) Combined sanitary and storm sewerage systems. — Combined systems will not be financed except that improvements to existing combined systems may be financed if it would be impractical to provide separate systems and the proposal is approved by the State environmental protection (water pollution control) agency.

(e) Solid waste disposal systems. — (1) Site selection, planning, landfill design, drainage control, roadways, utilities, and other identifiable problems such as those which may arise due to water resources, shall be addressed in the proposal.

§ 1823.24 Water purchase contracts.

Applicants proposing to purchase water from private or public sources shall have written contracts for such supply, and all such contracts will be reviewed and approved by FHA prior to execution by the applicant. Form FHA 442—30, Water Purchase Contract, may be used. Water purchase contracts will:

(a) Include a definite commitment by the supplier to furnish at a specified point the specified quantities of water and provide that in case of shortages, all of the supplier’s users will share the shortages proportionately. If it is impossible to obtain a firm commitment for a minimum supply of water at all times a contract may be executed and approved.

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If adequate evidence is provided to enable FHA to make a positive determination that the supplier has adequate support facilities to furnish its users and the applicant for the foreseeable future, and that a suitable alternative supply could be arranged within the repayment ability of the borrower if it should ever become necessary.

(b) Set out the ownership and maintenance responsibilities of the respective parties including the master meter if a water meter is installed at the point of delivery.

(c) Specify the initial rates and provide some kind of escalator clause which will permit rates for the association to be raised or lowered proportionally as certain specified rates for the supplier's regular customers are raised or lowered.

(d) Set out in detail the amount of water required or expected to be used and the charges therefor if it should ever become necessary.

(e) Provide some kind of escalator clause which will permit adjustments of rates when such adjustments are provided for in contracts with others. In either case the decisions of the appropriate State agency which may have regulatory authority.

(f) Provide for a pledge of the contract awards.

(g) Not contain provisions for:

(1) Construction of facilities which will be owned by the supplier.

(2) Options for the future sale or transfer of the facility.

(3) The borrower shall maintain code requirements for the material or service to be procured is available from only one person or firm. If it is impracticable and unfeasible to use of negotiation in lieu of advertising, or if the potential contractor is available only from any one person or firm, the highest, best, and most competent offer or proposal may be accepted.

(4) The borrower shall ensure that the contract is subject to FHA concurrence. The numbered items of § 1823.24 may be used as a guide to preparation of contracts for sewage treatment.

§ 1823.25 Contracts to treat sewage.

Applicants preparing to enter into a contract with private or public sources to treat raw sewage shall have written contracts for such service and all such contracts are subject to FHA concurrence. The numbered items of § 1823.24 may be used as a guide to preparation of contracts for sewage treatment.

§ 1823.26 Preliminary engineering and architectural reports.

Reports shall be prepared in accordance with minimum professional standards. FHA has guidelines for preliminary engineering reports, for water, sewer, solid waste, and storm sewer projects and for preliminary architectural reports.

§ 1823.27 Construction contract forms.

A guide contract which meets the requirement of this appendix may be obtained from the local FHA office.

§ 1823.28 Performing construction.

Borrowers may accomplish construction using their personnel and equipment, provided a licensed engineer or architect, as appropriate, inspects the construction and furnishes inspection reports as required by § 1823.32 or through contracts with others. In either case the requirements of § 1823.29 apply.

§ 1823.29 Procurement bidding, and contract awards.

(a) These standards do not relieve the borrower of the contractual responsibilities generally specified. The borrower is the responsible authority, without recourse to the FHA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a loan. This includes but is not limited to: Disputes, claims, protests of awards, source evaluation or other matters of a contractual nature. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(b) Borrowers may use their own procurement regulations which reflect applicable State and local laws, rules and regulations provided that procurements made with FHA loan funds adhere to the standards set forth as follows:

(1) The borrower shall maintain code or standards of conduct which shall govern the performance of its officers, employees, or agents in contracting with and expending loan funds. Borrower officers, employees, or agents, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by applicable State and local laws, rules and regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the borrower or any of its officers, employees, or agents, or by contractors or their agents.

(2) All procurement transactions regardless of whether negotiated or advertised and without regard to dollar value shall be conducted in a manner to ensure maximum open and free competition. The borrower shall be alert to organizational conflicts of interest or noncompetitive practices among contractors which might unduly restrict competition or otherwise restrain trade.

(3) The borrower shall establish procurement procedures which provide for, as a minimum, the following procedural requirements:

(i) Proposed procurement actions shall be reviewed by borrower officials to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical practical procurement.

(ii) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material or product to be procured. Such description shall not contain features which unduly restrict competition. "Brand name" or "name or equal" description may be used as a means to define the performance or other salient requirements of a procurement and, when so used, the specific features of the named brand which must be met by offerors shall be clearly specified.

(iii) Positive efforts shall be made by the borrower to utilize small business and minority-owned enterprises. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing loan funds. Applicants shall, when submitting written proposals as required in § 1823.29(e), provide FHA with a written statement or other evidence of the steps taken to comply with this requirement.

(iv) The "cost-plus-a-percentage-of-the-cost" method of contracting shall not be used.

(v) Formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to paragraph (b)(3)(vi) of this section is necessary to accomplish sound procurement. However, procurements of $2,500 and less may be advertised and evaluated without recourse to the FHA regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a loan. This includes but is not limited to: Disputes, claims, protests of awards, source evaluation or other matters of a contractual nature. Matters concerning violation of laws are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(vi) Procurements may be negotiated if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the borrower if:

(A) The public exigency will not permit the delay incident to advertising; or

(B) The material or service to be procured is available only from one person or firm; (All contemplated sole source procurements where the expenditure is expected to exceed $5,000 shall be referred to the FHA for prior approval.) or

(C) The aggregate amount involved does not exceed $2,500; or

(D) No acceptable bids have been received after formal advertising;

(vii) Contracts shall be made only with responsible contractors as necessary to obtain the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contract integrity, record of past performance, financial and technical resources, and accessibility to other necessary resources.

(viii) Procurement records or files for purchases in amounts in excess of $5,000 shall provide access to the procurement information: Justification for the use of negotiation in lieu of advertising,
provisions in all contracts:

(1) Contracts shall contain such contracts shall contain such conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and remedies as may be appropriate. A realistic liquidated damage provision also should be included.

(2) All contracts, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the contractor including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated part of the fault as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(3) In all contracts for construction or facility improvement awarded in excess of $100,000, the borrower shall require bonds assuring performance and payment in the amount of 100 percent of the contract cost. For contracts of lesser amount the borrower may require such bonds.

(4) All contracts in excess of $10,000 shall include provisions for compliance with Executive Order No. 11246, entitled "Equal Employment Opportunity" (7 CFR, pt. 1860b). In addition and without reference to the number of employees, each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of race, color, religion, creed, national origin, sex, or age and which specifies goals and target dates to assure the implementation of this plan. The borrower shall establish procedures to assure compliance with this requirement by contractors and to assure that suspected or reported violations are promptly investigated.

(5) All contracts for construction shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (15 U.S.C. 874) as supplemented in Department of Labor Regulations (29 CFR, pt. 3). This act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the interest in the work under the general supervision of the contractor which are directly pertinent to a contractor or manufacturer for furnishing, producing, or controlling wholly, or in part by a member of the governing body of the applicant or to an individual who is such a member. Arrangements which split responsibility of contractors (separate contracts for labor and material, extensive subcontracting, and multiplicity of small contracts on the same job) should be avoided whenever it is a practical to so do. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and which have been specified in the contract for the semifinished state such as prefabricated buildings and lift stations. Contracts may also be awarded for materials delivered to the job site and installed by a patented process or method.

(c) The applicant's attorney will review the executed contract documents including performance and payment bonds and provide FHA with his certification that they have been properly executed and that the persons executing these documents have been properly authorized to do so. The contract documents, including bid bonds and bid tabulations shall be forwarded to FHA for approval. All contracts will contain a provision that they are not in full force and effect until they have been approved by FHA. The FHA State Director is responsible for approval of all construction contracts utilizing the legal advice and guidance of the Office of General Counsel (OGC) where necessary. If the construction contract utilized the format of a guide form which has been approved by FHA, it will not be necessary to submit individual contract documents to the OGC for prior approval.

§ 1823.30 Preconstruction conference.
Prior to beginning construction, FHA will review the planned development with the applicant, its engineer, attorney, the contractor, and other interested parties. The conference will thoroughly cover items included in Form FHA 424-16, Record of Preconstruction Conference, and the discussions and agreements will be documented on that form.

§ 1823.31 Applicant/borrower monitor reports.

Each applicant or borrower will be required to report to FHA on actual performance during the construction for each project financed or to be financed, in whole or in part with FHA funds to include:

(1) Reasons established goals were not met.
(2) Analysis and explanation of cost overruns or high unit costs and how payments are to be made for future costs.
(3) If events occur between reports which have a significant impact upon the project, the applicant/borrower will notify FHA as soon as any of the following conditions are known:
   (a) A comparison of actual accomplishments to the construction schedule established for the period, Form AD-639, Outlay Report and Request for Construction Funds, and Form AD-256, Partial Payment Estimate, will be used for this purpose.
   (b) A narrative statement will be attached to Form AD-639 giving full explanation of the conditions.

§ 1823.32 Resident inspection.

Unless prior FHA approval is given, full-time resident inspection is required for all construction projects. This inspection may be provided by the consulting engineer or the applicant may engage a qualified inspector who will work under the general supervision of the engineer. Daily inspection report forms and partial payment estimate forms are available on request from FHA.

(a) Inspection shall be daily. The inspector will maintain a daily diary in accordance with the following:
   (1) The diary shall be maintained in a hard-bound book.
   (2) The diary book shall have all pages numbered and all entries in ink.
   (3) All entries shall be entered on a daily basis beginning with the date and weather conditions.
Changes in development plans may be approved by FHA when requested by the borrower. Provided funds are available to cover any additional costs, the change is for an authorized loan purpose, and it will not adversely affect the soundness of facility operation or FHA's security. Changes will be recorded on Form FHA 424-7. Contract Change Order. FHA county supervisors are authorized to approve change orders provided it is not necessary in the interest of design or construction. Otherwise, change orders must be approved by the FHA State Director or his designated representative.

Information Pertaining to Preparation of Notes on Facility and Bond Transcript Documents for Public Body Applicants
Sec. 1823.41 Policies.
1823.42 Bond transcript documents.
1823.43 Interim financing from commercial sources during construction period for loans of $50,000 or more.
1823.44 Permanent instruments for FHA loans to repay interim commercial financing.
1823.45 Multiple advances of FHA funds using permanent instruments.
1823.46 Multiple advances of FHA funds using temporary debt instruments.
1823.47 Minimum bond specifications.
1823.48 Bonding by FHA.

Information Pertaining to Preparation of Notes on Bonds and Bond Transcript Documents for Public Body Applicants
§ 1823.41 Policies.
(a) These §§ 1823.41—1823.48 outline the policies of the Farmers Home Administration (FHA) with respect to preparation and issuance of evidences of debt (hereinafter sometimes referred to as "bonds" or "debt instruments") by applicants whose obligations bear interest that is not subject to Federal income tax.
(b) Preparation of the bonds and the bond transcript documents will be the responsibility of the applicant. In all cases tax-exempt public body applicants will obtain the services and opinion of recognized bond counsel with respect to the validity of a bond issue. The applicant normally will be represented by a local attorney who will obtain the assistance of a recognized bond counsel firm which has had experience in municipal financing and has previously issued opinions that have been accepted by municipal investors such as investment dealers, banks, and insurance companies. For issues of $250,000 or less, bond counsel may be used for the issuance of a final opinion only and not the preparation of the other documents of the bond transcript. For issues of $250,000 or less, bond counsel may be used for the issuance of a final opinion only and not the preparation of the other documents of the bond transcript documents. Under such circumstances the applicant will be responsible for the preparation of the bond transcript documents.
(c) All bonds will be prepared in accordance with these §§ 1823.41—1823.48 and will conform as nearly as possible to accepted methods of preparation of similar bonds in the area.
(d) Many matters necessary to comply with FHA requirements as to land use, rights, restrictions, and organizational documents will be handled by the applicant's local attorney. Specific closing instructions in addition to any requirements contained in the bond order issued by the Office of the General Counsel of the U.S. Department of Agriculture (OGC) for the guidance of FHA.
§ 1823.42 Bond transcript documents.
Any questions with respect to FHA requirements should be discussed with local FHA representatives. Bond counsel is required to furnish at least two complete sets of the following to the applicant, which will furnish one complete set to FHA:
(a) Copies of all organizational documents.
(b) Copies of general incumbrance certificate.
(c) Certified copies of minutes or excerpts therefrom of all meetings of the applicant’s governing body at which action was taken in connection with the authorization and issuance of the bonds.
(d) Certified copies of documents evidencing that the applicant has complied with all statutory requirements incident to the calling and holding of a favorable bond election, if such an election is necessary in connection with bond issuance.
(e) Certified copies of the resolutions or ordinances or other documents acted upon at such meetings, such as the bond authorization resolution or ordinance and any resolution establishing rates and regulating the use of the improvement, if such documents are not included in the minutes furnished.
(f) Copies of official notice of sale and affidavit of publication of notice of sale where required by State statute.
(g) Specimen bond, with any attached coupons.
(h) Attorney's no-litigation certificate.
(i) Certified original resolutions or other documents pertaining to the bond award.
(j) Any additional or supporting documents required by bond counsel.

BONDS
§ 1823.43 Interim financing from commercial sources during construction period for loans of $50,000 or more.
In all cases where it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources, such interim financing will be obtained so as to preclude the necessity for multiple advances of FHA funds.
§ 1823.44 Permanent instruments for FHA loans to repay interim commercial financing.
Such loans will be evidenced by one of the types of instruments in the order of preference shown in § 1823.45.
§ 1823.45 Multiple advances of FHA funds using permanent instruments.
Where interim financing from commercial sources is not available, FHA loan proceeds will be disbursed on an "as needed by borrower" basis in amounts not to exceed amount needed during 30-day periods. FHA loans will be evidenced by the following types of instruments chosen in accordance with the following order of preference:
(a) First preference; Form FHA 440-22. If legally permissible, use form FHA 440-22. Promissory note (association or corporation). For insured loans, note will be issued in amounts not to exceed $500,000 or the amount estimated necessary for an 8-month construction period, whichever is smaller. For example, when it appears that construction will require from 8 to 16 months, three notes will be used. If it appears that construction will require more than 16 months, three notes will be used. The first note will be for the amount estimated to be needed during the first 8 months. The second note will be for the balance of the loan if it is estimated that construction will be completed in 16 months, or for the amount estimated to be needed during the second 8 months if it appears that construction will require more than 16 months. In any event no note may exceed $500,000. This may require more than three notes, resulting in more than one note during any of the three 8-month periods.

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payments shall be applied only on the
purchasing the first two preferences, with provision for entering the date and
amount of each advance on the reverse of
or on an attachment to the instrument. Form FHA 440-22 shall be fol-
lowed in the event possible.
(1) In case the construction period ex-
ceeds 8 months, the requirements for
more than one instrument but not ex-
ceeding the final amount of $500,000
as detailed in “First Preference” apply.
(2) Where interest-only payments are
scheduled for the first installment due
dates, no attempt should be made to
compute in dollar terms the amount of
interest due on such dates. Rather the
instrument should provide that interest
only is due on these dates. Thereafter,
regular annual amortized installments of
interest only are due on each installment date.
(c) Third preference, single instru-
tment with installations of principal plus
interest.—If a single amortized install-
ment bond is not legally permissible,
use a single instrument providing for
specified installments of principal plus
accrued interest. The annual principal
should be in an amount best adapted to
meeting principal retirement and in-
terest payments which closely approxi-
mate equal annual installments of
combined interest and principal as re-
quired by the first two preferences.
(1) The repayment terms described in
the last paragraph of the “Second Pref-
ereence” apply. In case the construction
period exceeds 8 months, the require-
ments for more than one instrument but
not exceeding a principal amount of
$500,000 as detailed in “First Preference”
apply.
(2) The instruments shall contain in
substance the following provisions:
(i) A statement of principal maturities
and due dates.
(ii) Annual payments made on indebted-
ness evidenced by this instrument, re-
gardless of when made, shall be applied
first to interest computed to the annual
installation due date and next to prin-
cipal. Other payments, regardless of the
source of funds from which such pay-
ments may be made, shall, after payment
of interest to the installment due date
if the annual payment is insufficient to
pay all such interest, be applied to the
principal last to become due under the
instrument and shall not affect the obli-
gation of the borrower to pay the regard-
ing installments as scheduled. Such
payments shall be applied only on the
installation due dates.
(d) Fourth preference.—If instru-
ments described under the first, second,
and third preferences are not legally
permissible, use serial bonds with a bond
or bonds delivered in the amount of each
advance. Bonds will be delivered in the
order of their numbers. Such bonds
conform with the minimum requirements of § 1823.47. Rules for application of

§ 1823.46 Multiple advances of FHA
funds using temporary debt instru-
ment.
When none of the instruments de-
scribed in § 1823.45 are legally permis-
sible for multiple advances, each advance
will be evidenced by an instrument
approved by the State director, regional
attorney, and bond counsel as being feas-
ible, issued as an FHA State form. The
approved form or instrument will show at
least the following:
(a) The date from which each advance
will bear interest.
(b) The interest rate.
(c) A payment schedule providing for
interest on outstanding principal to be
paid on January 1 of each year (or other
payment date(s) if required by State
law).
(d) A maturity date which shall be no
earlier than the anticipated issuance
date of the permanent instrument(s).
§ 1823.47 Minimum bond specifications.
The provisions of this § 1823.47 are
minimum specifications only and must
be followed to the extent legally per-
missible.
(a) Type and denominations.—Bond
resolutions or ordinances will provide
that the instrument(s) be, either serial
bonds or other form of a maturity over
$10,000 (ordinarily in multiples of
$1,000) or bond(s) not to exceed $500,000
each. Single bonds may provide for either
repayment of principal plus interest or
amortized installments; amortized in-
stallments are preferable from the stand-
point of FHA. Coupon bonds will not be
used unless required by statute.
(b) Bond registration.—Bonds
purchased by FHA will be regis-
tered in the name of “United States of
America, Farmers Home Administra-
tion, FHA.” Such bond(s) will be regis-
tered at all times while the bonds are held
or insured by the United States. The
addres of FHA for registration purposes
shall be that of the local FHA county
office to which the borrower is to forward
its payments.
(c) Size and quality.—Size of bonds
and coupons should conform to stand-
ard practice. Paper must be of sufficient
quality to prevent deterioration through
ordinary handling over the life of the
loan.
(d) Date of bonds.—Bonds will be
dated as of the day of delivery and
payment.
(e) Payment date.—Payments on
bonds purchased will be scheduled for
January 1 unless an annual date other
than January 1 is certified by bond coun-
sel as being necessary or upon prior writ-
ten authorization by FHA. Principal pay-
ments will be scheduled annually begin-
ing with the first annual installment date
after loan closing or the first annual
installment date after any approved de-
ferment period. Interest payments will be
scheduled annually beginning with the
first annual installation date after loan
closing. Semiannual interest payments,
if required, will be scheduled for Janu-
ary 1 and July 1. Further dates are certified by bond counsel as being neces-
sary for specified reasons.
(f) Maturity schedule.—The annual
principal retirement should be the one
best adapted to making bond retiremenl
and interest payments which (with the
addition of any other scheduled debt pay-
ments of the borrower) closely approxi-
mate equal annual installments of com-
bined interest and principal over the term
for which the FHA loan is approved.
(g) Place of payment.—Payments on
bonds purchased by FHA should be made
by the borrower at the local FHA county
office without the assistance of a pay-
ing agent.
(h) Redemptions.—Bonds should con-
tain customary redemption provisions;
subject, however, to unlimited right of
redemption within the construc-
tion period. Bonds held by FHA except to the extent limited by the provisions under the
“Third Preference” and “Fourth Pref-
erence” in § 1823.45.
Additional revenue bonds.—Parity
bonds may be issued to complete the
project. Otherwise, parity bonds may not be
issued unless the net revenues (that is,
unless otherwise defined by the State
statutes, gross revenues less essential op-
eration and maintenance expense) for
the fiscal year preceding the year in
which such parity bonds are to be issued,
were 120 percent of the average annual
debt service requirements on all bonds,
then outstanding and those to be issued;
provided, that this limitation may be
waived or modified by the written consent
of bondholders representing 75 percent
of the then outstanding principal in-
debtiedness. Junior and subordinate
bonds may be issued without restriction.
(i) Precautions.—The following types
of provisions in debt instruments should
be avoided:
(1) Provisions for the holder to man-
ually post each payment to the instru-
ment.
(2) Provisions for returning the per-
manent or temporary debt instrument to
the borrower after any payment on the
instruments, FHA may post the date and amount of each advance or repayment on the
instrument.
§ 1823.48 Bidding by FHA.
Where a public bond sale is required by State statutes, FHA will not normally
submit a bid at the advertised sale unless
State statutes require a bid to be submit-
ted. Preferably, FHA will negotiate the
purchase with the applicant subsequent
to the advertised sale if no acceptable
bid is received. In those cases where FHA
is required to bid, the bid will be made at
the applicable FHA interest rate.
FRANK E. ELLIOTT,
Acting Administrator,
Farmers Home Administration.
[FR Doc.72-12360 Filed 6-15-73; 5:30 pm]
§ 1823.451 Eligibility.

Applicants eligible for grants are public bodies located in rural areas such as States, counties, townships, and incorporated towns and villages, boroughs, authorities and districts. Applications shall be processed by FHA only after having been approved by the State Governor or State official designated by him and in accordance with any applicable cooperative arrangements developed by the State and FHA. Barriers to technical and financial limitations shall be approved by FHA in the order of priority determined by the Governor.

§ 1823.452 Use of grant funds.

Grant funds may be used to finance industrial sites in rural areas including the acquisition and development of land and the construction or rehabilitation of industrial plants, equipment, buildings, water supply and waste disposal facilities, refinancing, and fees. Such sites must be used to facilitate development of private business enterprises. FHA grant funds may be used jointly with funds furnished by the grantee including FHA loan funds. As used herein rural areas means areas which may include all territory of a State, the Commonwealth of Puerto Rico or the Virgin Islands, that is not within the outer boundary of any city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 109 persons per-square-mile, as determined by the Secretary of Agriculture according to the most recent decennial census of the United States. Priority for such grants shall be given by the State Governor or his delegate to areas other than cities having a population of more than 25,000.

§ 1823.453 Grant limitations.

Grant funds will not be used:

(a) To provide for office or clerical assistance, administrative, transportation or publication costs and expenses.

(b) To finance comprehensive-type planning.

(c) For any proposal that is calculated to or likely to result in the transfer of any employment or business activity from one area to another. This limitation shall not prohibit assistance for the expansion of an existing business entity through the establishment of a new branch, affiliate, or subsidiary of such entity if the expansion will not result in an increase in the unemployment in the area of original location, or in any other area where such entity conducts business operations, unless there is reason to believe that such expansion is being established with the intention of closing down the operations of the existing business entity in the area of its original location, or in any other area where it conducts such operations.

(d) For any proposal which is calculated to or likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities, to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

§ 1823.454 Secretary of Labor determination.

Grants shall not be made if the Secretary of Labor makes a determination that the provisions of § 1823.453 (c) and (d) have not been complied with.

§ 1823.455 Civil rights compliance requirements.

All grants made under this subpart O are subject to Title VI of the Civil Rights Act of 1964.

§ 1823.456 Standards for grantee financial management systems.

Grantee financial management systems shall provide for:

(a) Records which identify adequately the source and application of funds for purposes (section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-357)).

(b) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorizing purposes.

(c) Accounting records which are supported by source documentation.

§ 1823.457 Retention and custodial requirements for records.

Grantees shall retain their financial records, supporting documents, statistical records, and any records pertinent to the grant for a period of at least 3 years after grant closing except that the records shall be retained beyond the 3-year period if audit findings have not been resolved, if the grantee is or may be subject to an audit, examination, or inspection, if the grantee is or may be subject to an audit, examination, or inspection, or if the grantee is or may be subject to an audit, examination, or inspection.

§ 1823.458 Interest earned on grant deposits.

States and agencies or instrumentalities of States shall not be held accountable for interest earned on grant funds pending their disbursement for program purposes (section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-357)). Units of local government shall be held accountable for interest earned on grant funds pending.
their disbursement for program purposes, and shall be required to return to FHA interest earned on advances of grant funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

§ 1825.63 Requirements for disbursement of FHA funds.

The need for an environmental impact statement will be determined by FHA in accordance with part 1824 of this chapter. If one is necessary, applicants will furnish any information required by FHA.

§ 1825.64 Audit reports.

Audit reports shall be prepared preferably by the State independent public accountant is an in­

dependent public accountant is an in­

dependent public accountant or an independent certified public accountant or an independent certified public accountant or an independent licensed public accountant, licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

§ 1825.65 Financial closeout.

Closing is the process by which FHA will furnish any information required in accordance with §§ 1823.21 through 1823.33.

§ 1825.66 Report of completed project.

This form is completed in accordance with the instruction on reverse of the form. This form is available in all FHA offices, with the appropriate substate district or such other agencies or places as designated by the State Governor. They will also file written notice of intent with the appropriate A-95 clearinghouse, which ordinarily will be the state substate district or such other agencies or places as designated by the State Governor.

§ 1825.67 Report of completed project to commercial lenders.

Grantees shall provide FHA through the use of forms AD 627, Report of Cash Transaction, and AD 629, Outlay Report and Request for Reimbursement for Construction Projects, a complete factual report regarding financial transactions pertaining to the project to be financed with grant funds.

(b) Final cost is determined, and there should remain a cash balance after paying the allowable items as shown on forms AD 627 and AD 629, the grantee shall immediately refund such balance to FHA. In the event the required audit has not been performed prior to grant closing, FHA retains the right to recover an appropriate amount after considering the recommendations on disallowed costs resulting from the audit.

(c) Grant funds will be delivered by Treasury check.


J. R. HANSON,
For the Acting Administrator,
Farmers Home Administration.

Authority.—Sec. 339, 75 Stat. 318, 7 U.S.C. seq., particularly section 31 OB which is incorporated by this part and related forms.

PART 1825—BUSINESS AND INDUSTRIAL LOANS

§1825.50 General introductory information.

This part 1825 and forms referred to herein contain the regulations of the Farmers Home Administration (FHA) applicable to lenders, borrowers, and other parties involved in making, guaranteeing, insuring, servicing, and liquidating Business and Industrial (B&I) loans. Applications shall be processed by FHA only after having been approved by the State Governor or State official designated by him and in accordance with any applicable cooperative arrangements developed by the State and FHA. Barring any technical difficulties, the applications shall be approved according to the order of priority determined by the Governor. Copies of this part and related forms may be obtained from FHA. For further information concerning FHA insurance, see §1825.160. (a) The loan and guarantee transactions impose responsibilities on all parties concerned, but they also confer significant benefits on such parties and their communities. (1) Borrowers become obligated to repay their loans and to perform other duties specified in their promissory notes, security instruments, and related documents. (2) Approved original lenders become accountable for making and servicing (and approved subsequent holders for servicing) loans in a manner that will properly protect the borrowers and the FHA as guarantor, as well as the interests of the approved lenders or holders.

(f) FHA is responsible for ensuring that its loan guarantee authority is used to achieve the purpose of the law as implemented by this part and related forms. (b) Any applicant that is eligible for an FHA guaranteed loan, but cannot find an approved lender who is willing to make the loan with an FHA guarantee, may apply for an FHA insured loan. §1825.51 Full faith and credit of the United States of America.

Form FHA 449-17, Contract of Guarantee, executed on such loans shall, subject to and in accordance with the contract provisions, constitute obligations related to the loan transactions.

(f) Delegated authority.—Authority delegated by the Secretary of Agriculture to the Farmers Home Administration (7 CFR 1800.111). (1) Development cost.—These costs include, but may not be limited to, those for acquisition, construction, repair, or enlargement of the proposed facility; purchase of buildings, machinery, equipment, land, easements, rights-of-way; payment of appraisal, engineering, and legal fees, and administrative costs; payment for start-up interest during the period before the first principal payment becomes due, including interest on interim financing. (g) FHA.—The United States of America acting through the Farmers Home Administration, an agency of the U.S. Department of Agriculture. (h) Finance office.—The office which maintains the FHA financial records. It is located at 1820 Market Street, St. Louis, MO 63103. (Phone 314-622-4400.) (1) Guaranteed loan.—A loan originated by an approved lender and held and served by a registered holder under an FHA stated percentage loss contract of guarantee. References to "FHA guarantees," "loan guarantees," and similar terminology apply to such guaranteed loans. This term also includes the related security instruments. The term "note" also includes "assumption agreement," where appropriate. (i) Holder.—See lender. (j) Insured loan.—A loan made and serviced by FHA with funds from the Rural Development Insurance Fund. (k) Joint financing.—Occurs when two or more public or private lenders (or any combination thereof) make separate loans to supply the funds required by one applicant. FHA may guarantee such loans, except loans made, insured, or guaranteed by other Federal or State agencies.

(a) Lender, holder, or registered holder.—These terms are used interchangeably to refer to any lender or holder approved by FHA to make or service loans to be guaranteed by FHA or to subsequently acquire and service loans guaranteed by FHA. The approved original lender or approved subsequent holder will become the registered holder of a particular loan when the loan has been made or acquired and the finance office receives from FHA: (1) For the original lender—a certified copy of the contract of guarantee; (2) for an approved subsequent holder—the notice of sale executed by the seller-holders on Form/FHA 471-7, Notice and Acknowledgment of Sale.
(q) Registered holder.—See lender. 
(r) Rural area.—May include all territory of a State, the Commonwealth of Puerto Rico, or the Virgin Islands, that is not included in any boundary city having a population of 50,000 or more and its immediately adjacent urbanized and urbanizing areas with a population density of more than 100 persons per mi², as determined by the Secretary of Agriculture according to the latest decennial census of the United States; Provided, That priority for such guaranteed loans shall be given to areas other than cities having a population of more than 25,000.

(s) SBA.—Small Business Administration. 
(t) State.—The 50 States, Puerto Rico, and the Virgin Islands.

(u) Working capital.—The excess of current assets over current liabilities. It identifies the relatively liquid portion of total enterprise capital which constitutes a margin or buffer for meeting obligations within the ordinary operating cycle of business.

§§ 1825.53-1825.59 [Reserved]

§ 1825.60 Eligibility and loan purposes. 
(a) FHA may guarantee B & I loans made by lenders to eligible applicants in rural areas. The lender processes the loan application and presides over the loan closing. The borrower is required to have the loan until final settlement. Loan collection and liquidation are two of the servicing functions. 
(b) FHA may guarantee up to 90 percent of the cost of new money loans. 
(c) FHA will not guarantee a loan if it determines that the needed financing is available from other sources without the guarantee. Loans that would be made by the lender under its normal loan policies (without a contract of guarantee) will not be guaranteed. Loans will not be made, insured or participated in by FHA if they can be guaranteed. Loans made, guaranteed, or insured by any other Federal or State agency will not be guaranteed. Ordinarily, loans will not be guaranteed to refinance debts owed to the lender itself. The lender may, on terms the borrower can reasonably be expected to meet, therefore, a lender should consult FHA before an application for loan guarantee is prepared if the lender desires to use a guaranteed loan to refinance debts owed to it, or to have a previously existing loan guaranteed.

§ 1825.61 [Reserved]

§ 1825.62 Lender or holder. 
(a) Eligible lender or holder.—A lender or holder may be any Federal or State chartered bank, savings and loan association, cooperative or private lending agency, or other lender or holder approved by FHA to make and service or to subsequently acquire and service FHA guaranteed loans. 
(b) Request by lender or holder.—Any party desiring to become an approved lender or holder to make and service or subsequently acquire and service guaranteed loans will request ap-

§§ 1825.63 Loan purposes. 
(a) Loans may be guaranteed by FHA if they are made by approved lenders to eligible applicants for purposes of improving, developing, or financing business, and will appear to be necessary and will not be approved if FHA determines that such lender or holder will be able to properly handle the loan making, closing, and servicing functions. 

§§ 1825.65 Project selection—priorities. 

The State Governor or his delegate will select the projects to be funded.
and will establish the order of priority in which they will be funded. FHA will cooperate with the Governor and his delegate, and with all Federal, state, substate, regional, and local planning and development agencies and officials involved in project selection and implementation.

§ 1825.66 Guarantee limits.

FHA's liability under each Contract of Guarantee will be the lesser of 90 percent of the loss on the borrower's obligations covered in the Contract of Guarantee, or 90 percent of the principal amount advanced to the borrower under the guaranteed loan promissory note.

§ 1825.67 Points, discounts, charges.

Loans will not be guaranteed if the borrower is required to pay any points, finder's fee, loan origination fee, loan discount fee, advance interest, unearned interest, compound interest, interest above the rate prescribed by FHA, and any other charges except as specifically provided for in § 1825.68 under compensation for loan services. Any late payment charges must be agreed to by the borrower and collected from the borrower, cannot be deducted from regular installment payments, and are not considered by FHA when determining whether an environment of availability of credit from the lender is interested in making a guaranteed loan and believes that the applicant may qualify for such a loan, the lender will request the applicant to prepare and submit Form FHA 449-1 and such comments to FHA. FHA will use it as part of its environmental assessment in determining whether an environmental impact statement is needed. If a statement is required, the applicant will furnish any information needed to the lender.

§ 1825.74 Department of Labor determinations.

A Conditional Commitment for Loan Guarantee will not be issued if the Secretary of Labor determines that the project is likely to result in the transfer of employment or business activity of the applicant from one area of the country to another or that, because of lack of sufficient experience, the project would have an adverse effect on existing competitive enterprises.

(7 U.S.C. 1932(d) )

§ 1825.75 Flood hazards.

If the project is located in a flood plain, a Conditional Commitment for Loan Guarantee will not be issued without the prior approval of FHA.

(a) The applicant and lender will evaluate flood hazards in connection with the project facilities. In order to minimize the exposure of such facilities to potential flood damage and the need for future Federal expenditures for flood control and flood disaster relief, the project will, as far as possible, preclude the uneconomic, hazardous, or unnecessary use of flood plains for such projects. Their evaluation report will be made to FHA. Upon receipt of the report, if FHA needs additional flood hazard information, a request may be submitted to the District Office of the Corps of Engineers, or to the Tennessee Valley Authority if the project is located in the basin of the Tennessee River. If failure to provide such information is determined to be unlikely, FHA will proceed to issue a guarantee letter and make a preliminary determination as to:

(1) Whether the loan would be within a rural area and for an eligible purpose, and

(2) Whether a sufficient guarantee allocation is available.

(1) Preapplication conference. If sufficient guarantee allocation is available and it appears that the loan purposes are eligible and may be guaranteed, FHA will so inform the lender and agree to arrange a preapplication conference with the project applicant, the lender, and other appropriate parties.

(1) If it appears at the conference that the applicant is eligible as to area location, credit, type of project, loan purpose,
Section 1825.81 Lender evaluation.

When the material required by §1825.82 (1) (1) is submitted to the lender, it will conduct the necessary investigations to determine the soundness of the proposed loan. If the lender believes that the proposed loan would be sound and is still interested in making it, a FHA Contract of Guarantee can be obtained, the lender will request a Contract of Guarantee. The basic purpose of this request is to obtain the issuance of a Conditional Commitment for Guarantee.

Section 1825.82 Request for Contract of Guarantee.

This request will be made by an approved lender on Form FHA 449-1. Among other things, the request will advise FHA that the lender considers the proposed loan to be sound, believes that all FHA requirements will be met, will not make the loan without an FHA guarantee, and does not believe the needed financing is available from other sources at reasonable rates and terms without an FHA guarantee. Along with the request the lender will submit to FHA:

(a) Statement from the State Governor or his delegate showing that the project has been selected for funding during a stated fiscal year, and indicating on the schedule of priorities for funding during that fiscal year.

(b) Form FHA 449-1 with attachments, and Forms FHA 449-2, FHA 449-3, FHA 449-4, and FHA 449-10 as required by the Department of Labor, and if the project requires 100% of the HUD equity participation, a Statement of Personal History, FHA 449-10 (and FHA 449-1 if construction cost more than $10,000 is involved), the engineering plan and drawings, appraisal reports, and any other material developed concerning the loan up to that date. Detailed preliminary plans and specifications required by item 7(e) of PEP 4 are required. FHA 449-1 must evidence approval by any State industrial commission and/or other agency having jurisdiction over commercial or industrial construction within the State.

(c) An economic and technical feasibility project study acceptable to FHA covering engineering aspects (especially for new or innovative machinery and equipment, processes, and procedures); sources, adequacy and sources of raw materials and supplies; adequacy of buildings, land development, and transportation; market study; and statements from public utility officials that there is reasonable assurance that the project will be adequately supplied with power, water, and waste disposal services.

(d) Credit analysis, report, conclusion, and recommendations.

(e) Statement from lender and applicant that a sufficient amount of money necessary for success of the enterprise will be available at the beginning of operations.

(f) Statement from SBA as to what it finance the applicant as to whether all or any part of the project is or will be located in flood plain.

(g) Evidence that closinghouse requirements have been met.

(h) Any additional information needed to enable FHA to pass on the request for issuance of a Conditional Commitment for Guarantee.

Section 1825.83 FHA evaluation.

FHA will evaluate the lender's credit findings and conclusions. The evaluation will include:

(a) An analysis of the documentation submitted in accordance with §1825.82 to acquire a working knowledge of the proposal, and to identify questionable features requiring clarification.

(b) A visit to the applicant's project location and possibly to the applicant's place of business, if it is at a different location, for onsite evaluation and consultation.

(c) A determination as to whether the amount of the loan, together with other available resources, appears adequate to accomplish the loan purpose.

(d) A determination as to whether there is reasonable assurance that the loan can be repaid.

Section 1825.84 Conditional guarantee commitment.

If FHA decides to guarantee the loan subject to the conditions set forth in Form FHA 449-14, Conditional Commitment for Guarantee, that form will be executed and forwarded to the lender. FHA will furnish to lender the FHA approved forms of promissory note and security instruments. If FHA determines it is unable to guarantee the loan, the lender will be informed.

Section 1825.85 Equal opportunity and non-discrimination.

One of the conditions for approval of a loan or a subsequent holder is that it shall agree not to discriminate between applicants in making or securing of guaranteed loans because of race, color, religion, sex, age, or national origin. This agreement is contained in Form FHA 449-18, Lenders or Holders Request for Approval. The following equal opportunity and nondiscrimination forms and requirements are applicable to certain causes involving construction as indicated.

(For more detailed information see 7 CFR, part 15, and 41 CFR, part 60.)
In each of his personnel offices within 120 days of the commencement of the contract, the contractor shall submit to the FHA a completed Form AD-425 providing guidelines for the contractor or subcontractor in developing such a program.

The lender will be responsible for seeing that compliance reviews are made during construction inspections to determine whether the required posters are displayed, the facilities are not segregated, and there is no evidence of discrimination in hiring or employment. Findings will be shown on Form FHA 424-12, Inspection Report, which will be signed by the lender. If there is any evidence of noncompliance, the lender will try to achieve voluntary compliance. If the lender fails, he will report all the facts to FHA.

Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FHA.

A written complaint of alleged discrimination must be signed by the complainant and should include the following information:

(i) The name and address (including telephone number, if any) of the complainant;

(ii) The name and address of the person committing the alleged discrimination;

(iii) A description of the acts considered to be discriminatory;

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

Such complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by FHA for good cause shown.

If the loan is guaranteed by FHA, the applicant may pay from funds included in the loan for that purpose, the reasonable costs of services rendered by accountants, appraisers, architects, attorneys, engineers, and other parties for services in connection with preparation of the loan application, making the loan, developing the project, and verification of proper project completion. However, the applicant may not pay from loan funds or include in its equity contributions unless the costs are satisfactorily limited, modified, waived, or subordinated.

Among other things in obtaining the required security, the lender is responsible for ascertaining that appropriate releases from laborers, materialmen, contractors, subcontractors, suppliers of machinery and equipment and other parties involved, are obtained to assure that there will be no lien or other claims by any such parties against the borrower or the FHA guarantee.

A mortgage loan guaranteed by FHA must be secured by real estate mortgages (including deeds of trust and deeds of trust and security agreements (including chattel mortgages in Louisiana and Puerto Rico) are required.

Mortgages and security agreements—FHA forms of real estate mortgages (including deeds of trust and deeds of trust and security agreements (including chattel mortgages in Louisiana and Puerto Rico) are required.

(a) Mortgages and security agreements—FHA forms of real estate mortgages (including deeds of trust and deeds of trust and security agreements (including chattel mortgages in Louisiana and Puerto Rico) are required.

(b) Financing statements—Commercial financing statement forms that comply with State laws and regulations may be used. They must be adapted to meet FHA requirements by inserting provisions.

(i) Covering the "proceeds and products" of the collateral described, and

(ii) Providing that "disposition of the collateral is not authorized" by the financing statement.

The lender is responsible for seeing that there are no change orders during the construction that will change the nature of the project or increase the cost thereof, unless FHA agrees in writing to such change orders.

The FHA Contract of Guarantee will not be executed until:

(a) The lender and borrower advise FHA that:

1. All construction and development work is complete;

2. Construction cost did not exceed the amount approved by FHA;

3. Construction is in accord with plans and specifications;

4. The loan funds have been spent for authorized purposes;

5. The borrower has clear title to the security property subject only to the instruments securing the loan to be guaranteed, and any other exceptions approved by FHA;

6. Collateral held by the lender is adequate security for the loan to be guaranteed, and the security instruments are all properly filed or recorded, as applicable and legally permissible;

7. Proper hazard (including public liability, property damage, and any other needed insurance) is in effect;

8. Truth in lending requirements have been met; and

9. All equal opportunity and nondiscrimination requirements have been met.

The fact that all construction and development work has been completed in accordance with plans and specifications is verified by FHA. This verification will be made by:

1. An FHA architect or engineer or both, as appropriate, if such specialists are qualified and available to make the verification in the particular case.

2. A licensed architect or registered engineer or both, as appropriate, if FHA advises the lender and borrower that its staff specialists are not qualified or are not available to make the verification. The licensed architect or registered engineer, or both, will be individuals who are not associated in any capacity with those who assisted in the construction.

The fees of such architects and engineers will be paid by the borrowers. The amount of such fees may be included in the loan.

The lender is responsible for seeing that there are no change orders during the construction that will change the nature of the project or increase the cost thereof, unless FHA agrees in writing to such change orders.

The FHA Contract of Guarantee will not be executed until:

(a) The lender and borrower advise FHA that:

1. All construction and development work is complete;

2. Construction cost did not exceed the amount approved by FHA;

3. Construction is in accord with plans and specifications;

4. The loan funds have been spent for authorized purposes;

5. The borrower has clear title to the security property subject only to the instruments securing the loan to be guaranteed, and any other exceptions approved by FHA;

6. Collateral held by the lender is adequate security for the loan to be guaranteed, and the security instruments are all properly filed or recorded, as applicable and legally permissible;

7. Proper hazard (including public liability, property damage, and any other needed insurance) is in effect;

8. Truth in lending requirements have been met; and

9. All equal opportunity and nondiscrimination requirements have been met.

The fact that all construction and development work has been completed in accordance with plans and specifications is verified by FHA. This verification will be made by:

1. An FHA architect or engineer or both, as appropriate, if such specialists are qualified and available to make the verification in the particular case.

2. A licensed architect or registered engineer or both, as appropriate, if FHA advises the lender and borrower that its staff specialists are not qualified or are not available to make the verification. The licensed architect or registered engineer, or both, will be individuals who are not associated in any capacity with those who assisted in the construction.

The fees of such architects and engineers will be paid by the borrowers. The amount of such fees may be included in the loan.
will promptly inform the lender in writing of the reasons. If the lender satisfies FHA's objections, the lender may resubmit the matter to FHA for further consideration. 

§ 1825.102 When contract void.

The Contract of Guarantee will be void if it or the guaranteed loan was charged by FHA against the holder. The guarantee fee will be absorbed in the interest rate quoted to the borrower. The fee will be a fixed percentage rate per annum on 90 percent of

PROPOSED RULES

1. The principal balance outstanding at the end of each 6-month period on:
   (i) Guaranteed loan promissory note.
   (ii) Future advances for taxes, annual assessments, hazard insurance premiums, any ground rents; and any other items specifically approved in writing by FHA.
   (iii) Unpaid interest outstanding at the end of each 6-month period on:
   (a) Principal balance of guaranteed loan.
   (b) Future advances for taxes, annual assessments, hazard insurance premiums, ground rents; and any other items specifically approved in writing by FHA.

2. If the fee at the fixed percentage rate shall in no case be calculated on an amount in excess of 90 percent of the principal amount advanced by the lender to the borrower under the guaranteed loan promissory note.

3. The percentage rate of the fee will be established by FHA from time to time. However, the percentage rate of the fee for the first period (or a portion of the period) after loan closing may be the percentage rate of the fee established upon execution of the Contract of Guarantee. Lenders or holders can ascertain the guarantee fee rate in effect at any particular time by telephoning FHA.

4. Guarantee fee payments will be made semiannually for the 6-month period ending May 31 and November 30. Payments will be credited as of the end of each 6-month period. The guarantee fee will accrue from the date of the Contract of Guarantee.

5. Within 15 days after the end of each such 6-month period, the holder will send form FHA 490-10, Holders Guarantee Fee Report, (semiannual report) to the finance office showing amounts owed for such preceding 6-month (or shorter) period.

6. Payment of guarantee fee. On the basis of the information contained in the holders guarantee fee report, the lender will calculate the amount of the loan guarantee fee for the 6-month (or shorter) period involved, and will send a check for the amount to the finance office along with each holders guarantee fee report. The check will be made payable to the Farmers Home Administration.

§ 1825.110 Guarantee fee payable by holder.

(a) A loan guarantee fee will be charged by FHA against the holder. The guarantee fee will be absorbed in the interest rate quoted to the borrower. The fee will be a fixed percentage rate per annum on 90 percent of

§ 1825.112 Significant servicing functions.

Among the more significant servicing functions for which the holder is responsible, are:

1. Collection of indebtedness as it falls due and taking liquidation actions as provided in § 1825.130.

2. Providing and keeping effective adequate hazard and other insurance (as may be necessary and proper for the type of property and operation involved) on the insurable security property, with loss payable in favor of the lender as mortgagee or secured party.

3. Payment of taxes and any assessments or ground rents against or affecting the security property.

4. Compliance with all laws and ordinances applicable to the security property or the lender or holder.

5. Protecting the loan and security in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigious or third party actions.

6. Application of any insurance loss payments, condemnation awards, or similar proceeds on the guaranteed loan in accordance with lien priorities on which the guarantee was based, or to rebuilding or otherwise acquiring needed replacement security property of at least equal security value with the written approval of FHA and any other interested parties.

7. Appying all collections from going-concern borrowers in accordance with lien priorities on which the guarantee was based, except that the lender may permit income or collections from going-concern borrowers from the sale of property planned to be marketed in the regular course of business to be used for replacement and operating purposes.

8. Not releasing the borrower (any party liable) from personal liability for all or any part of the guaranteed loan.

9. Not altering the provisions of the loan or security instruments without FHA's written approval.

10. Not approving the sale or transfer of guaranteed loan security property (other than that excepted in paragraph (g) of this section) without FHA's written approval.

§ 1825.121 Servicing agent.

If the holder, initially or at any later date, will service the loan through a local agent rather than through its own office, it will advise FHA the name, local office, and authority of its local agent. Any such agency arrangement will be subject to approval by FHA.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
The registered holder will immediately notify FHA of any subsequent default by the borrower or the security; also whether the holder believes the borrower can and will cure the default or eliminate the third party action and, if so, within what period of time, it will notify the other party and the matter will be handled as follows:

(a) Holder's notification of proposed liquidation.—The holder will notify FHA of its proposed method of liquidation and provide FHA with all available information concerning:
   (1) The borrower's assets, including claims, contracts, accounts receivable, and other contingent assets not serving as security for the loan;
   (2) Its estimated value of all of the borrower's assets, including security and nonsecurity property; and
   (3) The holder's proposed method, if any, for collection of the entire indebtedness, including that covered by the FHA guarantee and that not so covered.

(b) FHA response to liquidation proposal.—Within 30 days after receipt of such notification FHA will either:
   (1) Notify the holder of its concurrence in the proposed method of liquidation, or
   (2) Request any additional information needed as a basis for such concurrence.

(c) Determination of value.—Within 30 days after agreement to liquidate accounted for in the term "fair market value" as used in this part means the amount for which the property would sell for its highest and best use at voluntary negotiated sale. If the holder and FHA cannot agree on the value of the security property and any additional debt payment ability of the borrower within 15 days after their appraisals are required to be made, they shall within the next 15 day period or earlier if possible select a disinterested appraiser who will determine such values. The appraiser will make the appraisals as expeditiously as possible, furnish copies of the appraisal report to the holder and FHA. The appraiser's valuations will be used in calculating the loss if FHA agrees that they are correct. Within 10 days after FHA receives a copy of the appraiser's report, the holder will notify the holder in writing whether it agrees with the appraiser's valuations. The fee of such appraiser will be shared equally by FHA and the holder.

(d) Acceleration.—The holder will proceed as expeditiously as possible with acceleration of the indebtedness, including giving any notices and taking any other actions required by the security instruments as a basis for such acceleration notice or other acceleration document will be sent to FHA.

(e) Notice of loss settlement option.—Within 30 days after receipt of such notice, FHA will determine the loss settlement option, and either provide FHA such information, and other wise assist FHA in making such investigation, or furnish to FHA the original and one copy of the interim form FHA 449-19, Holders Guarantee Fee Report (annual report), bringing the last settlement option set forth in paragraph (g) of this section has been selected. To assist FHA in selecting the settlement option, the lender and holder will include FHA such information, and other wise assist FHA in making such investigation, or furnish to FHA the original and one copy of the interim form FHA 449-19, Holders Guarantee Fee Report (annual report), bringing the last settlement option set forth in paragraph (g) of this section has been selected. To assist FHA in selecting the settlement option, the lender and holder have with respect to the guaranteed loan transaction.

(f) Determination of loss. — The amount of the loss to be paid by FHA will be initially calculated by the holder on form FHA 449-20, Report of Loss.

(1) Within 30 days after receipt of the notice provided for in paragraph (e) of this section, the holder will execute the original Report of Loss and present it and one conforming copy to FHA for approval. At the same time, the holder will furnish to FHA the original and one conforming copy of an interim form FHA 449-19, Holders Guarantee Fee Report (annual report), bringing the last settlement option set forth in paragraph (g) of this section has been selected. To assist FHA in selecting the settlement option, the lender and holder have with respect to the guaranteed loan transaction.

(2) If FHA has any question regarding the amounts set forth in the Report of Loss, it will investigate the matter. The holder will make its records available to, and otherwise assist, FHA in making this investigation. If FHA finds any discrepancies, it will contact the holder and get the necessary corrections made as soon as possible. When FHA finds the Report of Loss to be proper in all respects, it will be tentatively approved in the space provided on the form for that purpose.

(3) After the Report of Loss has been tentatively approved, the State director will send the original Report of Loss and the original interim Holders Guarantee Fee Report to the finance office for issuance of a Treasury check in payment of the amount owed by FHA to the holder. The finance office will analyze these reports to see whether the amount claimed is correct. In analyzing the Report of Loss, the finance office will assume that the amounts shown in the following sections are correct:

   (i) Section II, "Prior Lien Amounts Owed to Settlement Date."
   (ii) Section VII A, "Fair Market Value of Security Property."
   (iii) Section VII A-2, "Funds in escrow account."
   (iv) Section VII A-3, "Net income from security property."
   (v) Section VII A-4, "Borrowers debt payment ability."
   (vi) Section VII A "Allowances to Registered Holder for Liquidation Costs."

(4) Provisos. Notwithstanding any provision in paragraph (g) of this section, if the finance office finds the amount claimed by the holder to be incorrect, the Treasury check will be for the amount of the loss determined by the finance office. The finance office will send an explanation of any changes in amounts along with the Treasury check.

(g) Loss settlement options (payment of loss before or after liquidation, acceptance of assignment of loan, acceptance of title to property).—FHA will have the option to settle its obligation under the Contract of Guarantee in any of the following ways. The foregoing paragraphs (a) through (f) of this section will apply regardless of which option is selected.

(1) Payment before liquidation.—If FHA elects to pay the loss covered by the Contract of Guarantee before the liquidation action is taken by the registered holder or a third party, upon receipt of the Report of Loss, the finance office will promptly have a U.S. Treasury check in payment of the loss covered by the Contract of Guarantee to the registered holder, FHA, for liquidation costs, or future advances. The deductions are for the guarantee fee owed by the holder to FHA, cash in holder's possession in the escrow account, and any amount that the holder can readily collect from the borrower in excess of the value of the security. The amount of the deductions is shown in section VII B of the Report of Loss. If the liquidation is being conducted by the holder and it subsequently decides:

   (i) To liquidate, it will refund to FHA any amount paid to it by FHA for liquidation costs, or
   (ii) To employ a different method of liquidation for which the cost is less than the amount paid to it by FHA for liquidation costs, it will refund the difference to FHA.

(2) Accept assignment of loan.—If FHA elects to take an assignment of the loan, the amount of the Treasury check will be calculated on the Report of Loss. It will be for the amount of section IV A "Fair Market Value of Security Property" less the amount of section II D "Prior Liens (if that sum is less than the amount of Section I E "Guaranteed Loan Items") plus the amount of section VII VI "Percentage of Basic Loss Guaranteed," less the amount of section VII A 1 "Guarantee fee owed by holder.

   (a) If FHA elects to take the loss settlement option, the finance office will send the Treasury check to the State director for delivery to the holder when the holder furnishes the following items in the form required by FHA:

   (i) Type A. The Promissory Note endorsed payable to the order of the United States of America.
   (ii) Promissory Note, if any, for security instruments with any required assignments thereof (filed or recorded, if required).
Assignment of any escrow agreement and any funds in the escrow account, and any claims for future advances already made;

(6) Evidence of title and ownership;
(7) Any other instruments required by FHA to perfect its ownership and possession of the conveyed property.

(4) Pay loss after liquidation—FHA may decide to wait and pay the loss covered by the Contract of Guarantee after liquidation by the registered holder or a third party, regardless of who acquires the security property in the liquidation proceedings. If FHA chooses this loss settlement option, it may elect to pay the loss before or after any applicable redemption period. In any event, under this section, FHA will not take title to said property.

(i) The provisions of paragraph (g) (1) of this section with respect to determination of value, Report of Loss, and settlement date are applicable here.
(ii) The Treasury loss payment check will be calculated on the Report of Loss, and will be in the amount arrived at in section VII if that form if liquidation was by a third party, or the amount in section IX if liquidation was by the registered holder.
(iii) In section IV C of the Report of Loss, the total fair market value of the security property will be the appraised value as determined under paragraph (c) of this section or the acquisition price at a forced sale, whichever amount is more.
(iv) The finance office will send the loss payment check direct to the registered holder.

(b) Maximum amount of loss payment to borrower—Withholding any other provisions of this part or related forms, the amount payable by FHA to the holder for loss sustained on the loan and future advances cannot exceed 90 percent of the loan price authorized by the lender to the borrower under the guaranty loan promissory note.

(1) Application of FHA loss payment—The amount of the loss payment by FHA will be applied by the holder on the guaranty loan debt.

§§ 1825.141—1825.149 [Reserved]
§ 1825.150 FHA forms.
The following forms are applicable to the FHA guaranteed business and industrial loan program and may be obtained from FHA.

FHA 446—1—Application for Loan and Guarantee
FHA 446—2—Statement of Collateral
FHA 446—5—Endorsement Letter
FHA 446—4—Statement of Personal History
FHA 446—5—Personal Financial Statement
FHA 446—10—Applicant's Environmental Impact Evaluation
FHA 446—12—Security Agreement
FHA 446—14—Conditional Commitment for Guarantee
FHA 446—15—Promissory Note
FHA 446—16—Mortgage
FHA 446—17—Contract of Guarantee
FHA 446—18—Lenders or Holders Request for Approval
FHA 446—19—Holders Guarantee Per Report (Semiannual Report)
FHA 446—20—Report of Loss

Any needed forms not provided by FHA will be provided by the lender, holder, or applicant.

§§ 1825.151—1825.159 [Reserved]
§ 1825.160 Insured loans.

Applications from public bodies and other applicants for whom FHA and such applicants agree the guaranteed lender is not available shall be charged as insured loans in accordance with the applicable provisions of this part and subpart A of part 1823 of this chapter.

(a) Public bodies—Loans to public bodies may be used only to finance community facilities for the purpose of developing private business enterprises and only when the requested loan is not available under part 1925.
(b) Interest rate—Loans made under this section shall bear interest at a rate prescribed by the Secretary of Agriculture, not less than a rate determined by the Secretary of the Treasury taking into consideration current average market yields on outstanding marketable obligations of the United States comparable to the average maturities of such loans, adjusted in the judgment of the Secretary of the Treasury to provide for a rate comparable to the rates prevailing in the private market for similar loans and considering the Secretary's insurance of the loans plus an additional charge to cover losses and costs of administration. The prescribed rate shall be adjusted to the nearest one-eighth of one percentum and shall be announced periodically.

§§ 1825.161—1825.169 [Reserved]
§ 1825.170 Small business enterprise loans.

Loans for small business enterprises authorized by sections 304(b) and 312(b) of the act will be guaranteed or insured as provided in this part, except that the interest rate on section 312(b) loans will be the rate specified in § 1823.11 of this chapter.


J. R. Hanson,
For the Acting Administrator,
Farmers Home Administration.
**APPLICATION FOR LOAN AND GUARANTEE**

<table>
<thead>
<tr>
<th>Name</th>
<th>Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>City</td>
<td>County</td>
</tr>
<tr>
<td>Tel. No.</td>
<td>Date of Application</td>
</tr>
</tbody>
</table>

**Type of Enterprise**

<table>
<thead>
<tr>
<th>Franchise</th>
<th>No.</th>
<th>Date Established</th>
<th>Number of Employees (Including subsidiaries and affiliates).</th>
<th>At Time of Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Business</td>
<td>New Business</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**2. Use of Proceeds:**

<table>
<thead>
<tr>
<th>Land Acquisition</th>
<th>New Building or plant construction</th>
<th>Debt Payment</th>
<th>Working Capital</th>
<th>Acquisition and/or repair of machinery and equipment</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
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<td>$</td>
</tr>
</tbody>
</table>

**3. SUMMARY OF COLLATERAL OFFERED**

<table>
<thead>
<tr>
<th>Land and Buildings</th>
<th>Machinery and equipment</th>
<th>Furniture and fixtures</th>
<th>Accounts receivable</th>
<th>Inventory</th>
<th>Other (specify)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cost</td>
<td>Net Book Value (Cost Less Depreciation)</td>
<td>Present Liens Or Mortgage Balance, If Any</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost (Less Depreciation)</td>
<td>Mortgage Balance, If Any</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**4. AS ADDITIONAL SECURITY, PAYMENT OF THE LOAN WILL BE GUARANTEED BY:**

<table>
<thead>
<tr>
<th>Name and Address (Include ZIP Code and Social Security Number of Guarantors)</th>
<th>Net Worth Outside Of Interest In Applicant Company</th>
</tr>
</thead>
</table>

**5. DISCLOSURE OF SPECIAL INFORMATION REGARDING PRINCIPALS:**

(a) List below the names of any FHA employees who are related by blood, marriage or adoption to, or who have any present or have had any past, direct or indirect, financial interest in or in association with, the applicant, or any of its partners, officers, directors or principal stockholders (such interest to include any direct or indirect financial interest in any other business entity or enterprise): (b) When the proprietor, or any partner, officer, director, or their spouse, is an employee of the U.S. Government (including members of the armed forces), detailed information shall be submitted with this application. (Use separate sheet if necessary).

<table>
<thead>
<tr>
<th>Name and Address (Include ZIP Code)</th>
<th>Details of Relationship or Interest</th>
</tr>
</thead>
</table>

**Federal Register, Vol. 38, No. 120—Friday, June 22, 1973**
6. MANAGEMENT - Enter (a) names of all owners, officers, directors or partners and their annual compensation, including salaries, fees, withdrawals, etc. (b) names and compensations of all employees receiving in excess of $17,500 annually, (c) hired manager, and (d) for all additional stockholders having a 20% or more interest in applicant, complete all columns except annual compensation.

<table>
<thead>
<tr>
<th>Name (List first, middle, maiden &amp; last.) (If no middle name, so state)</th>
<th>Office Held</th>
<th>Annual Compensation</th>
<th>Percent Ownership</th>
<th>Personal Guaranty Offered (Yes or No)</th>
<th>Insurance Carried for Benefit of Applicant</th>
</tr>
</thead>
</table>

7. INSTRUCTIONS TO APPLICANT (Attachments):

Guaranteed Loans - Submit two copies of this form and all supporting documents to the approved lender. All attachments must be signed and dated.

(a) Form FHA 449-4, Statement of Personal History must be submitted in quadruplicate by the proprietor, if a sole proprietorship; by each partner, if a partnership; by each officer; director; and each additional holder of 20 percent or more of the voting stock, if a corporation; and other person, including a hired manager, who has authority to speak for and commit the borrower in the management of the business.

(b) Attach to application a brief description and history of the business.

(c) Comment briefly on the benefits the business and community will receive if the loan is made.

(d) Attach a schedule on all installment debts, contracts, notes and mortgages payable, showing to whom payable, original amount, original date, present balance, rate of interest, maturity date, monthly or other periodic payments, security and whether current or delinquent. (Amounts on this schedule should agree with the figures on the applicant's financial statement.) Indicate by an asterisk (*), items to be paid by loan proceeds and attach statement showing reason for paying same.

(e) If construction is involved, state the estimated cost and source of estimate, source of any additional funds which may be required to complete the construction, and whether temporary financing for the construction is available. Furnish preliminary plans and detailed specifications with the application. Final plans and specifications must be submitted for Lender approval prior to commencement of construction if loan guarantee is tentatively approved.

(f) Where loan funds will be used for construction purposes, and the contract or subcontracts are in excess of $10,000, the Applicant must execute and submit with the application Form FHA 400-1, "Equal Opportunity Agreement" which is a non-discrimination agreement issued pursuant to Executive Order 11246.

(g) A description of collateral is required whether now owned or to be acquired. Attach Form FHA 449-2.

(h) For each person listed in "Management", give brief description of education, technical training, employment and business experience.

(i) Attach audited financial statements for the past 3 fiscal years.

(j) Attach balance sheet and income statements dated within 90 days from date of filing application with aging of accounts receivable and payable.

(k) Reconciliation of net worth shall be provided for items (i) and (j) above.

*Life insurance on owner(s), principal(s), or key man will be required ONLY when specifically included as a condition of an approved loan.
(i) Furnish earnings projection (estimated profit and loss statement) for at least three full years together with a detailed monthly cash flow for the first full year and quarterly cash flow statement for the next two years.

(m) Personal Financial Statements must be submitted for proprietors, each partner, each officer, and each additional stockholder with 20% or more ownership. For this purpose the enclosed FHA Form 449-5 will be used.

(n) Details must be given of any pending or anticipated litigation, whether applicant be plaintiff or defendant or any litigation that involves management of the applicant listed in "m" above.

(o) Subsidiaries and Affiliates - List on an attached sheet the names and addresses of (1) all concerns that may be regarded as subsidiaries of the applicant, including concern in which the applicant holds a controlling (but not necessarily a majority) interest, and (2) all other concerns that are in any way affiliated, by stock ownership, management contracts, or otherwise, with the applicant. The applicant should comment briefly regarding the trade relationship between the applicant and such subsidiaries or affiliates, if any, and if the applicant has no subsidiary of affiliate, a statement to this effect should be made. Signed and dated balance sheets, operating statements and reconciliation of net worth must be submitted for all subsidiaries and affiliates in the same manner as required of applicant.

(p) Purchase and sales relations with others - Does applicant buy from, sell to, or use the services of, any concern in which an officer, director, large stockholder, or partner, or proprietor of the applicant has a substantial interest?  

   □ Yes □ No  If "Yes" give names of such officer, directors, stockholders, and partners, and names of any such concern on attached sheet.

(q) Receivership - Bankruptcy - Has applicant or any officer of the applicant or affiliates or any other concern with which such officer has been connected ever been in receivership of adjudicated a bankrupt?  

   □ Yes □ No  If "Yes" give names and details on separate sheet.

(r) Previous Government Financing - List assistance received or requested and any pending applications. (Include direct, participation, insured, or guarantee loans and grants from any Federal agency.)

<table>
<thead>
<tr>
<th>Name of Agency or Department</th>
<th>Amount Requested</th>
<th>Date of Approval(*)</th>
<th>Present Balance</th>
<th>Status (Current, Delinquent, Maturation Accelerated, Liquidated or Paid in Full)</th>
</tr>
</thead>
</table>

* If not approved write "Declined."

4. POLICY AND REGULATIONS CONCERNING REPRESENTATIVES AND THEIR FEES —

(a) An applicant for a loan may obtain the assistance of any attorney, engineer, appraiser, or other representative to aid it in the preparation of its application, however, such representation is not mandatory. In the event a loan is approved, the services of an attorney may be necessary to assist in the preparation of closing documents, title examination, etc. Fees or other compensation which FHA considers reasonable for services performed by such representatives on behalf of the applicant may be paid from loan proceeds.

(b) There are no "authorized representatives" of FHA, other than our regular salaried employees. Payment of any fee or gratuity to FHA employees is illegal and will subject the parties to such a transaction to prosecution.

(c) FHA will not approve placement or finder's fees for the use or attempted of influence in obtaining or trying to obtain a loan, or fees based solely upon a percentage of the approved loan or any part thereof.

(d) Fees which will be approved will be limited to reasonable sums for services actually rendered in connection with the application or the closing, based upon the time and effort required, and the nature and extent of the services rendered by such representative. Representatives of loan applicants will be required to execute an agreement as to their compensation and services to be rendered in connection with the loan.

(e) It is the responsibility of the applicant to set forth in Section 9 of this application the names of all persons or firms engaged by or on behalf of the applicant. Applicants are also required to advise FHA in writing of the names and fees of any representatives engaged by the applicant subsequent to the filing of the application. Failure to so notify FHA constitutes "misrepresentation" and will void FHA's guarantee if lender had knowledge of this omission.
Any applicant having any question concerning the payment of fees, or the reasonableness of fees, should communicate with FHA before the application is filed for a loan guarantee.

9. NAMES OF ATTORNEYS, ACCOUNTANTS, AND OTHER PARTIES. The names of all attorneys, accountants, appraisers, agents, and all other parties (whether individuals, partnerships, associations or corporations) engaged by or on behalf of the applicant (whether on a salary, retainer or fee basis and regardless of the amount of compensation) for the purpose of rendering professional or other services of any nature whatever to applicant, in connection with the preparation or presentation of this application to a lender; and all fees or other charges or compensation paid or to be paid therefor or for any purpose in connection with this application or disbursement of the loan whether in money or other property of any kind whatever, by or for the account of the applicant, together with a description of such services rendered or to be rendered, are as follows:

<table>
<thead>
<tr>
<th>Name and Address (Include ZIP Code)</th>
<th>Description of Services Rendered and to be Rendered</th>
<th>Total Compensation Agreed to be Paid*</th>
<th>Compensation Already Paid*</th>
</tr>
</thead>
</table>

10. AGREEMENT OF NONEMPLOYMENT OF FHA PERSONNEL. In consideration of FHA guaranteeing any part of the loan applied for in this application, the applicant hereby agrees with FHA that applicant will not, for a period of two years after date of guarantee of any part of the loan, employ or tender any office or employment to, or retain for professional services, any person who, on the date of such disbursement, or within one year prior to said date, shall have served as an officer, attorney, agent, or employee of FHA and shall have occupied a position or engaged in activities which FHA shall have determined, or may determine, involved discretion with respect to the granting of assistance under the Consolidated Farm and Rural Development Act and other Acts administered by FHA from time to time.

11. CERTIFICATION. The applicant hereby certifies that:

(a) The Applicant has read FHA Policy and Regulations concerning representatives and their fees (§8 above) and has not paid or incurred any obligation to pay, directly or indirectly, any fee or other compensation for obtaining the loan hereby applied for, other than for services and expenses authorized pursuant to paragraph 8 above.

(b) The applicant has not paid or incurred any obligation to pay to any Government employee or special Government employee any fee, gratuity or anything of value for obtaining the assistance hereby applied for. If such fee, gratuity, etc. has been solicited by any such employee, the applicant agrees to report such information to the Office of Inspector General, USDA, Washington, D.C. 20250.

(c) All information contained above and in exhibits attached hereto are true and complete to the best knowledge and belief of the applicant and are submitted for the purpose of inducing FHA to guarantee a loan by a bank or other lender to the applicant. Whether or not the loan herein applied for is approved, applicant agrees to pay or reimburse the lender for the cost of any surveys, title or mortgage examinations, appraisals, etc., performed by nonlender personnel with consent of the applicant.

(d) The applicant hereby covenants, promises, agrees and gives herein the ASSURANCE that in connection with any loan to applicant which FHA may guarantee as a result of this application, it will COMPLY with the requirements of Executive Order 11246 to the extent that it is applicable to such financial assistance. The applicant further agrees that in the event it fails to comply with said applicable provisions, FHA may cancel, terminate, accelerate repayment of or suspend in whole or in part the financial assistance provided or to be provided by FHA, and that FHA or the United States Government may take any other action that may be deemed necessary or appropriate to effectuate the nondiscrimination requirements, including the right to seek judicial enforcement of the terms of this ASSURANCE OF COMPLIANCE. These requirements prohibit discrimination on the grounds of race, religion, color, sex, or national origin by recipients of federal financial assistance, including but not limited to employment practices, and require the submission of appropriate reports and access to books and records. These requirements are applicable to all transferees and successors in interest.

* Enter specific dollar amounts or hourly rates. "Unknown," "Undetermined" or other imprecise terms are not sufficient.
Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for an applicant any loan, or guarantee or extension thereof by renewal, deferment of action, or otherwise, or the acceptance, release, or substitution of security therefor, or for the purpose of obtaining money, property, or anything of value from the United States of America or an agency thereof under the Consolidated Farm and Rural Development Act, may be subjected to criminal prosecution.

12. REQUEST FOR CONTRACT OF GUARANTEE
(For use only by bank or other lender)

We propose to make and service a loan to the Applicant named on page 1 of this Application. We hereby make application for a Contract of Guarantee subject to the provisions of the applicable Lenders Handbook ( & I). We understand that the prohibition in 8 (b) of the foregoing application against payment of fees or gratuities and the non-employment agreement in paragraph 10 of said application are binding on us.

(a) Terms and Conditions of Loan:

(1) Term of loan ______ years. Monthly payments, including lender's interest at ______% per annum, simple, in the amount of $___________

(2) Collateral and lien position.

(3) Planned Disbursements.

(4) Guarantee.


(6) Other
(b) Comments of the Lender which may be in the form of a letter or memorandum, shall:

1. Include an evaluation of ability of Applicant's management, its past record of handling obligations, an expression as to what the loan will do for applicant, applicant's repayment ability, and other pertinent information. If Applicant or any of its officers have been adjudicated bankrupt or connected with a receivership or been involved in any criminal or other legal proceedings, give details.

2. State whether any officer, director, substantial stockholder, or employee of the Lender has a financial interest in Applicant and, if so, the extent thereof.

3. Indicate whether Applicant, its subsidiaries or affiliates, is/are indebted to the Lender. If so, show the amount, terms, and how secured, including any guarantee, and whether applicant's loans have been met substantially as agreed. (Include all such loans made during the past 12 months, showing high and low credit by months. If no loans were made during the period, so state.)

(c) Without the FHA Contract of Guarantee applied for we would not be willing to make this loan. In our opinion, the loan will be sound and it appears that all FHA requirements in the Lenders Handbook and related forms can and will be met. We do not believe that the needed financing can be obtained from other sources at similar rates and terms without an FHA Contract of Guarantee.

Name and address of bank (Include ZIP Code)

Authorized Officer
MACHINERY AND MACHINE GUARDING Notic e of Proposed Rulemaking; Additional Time To Comment

On May 11, 1973, a notice of proposed miscellaneous amendments to the standards relating to machinery and machine guarding established under the Williams-Steiger Occupational Safety and Health Act of 1970 (Public Law 91-596; 94 Stat. 1590 et seq.; 29 U.S.C. 651 et seq.) was published in the Federal Register (38 FR 12465). Interested persons were given until June 11, 1973, to submit written data, views, and arguments with respect thereto. On the basis of requests for additional time to submit such material, I hereby extend the period during which such comments will be received until August 10, 1973.

Such written comments should be submitted by mail to the following address: Office of Standards, U.S. Department of Labor, Railway Labor Building, Room 500, 400 First Street, Washington, D.C. 20210.

[signed] John Stender, Assistant Secretary of Labor.

[FR Doc. 73-12510 Filed 6-21-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration [14 CFR, Part 39] [Docket No. 13906]

BRITISH AIRCRAFT CORP., MODEL BAC 1-11, 200 AND 400 SERIES AIRPLANES Notice of Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding airworthiness directives applicable to British Aircraft Corp., model BAC 1-11, 200 and 400 series airplanes. The FAA has determined that the Rotax static inverters, P/N's U6705 and U6724, installed on model BAC 1-11 airplanes are subject to failure which could result in the loss of emergency power to essential flight instruments. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require either the replacement of the Rotax static inverters installed with modified static inverters or the modification of the static inverters presently installed.

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. Comments and arguments 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, D.C. 20591. All communications received on or before July 23, 1973, will be considered by the Administrator before taking final action. 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, to interested persons for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1555(c)).

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 CORP.—Applies to model BAC 1-11, 200 and 400 series airplanes.

Compliance is required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent possible static inverter failure which could result in the loss of the a.c. emergency power supply to essential flight instruments, accomplish the following:

(a) For airplanes which have not had BAC modification 4535 incorporated, either—

(1) Replace the installed Rotax static inverter, P/N U6705, with a serviceable Rotax static inverter, P/N U6724/1; or

(2) Modify the installed Rotax static inverter, P/N U6705, in accordance with paragraph (b) (1) (c) of this amendment.

(b) For airplanes which have had BAC modification 4535 incorporated, either—

(1) Replace the installed Rotax static inverter, P/N U6705, with a serviceable Rotax static inverter, P/N U6724/1; or

(2) Modify the installed Rotax static inverter, P/N U6724/1, in accordance with paragraph (b) (1) (c) of this amendment.

(c) Rotax static inverters, P/N U6705, may be converted to Rotax static inverters, P/N U6705/1, and Rotax static inverters, P/N U6724, may be converted to Rotax static inverters, P/N U6724/1, for compliance with paragraph (a) (2) or (b) (2) by—

(1) Changing the R6 and R7 resistors on printed circuit board No. 1 from 220 ohms/1.5 watt to 82 ohms/0.25 watt or 0.5 watt; and

(2) Satisfying the functional tests for the modified static inverters. This notice supersedes the service bulletin No. 24-420 at revision 1, dated August 20, 1971 (Rotax modification No. 4744 U. 0) or an FAA equivalent service bulletin.

[Issued in Washington, D.C., on June 13, 1973.]

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

[FR Doc. 73-12520 Filed 6-21-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR, Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control (TOLUC) Plans

On May 31, 1972 (37 FR 10842), pursuant to §51 of the Clean Air Act and 40 CFR, part 51, the Administrator approved, with specific exceptions, State implementation plans for implementation of the national ambient air quality standards. In the preamble to the May 31 approval/disapproval of implementation plans, the Administrator noted that the adoption of transportation or land use control schemes were necessary to achieve the national standards for carbon monoxide and photochemical oxidants. The submission of those control strategies could be deferred until February 15, 1973. This was done because of the general lack of information and practical experience necessary to permit the development of meaningful transportation control schemes.

On January 31, 1973, the United States Court of Appeals for the District of Columbia Circuit decided the case of National Resources Defense Council, et al. v. Environmental Protection Agency (Civil Action No. 72-1522) and several related cases. The court ordered the Administrator to cancel the June 15, 1973, deadline for the attainment of the carbon monoxide and photochemical oxidants standards where transportation controls would be necessary and to request that the preparation of transportation control plans by April 15, 1973. States were notified of this court decision by telegram from the Administrator and in the Federal Register of March 20, 1973 (38 FR 7233). In that order, the court also stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request for an extension of the date for attainment of a primary standard. This notice is issued to advise the public of this proposed implementation plan for the State of Colorado has been received by the Environmental Protection Agency and that comments may be submitted on whether the proposed control strategies are approved or disapproved by the Administrator as required by section 110 of the Clean Air Act. Public comment is also solicited on whether the request for an extension of time for attainment of those primary standards is granted by the Administrator. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment for 15 other State plans was published on April 24, April 27, May 4, and June 1, 1973.

The control strategies for Colorado are submitted to EPA pursuant to section 110 of the Clean Air Act which requires States to have implementation plans to achieve the National ambient air quality standards. These control strategies are designed to achieve the ambient air quality standards for carbon monoxide and photochemical oxidants. The Administrator's decision to approve or disapprove the plans is based on whether they meet the requirements of section 110(a) (1) and EPA regulations in 40 CFR, part 51. A more detailed description of the plan is set forth below.

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COLORADO

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver area was established by the Governor of Colorado. This strategy involves a pollution control region that was submitted on June 4, 1973, by the Governor of Colorado. The strategy is aimed at reducing emissions of pollutants from various sources within the region.

PROPOSED RULES

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

Dimethyl Sulfoxide; Proposed Exemption

From Tolerance

Crown Zellerbach Corp., Chemical Products Division, Camas, Wash. 98607, submitted a petition (PP 32186) proposing establishment of an exemption from the requirement of a tolerance for residues of dimethyl sulfoxide when used as a solvent or cosolvent in pesticide formulations intended for preemergence application or application prior to formation of edible parts of food plants.

FORMULATIONS USED IN FEDERAL REGULATIONS (40 U.S.C. 1501 et seq.)

§ 180.1001 Exemptions from the requirement of a tolerance.

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(a)), the authority delegated to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1001(d) be amended by revising the item "Dimethyl sulfoxide" in the table to read as follows:

<table>
<thead>
<tr>
<th>Ingredient</th>
<th>Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimethyl sulfoxide</td>
<td>Solvent or cosolvent for formulations used in crops in greenhouses or prior to formation of edible parts of food plants.</td>
</tr>
</tbody>
</table>

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before July 23, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act. Interested persons may, on or before July 23, 1973, file with the hearing clerk, Environmental Protection Agency, room 3905-E, 4th and M Streets SW, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the hearing clerk.


ROBERT W. FRI
Acting Administrator, Environmental Protection Agency.

[FR Doc. 73–12505 Filed 6–21–73; 8:45 am]

TENNESSEE

23. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

The following clause is applicable only in contracts containing a provision for the delivery of services.

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, whenever it is in the best interest of the Government. If this contract is for supplies and is so terminated, the contractor shall be compensated in accordance with par 3 of the Federal Property and Administrative Regulations (41 CFR part 1–8), in effect on this contract's date. To the extent that this contract is for services and is so terminated, the Government shall be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

24. NOTICE TO THE GOVERNMENT OF DELAYS

(a) Whenever the Contractor has knowledge that any actual or potential situation or labor dispute is delaying or threatens to delay the timely performance of this contract, the Contractor shall immediately give notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

(b) The Contractor agrees to insert the substance of this clause, including this paragraph, in and with respect to any subcontract, except that in such subcontract shall provide that in the event any such performance is delayed or threatened by delay due to any or potential situation, labor dispute, the subcontractor shall immediately notify its next higher tier sub-contractor, or the prime contractor, as the case may be, of all relevant information with respect to such dispute.

25. FEDERAL, STATE, AND LOCAL TAXES

(a) Except as may be otherwise provided in this contract, the contract price includes all applicable Federal, State, and local taxes and duties.

(b) Nevertheless, with respect to any Federal excise tax or duty on the transactions or property covered by this contract, the contract price shall be increased by the amount of any such Federal excise tax or duty.

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the amount of such tax or duty or rate in­
crease that no amount for such newly
imposed Federal excise tax or duty or rate
shall be paid to the Government, as
directed by the Contracting Officer.
(b) The Contractor agrees to use his best
efforts to carry out this policy in the award
of his subcontracts to the fullest extent con­
sistent with the efficient performance of the
contract. As used in this contract, the term
“minority business enterprise” means a busi­
ness, at least 50 percent of which is owned by
minority group members, one or more of whom
is a Negro, Spanish-speaking American per­
son, American-Indians, American-Eskimos, and
American Aleuts. Contracts may rely on written representa­
tions by subcontractors regarding their status as minority business enterprises in lieu of an
independent investigation.
26. AUTHORIZATION AND CONSENT
The Government hereby gives its authoriza­
tion and consent (without prejudice to any
right which it may have) to any subcontractor or
manufacturer, in the performance of this con­
tract or any part hereof or any amendment
thereto or any subcontract hereunder (includ­
ing any lower-tier subcontract) of any in­
vention described in and covered by a patent
of the United States: (i) embodied in the
structure or composition of any article or
end-item to be delivered under the contract, or
(ii) utilized in the performance of this con­
tact or any part hereof or any amendment
thereto or any subcontract hereunder,
without the written permission of the Con­
tractor or the owner of such patent, or (b)
reproduction, manufacture, or use of any such
invention described in and covered by a patent
of the United States (i) embodied in the
structure or composition of any article or
end-item to be delivered under this or any other
Government contract or subcontract; or (ii)
utilized in the performance of any such
contract or subcontract, or (iii) utilized in
the performance of any other Government contract or
subcontract. The term “Government” includes
its officers, employees, and others.
11. RIGHTS IN DATA
When costs are a factor in any determina­
tion of a contract price adjustment pursuant to
the “Changes” clause or any other provi­
sion of this contract, which is to be in
accordance with the following contract cost principles and procedures in part 1–15 of the Federal
Procurement Regulations.
30. RIGHTS IN DATA
(a) Definitions.—(1) Technical data, as used
herein, means information, regardless of form or
characteristic, of a scientific or technical nature.
It may, for example, document research, experimental,
developmental, operational, production, or service
or operating data, or be usable or used to de­
sign a process or to design or fabricate a part or
component, or to provide, produce, support, main­
tain, or operate a system, device, or unit. This sort
of data includes, for example, test, design, op­
mation, or function” data, e.g., specification control
drawings, catalog sheets, envelope drawings,
etc.;
(b) Manuals or instructional materials
prepared or required to be delivered under this
contract or any subcontract herunder to explain,
illustrate, or identify computer monitor, operation, maintenance, or training purposes;
(c) Technical data which is in the pub­
lic domain, or has been or is normally fur­
nished without restriction by the contractor or
subcontractor; and
(vi) Technical data listed or described in any proposal submitted to or agreement incorporated into the schedule of this contract, which the parties have predetermined, on the basis of paragraphs (b) (1) (through) (b) (6) above, and agreed will be disclosed, shall be subject to the provisions of paragraphs (b) (1) through (b) (6) above.

(2) The Government shall have limited rights in technical data, listed or described in any proposal submitted to or agreement incorporated into the schedule of this contract, which the parties have agreed will be furnished with limited rights provided that such piece of data to which limited rights are granted is disclosed to the Government in technical data furnished hereunder.

(3) The Contractor shall promptly report to the Government any technical data furnished hereunder.

(4) Except for those items set forth in paragraphs (a) (1) through (a) (3) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Contractor shall be required to remove such markings at any time that they are modified, removed, obliterated, or ignored any such markings.

(5) Publications. — Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(1) Technical data required to be delivered to the Government under this contract shall be delivered without the written permission of __________, be either disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement, or (c) used by a party other than the Government, except for: (1) Emergency repair or overhaul work only, by or for the Government, (2) work performed in the scope of the contractor's official duties, or a subcontractor by whom the technical data was generated.

(2) Limited rights in technical data, furnished under U.S. Government Contract No. ______, shall not be disclosed in whole or in part outside the Government, (b) used in whole or in part by the Government for manufacture or procurement, or (c) used by a party other than the Government, except for: (1) Emergency repair or overhaul work only, by or for the Government, (2) work performed in the scope of the contractor's official duties, or a subcontractor by whom the technical data was generated.

(3) The Contractor shall submit to the Contracting Officer his designs at least 30 days prior to publication, a copy of each publication and other dissemination (other than publicity) that contains limited rights in data resulting directly or indirectly from a contract supported activity.

(4) Any publication or other dissemination of information shall acknowledge Federal contract assistance by including the following statement:

"This project has been funded at least in part with Federal funds from the Environmental Protection Agency under contract No. ______. The content of this publication does not necessarily reflect the views of the U.S. Environmental Protection Agency, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."
(ii) the number of those hired who were disabled veterans, and (iii) the number of nondisabled veterans of the Vietnam era. The Contractor shall submit a report within 30 days after the end of each such period. A report covering a period shall be made under this contract. The Contractor shall maintain copies of the reports submitted under this paragraph (a) and shall make such reports available for inspection by the Department of Labor. The Secretary of Labor may request the Contractor to prepare a report within 30 days after the end of each reporting period wherein any performance under this contract exceeds the authorized maximum.

(b) Contractor shall maintain copies of the reports required under paragraph (c) of this clause, he shall advise the employment service in each State wherein he has establishments of the name and location of each such establishment in the State. As long as the Contractor is contractually bound to these provisions and has so advised the Secretary of Labor, it is not necessary to advise the State system of subsequent contracts. The Contractor may advise the State system when it is no longer bound by this contract clause.

(c) This clause does not apply to the listing of openings and other employment assistance for Federal and for the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(d) The Contractor shall notify the Department of Labor wherever he proposes to fill from within his own organization or to fill pursuant to a special hiring arrangement. This exclusion does not apply to a particular opening on an application by an employer who has been included in the unemployment assistance system, provided he submits the name and address of the employer and of the position to be filled.

(e) As used in this clause,—(1) "Suitable openings" means openings which occur in the following job categories: production and nonproduction; plant and office; laborers and mechanics; supervisors and nonsupervisory technical; and executive, administrative, and professional openings which are consistent with the terms of this contract and the laws and regulations applicable thereto.

(f) The Contractor agrees to place a contract (excluding this paragraph (f)) in any subcontract directly under this contract.

34. ALTERATIONS TO STANDARD FORM 32

(a) Clause 10, "Examination of Records," is deleted in lieu thereof.

Examination of Records by Comptroller General

(b) In complying with paragraph (a) of this clause and with paragraph (b) of the clause of this contract entitled "Utilization of Small Business Concerns," the Contractor in placing his subcontracts shall observe the following order of preference: (1) Certified-eligible concerns with a first preference which are also small business concerns; (2) other certified-eligible concerns with a first preference; (3) certified-eligible concerns with a second preference which are also small business concerns; (4) other certified-eligible concerns with a second preference; (5) persistent or substantial labor surplus area concerns which are also small business concerns; (6) other persistent or substantial labor surplus area concerns; and (7) small business concerns which are not labor surplus area concerns.

16395

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973

NOTICES

16395

FEDERAL MARITIME COMMISSION

[46 CFR, Chapter IV]

[ Docket No. 73–5]

SECTION 15 AGREEMENTS UNDER THE SHIPPING ACT, 1916

Suspension of Procedural Schedule

Hearing counsel have requested suspension of the procedural schedule in this proceeding to enable the Commission to discuss the rules proposed herein

No. 120—Pt. 2—10
PROPOSED RULES

with industry representatives. Good cause appearing;

It is ordered, That the procedural schedule in this proceeding is suspended pending further notice of the Commission;

It is further ordered, That hearing counsel will report to the Commission on the status of the aforementioned discussions on or before August 31, 1973.

By the Commission.

[Seal]

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12598 Filed 6-21-73;8:45 am]

VETERANS ADMINISTRATION
[38 CFR, Part 3]
DISABILITY BENEFITS
Housebound Rates

The regulatory changes set forth below provide a liberalization applicable to those who have a service-connected disability evaluated as 100 percent (or a nonservice-connected disability evaluated as permanent and total) pursuant to the "extra schedular" provisions of § 3.321(b), title 38, Code of Federal Regulations.

Heretofore the subject regulations precluded them from qualifying for the housebound rate, though otherwise entitled, because it limited participation only to those whose disability was rated as 100 percent (or permanent and total, in pension claims) by the regular schedular provisions of the rating schedule.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before July 22, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132.

Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and will be furnished the above room number.

Notice is also given that it is proposed to make these changes effective the date of final approval.

It is proposed to amend part 3, title 38, Code of Federal Regulations, to read as follows:

1. In § 3.350(i), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.350 Special monthly compensation ratings.

(i) Total plus 60 percent, or housebound; 38 U.S.C. 314(s).—The special monthly compensation at the rate of $554 provided by 38 U.S.C. 314(s) is payable where the veteran has a single service-connected disability rated as 100 percent without resort to individual unemployability and,

2. In § 3.351(d), the introductory portion preceding subparagraph (1) is amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(d) Permanent and total plus 60 percent, or housebound; 38 U.S.C. 511.—The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 511 and who does not qualify for increased pension ($110 based on need of regular aid and attendance shall be increased by $44 if, in addition to having a single permanent disability rated as 100 percent without resort to individual unemployability, the veteran:


By direction of the Administrator.

[Seal] R. L. ROUBLESH,
Assistant Deputy Administrator.

[FR Doc.73-12606 Filed 6-21-73;8:45 am]
DEPARTMENT OF STATE

[Public Notice CM-37]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in room 1105 in the Department of State, 2201 C Street NW., Washington, D.C., from 9:30 a.m. to 4:30 p.m., on July 12, 1973, and from 9 a.m. to noon on July 13, 1973.

The Committee will discuss library development around the world, the distribution of American books in Africa, the operation and directions of UNESCO's newly established book development unit, and its annual meetings of American book and library organizations.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632-2841.


CAROL M. OWENS. Executive Secretary.

[Public Notice CM-39]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange between East and West will convene at 10 a.m. in room Ar110, Prose Walker of the Federal Communications Commission (FCC). The meeting will include consideration of the agenda for the meeting will include consideration of the draft documents being developed as proposed contributions by the United States to the international meetings of the study groups in 1974.

Members of the general public who desire to attend the meeting on July 12 will be admitted up to the limits of the capacity of the meeting room.


GORDON L. HUFFCUTT, Chairman.

U.S. CCIR National Committee.

[FR Doc.73-12497 Filed 6-21-73; 8:45 am]

[Public Notice CM-36]

STUDY GROUPS 10 AND 11 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that study groups 10 and 11 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet jointly on July 12, 1973, under the chairmanship of Mr. A. Prose Walker of the Federal Communications Commission (FCC). The meeting will convene at 10 a.m. in room A-110, FCC Annex (Howich Building), 1229 26th Street, NW., Washington, D.C.

Study group 10 deals with questions relating to the propagation of radio waves through the ionosphere. The meeting on July 13, will be for the purpose of considering new draft texts and determining whether further work needs to be undertaken in preparation for the international meeting of study group 6 in 1974.

Members of the general public who desire to attend the meeting on July 13 will be admitted up to the limits of the capacity of the meeting room.


GORDON L. HUFFCUTT, Chairman.

U.S. CCIR National Committee.

[FR Doc.73-12498 Filed 6-21-73; 8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[FR Doc. T.D. 73-1-166]

STEEL CYLINDERS

Designation as Instruments of International Traffic


It has been established to the satisfaction of the Bureau of Customs that steel cylinders, 6 feet 91/4 inches in length and 2 feet 6 inches in diameter, with a steel plate attached showing the name of the owner, "Chevron Corp.," and a serial number consisting of two, three, or four digits, used for the transportation of phosgene gas, are substantial, suitable for and capable of repeated use, and will be utilized in significant numbers in international traffic.

Under the authority of § 10.41a(a) (1), Customs regulations (19 CFR 10.41a(a) (1)), I hereby designate the above-described steel cylinders as "instruments of international traffic" within the meaning of section 232(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations. Steel cylinders of the same size but without the markings as described above may be released under § 10.41a, provided the applicant for release of the cylinder under § 10.41a(c) file a statement with the Customs officer to whom the application is made that the cylinders will be marked in the prescribed manner within 30 days of their release. A second statement shall then be filed with Customs verifying that the cylinders have been so marked.

[SEAL] VERNON D. AGREE, Commissioner of Customs.

[FR Doc.73-12530 Filed 6-21-73; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

OCEANOGRAPHIC ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given, in accordance with the provisions of the Federal Advisory Committee Act (Public Law No. 92-463 (1972)), that closed meetings of the Department of the Navy Oceanographic Advisory Committee will be held at 9 a.m. on June 28-29, 1973, at headquarters, Oceanographer of the Navy, Alexandria, Va.
The agenda will include classified ocean engineering and underwater technology programs.


H. B. ROBERTSON, Jr.,
Chief, Bureau of Ocean Engineering and
Aiding Judge Advocate General.

[FR Doc. 73-12546 Filed 6-21-73; 8:45 am]

DEPARTMENT OF JUSTICE
Bureau of Narcotics and Dangerous Drugs
S. B. PENICK
Approval of Application for Manufacture of Pholcodine

On April 17, 1973, the Bureau of Narcotics and Dangerous Drugs, pursuant to § 301.43 of title 26 of the Code of Federal Regulations, published a notice of application in the Federal Register (38 FR 3924) that S. B. Penick & Co., 100 Church Street, New York, N.Y., made application to be registered as a bulk manufacturer of Pholcodine, a basic class of controlled substance listed in Schedule II.

Person registered to manufacture Pholcodine in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration or before May 17, 1973. No comments or objections were received by the Bureau.

The Director of the Bureau of Narcotics and Dangerous Drugs, pursuant to the authority vested in the Attorney General by section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823) and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 26 of the Code of Federal Regulations hereby gives notice that the application of S. B. Penick & Co. for registration as a bulk manufacturer of Pholcodine has been approved.


John E. Ingersoll,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc. 73-12537 Filed 6-21-73; 8:45 am]

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

[ES 11216; Survey Group 154]

FLORIDA
Filing of Plat of Survey Stayed

On Thursday, May 10, 1973, there was published in the Federal Register, volume 38, No. 90, at page 12242, a notice of the filing of a plat of survey of islands within Fine Island Sound, T. 43 S., R. 21 E., and Ts. 44 S., Rs. 21, 22, and 23 E., Tallassee Meridian, Fla., accepted October 2, 1972.

Pending a final determination on all objections to this survey, the official filing of the plat thereof is hereby stayed pending consideration of all protests. The plat will not be officially filed until the day after all protests have been considered or subsequent appeals have been decided upon by the Board of Land Appeals. All inquiries relating to the lands described in the notice published on May 10, 1973, should be sent to the Director, Eastern States Office, Bureau of Land Management, 7091 Eastern Avenue, Silver Spring, Md. 20910.

LOWELL J. UDY,
Director,
Eastern States Office.


[FR Doc. 73-12501 Filed 6-21-73; 8:45 am]

[Montana 24716, 29011]

MONTANA
Order Providing for the Opening of Public Lands


1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934, as amended (43 U.S.C. 118f), the lands described have been reconned to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 13 W.
Sec. 10, all; and
Sec. 11, all; and
Sec. 16, W\(\frac{1}{2}\)NW\(\frac{1}{4}\) and E\(\frac{1}{2}\)NW\(\frac{1}{4}\).

2. The area described contains 1,440 acres.

3. At 10 a.m. on July 24, 1973, subject to valid rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to multiple resource use in conjunction with other adjoining national resource and private lands.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 7091 North 26th Street, Billings, Mont., 59101.

ROLLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 73-15002 Filed 6-21-73; 3:45 am]

[OR 1630]

OREGON
Notice of Amended Classification of Public Land for Multiple-Use Management


In FR Document 70-16821 appearing at page 19081 of the issue for Wednesday, December 16, 1970, the following changes should be made:

Under paragraphs 1 and 2, the references to paragraph 3 should read paragraph 4.

J. F. HITCHCOKING,
Acting State Director.

[FR Doc. 73-12503 Filed 6-21-73; 8:45 am]

[OR 10729]

OREGON
Notice of Proposed Withdrawal and Reservation of Land


The Bureau of Land Management, Department of the Interior, has filed an application, serial No. OR 10729, for the withdrawal of public land described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws.

The applicant desires to have the area withdrawn as the "Sprague Orchard Clone storage area, Oregon" for the purpose of establishing a clone bank in connection with the operation of this Bureau's Charles A. Sprague Seed Orchard.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than July 20, 1973, to the undersigned officer of the Bureau of Land Management, Department of the Interior (729 Northeast Oregon Street), P.O. Box 2955, Portland, Ore. 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing potential demand for the land and its resources.

After receipt of comments from interested parties, he will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested by the Bureau of Land Management.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The land involved in the application is:

WELLAMETTE MERIDIAN
T. 36 S., R. 6 W.,
Sec. 3, SW\(\frac{1}{4}\).

The area described contains 160 acres in Josephine County.

IRVING W. ANDERSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc. 73-12504 Filed 6-21-73; 9:45 am]
NOTICES

16399

DEPARTMENT OF AGRICULTURE
Agricultural Marketing Service
NEW YORK AND PENNSYLVANIA GRAIN INSPECTION POINTS
Transfer of Designation

Statement of considerations—On March 30, 1973, there was published in the Federal Register (38 FR 6266) a notice announcing: (1) That effective April 1, 1973, the New York Produce Exchange requested that its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate the official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., be transferred; (2) that the International Commercial Exchange, Inc., New York, N.Y., applied for designation to operate the official grain inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., and (3) that the International Commercial Exchange was designated on an interim basis to provide grain inspection services at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa.

Other interested persons and members of the grain industry were given until June 1, 1973, to make application for designation and to submit written data, views, or arguments with respect to the designation of an official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa.

No comments were received with respect to the March 30, 1973, notice in the FEDERAL REGISTER. Therefore, pursuant to the authority contained in sections 3(m) and 7(f) of the U.S. Grain Standards Act, the designation as the official inspection agency at Albany, N.Y.; New York, N.Y.; Ogdensburg, N.Y.; and Erie, Pa., is hereby transferred from the New York Produce Exchange to the International Commercial Exchange, Inc. (Secs. 5 and 7, 39 Stat. 482, as amended, 82 Stat. 762 and 764; 7 U.S.C. 75(m) and 79(f); 37 FR 28464 and 28476.)


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

[FR Doc.73-12535 Filed 6-21-73;8:45 am]

GUymon, Oklahoma, Grain Inspection Agency

Change in Name

Notice is hereby given that the Guymon Grain Exchange, Inc., which is designated under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 1 U.S.C. 78(m)) to operate the official inspection agency at Guymon, Okla., has changed its name to Guymon Grain Inspection, Inc. The name change does not involve a change in management or ownership.


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

[FR Doc.73-12536 Filed 6-21-73;8:45 am]

SHIPPERS ADVISORY COMMITTEE
Notice of Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR, pt. 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Fla., at 10:30 a.m., local time, on June 28, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for regulation of shipments, and the size, capacity, weight, dimensions or pack of the containers used in export shipments other than to Canada or Mexico.


J O H N C. B L U M, Deputy Administrator, Regulatory Programs.

[FR Doc.73-12535 Filed 6-21-73;8:45 am]

Commodity Exchange Authority

TRADERS IN KANSAS CITY WHEAT FUTURES

Release of Names and Transactions

The Secretary of Agriculture in response to a letter from the Committee on Government Operations, Senate Permanent Subcommittee on Investigations, U.S. Senate, submitted to the committee information disclosing the names and addresses of all traders in wheat futures on the Kansas City Board of Trade during the period July 1-August 15, 1972, with respect to whom the Secretary has information, together with data concerning futures transactions and positions of each such trader.

Such information was submitted in accordance with section 8 of the Commodity Exchange Act (7 U.S.C. 12-1) which requires the Secretary upon request of any committee of either House of Congress, acting within the scope of its jurisdiction, to furnish and make public the names and addresses of such traders, together with information concerning their futures transactions. The material submitted covered those traders in reporting status (holding a position of 200,000 bushels or more in any one wheat future), together with data as to small list of other traders with respect to whom the Secretary had information.

The data will be made available for inspection and copying to anyone upon request at the Commodity Exchange Authority office in Washington, D.C., or its regional offices in Chicago, Kansas City, and New York. In accordance with the Department of Agriculture fee schedule, copies of the material will be furnished...
at a charge of 10 cents for each copy of each page.


ALEX C. CALDWELL, Administrator, Commodity Exchange Authority.

[FR Doc.73-12628 Filed 6-21-73;8:45 am]

Soil Conservation Service

NORTH FORK NOLIN RIVER WATERSHED PROJECT, KY.

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, U.S. Department of Agriculture, has prepared a draft environmental statement for North Fork Nolin River Watershed Project, Larue County, KY., USDA-SCS-ESWS-(ADM)-73-46-(D).

The environmental statement concerns a plan for watershed protection, flood prevention, municipal and industrial water, and recreational water. The planned works of improvement include conservation land treatment, supplemented by floodwater retarding structures and two multiple-purpose structures.

Copies are available during regular working hours at the following locations:
- Soil Conservation Service, USDA, South Agriculture Building, room 5227, 14th and Constitution Avenue NW., Washington, D.C. 20250
- Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Ky. 40504

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is $3.25.

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 Glenn E. Murray, State conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Ky. 40504.

Comments must be received on or before August 17, 1973, to be considered in the preparation of the final environmental statement.

[Catalog of Federal Domestic Assistance program No. 10.904, National Archives Reference Service.]


W. B. DAVET,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-12630 Filed 6-21-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

SEMICOMDUCTOR MANUFACTURING AND TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Manufacturing and Test Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet June 29, 1973, at 9 a.m. in room 4830 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor manufacturing and test equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

(1) Comments on minutes of previous meeting.
(2) Review of security classification matters by the Director, Office of Export Control, Rauer H. Meyer.
(3) Presentation of papers or comments by the public.
(4) Review of work program:
   (a) Objectives.
   (b) Work content.
   (c) Completion date.
   (d) Executive session:
      (1) Progress report on work program:
         (a) Parameters of semiconductor manufacturing and test equipment industry in the United States and COCOM control.
         (2) Adequacy of present control definition to the United States and COCOM strategic criteria.
      (3) Discussion of other necessary work assignments.
      (4) Adjournment.

This will be the second meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Committee. It was established January 3, 1973.

(5) Licensing control over technology related to semiconductors.
(6) Foreign availability, including production in USSR, Eastern Europe, and the People's Republic of China.
(7) End use pattern, including military and military support uses, of semiconductors presently under security control.

Comments on minutes of previous meeting:

(1) Comments on minutes of previous meeting.
(2) Review of security classification matters by the Director, Office of Export Control, Rauer H. Meyer.
(3) Presentation of papers or comments by the public.
(4) Review of work program.
   (a) Objectives.
   (b) Work content.
   (c) Completion date.
   (d) Executive session.
(5) Review of work program:
   (a) End use pattern, including military and military support uses, of semiconductors presently under security control.
   (2) Foreign availability, including production in USSR, Eastern Europe, and the People's Republic of China.
   (3) Licensing control over technology related to semiconductors.
   (4) Technical licensing problems on related products.
   (5) Discussion of other necessary work assignments.
   (6) Adjournment.

This will be the second meeting of the Semiconductor Technical Advisory Committee. It was established January 3, 1973.
NOTICES

HEDGE HAVEN FARMS, INC.

Notice of Application

Notice is hereby given that Hedge Haven Farms, Inc., has filed an application for operating-differential subsidy on three ore/bulk/oil carriers (to be constructed) of approximately 80,000 dwt each. Said vessels will be used primarily in the importation of petroleum products from the Bahamas to U.S. ports, but may at times be operated in other worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes, not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 16 U.S.C. 616a.

Any party having an interest in such application may request a hearing on or before June 28, 1973, notify the Maritime Subsidy Board of his interest and petition to intervene in accordance with the Board's rules of practice and procedure for the worldwide movement of liquid and dry bulk cargoes not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before June 28, 1973, notify the Maritime Subsidy Board of his interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as the facts warrant the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purposes of such a hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is filed within the time specified, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.


By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr., Secretary.

[FR Doc.73-12634 Filed 6-21-73; 8:45 am]

Office of Import Programs

NORTH TEXAS STATE UNIVERSITY, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 697). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purpose for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20223, on or before July 12, 1973. Amendment regulations issued under cited act, as published in the February 24, 1972, issue of the Federal Register, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-0540-00-77030. Applicant: North Texas State University, Denton, Tex. 76203. Article: D'internal frequency lock system. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is an accessory to be used...
NOTICES

with a nuclear magnetic resonance spectrometer being used in studies of the structure of end of the bonding within various chemical (mainly organic) compounds. The objectives pursued in the course of these investigations include:

(a) The training of graduate students for future in the chemical industry and academia.
(b) Basic research for a better understanding of synthetic chemistry.
(c) New applications of nuclear magnetic resonance to study of solution products and molecular structures.

In addition the article is to be used for educational purposes in various chemistry courses to train students in the most modern methods of chemistry including nmr spectroscopy. Application received by commissioner of customs May 30, 1973.

Docket No. 73-00542-50-44620. Applicant: University of Miami, P.O. Box 8184, Coral Gables, Fla. 33124. Article: No. 2960 six channel automatic weather station. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used for research on the ultrastructure of normal and pathologic spleen and bone marrow from animals and humans; the three-dimensional structure of normal and pathologic blood cells both in suspension and within the hematopoietic tissues and the ultrastructural fine detail of the cell membranes at high resolution. Application is to be used for research training for hematology trainees. Application received by commissioner of customs May 25, 1973.

Docket No. 73-00542-50-44620. Applicant: University of Miami, P.O. Box 8184, Coral Gables, Fla. 33124. Article: No. 2960 six channel automatic weather station. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is to be installed on moored buoys during oceanographic experiments and will internally record wind speed, wind direction, air temperature and atmospheric pressure as a function of time. Application received by commissioner of customs May 31, 1973.

A. H. STUART, Director,
Special Import Programs Division.

VA HOSPITAL, IOWA CITY, IOWA, ET AL.
Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(e) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is generally suitable for teaching reaction kinetics and for the demonstration to students of modern methods for organic reaction rate determination—primarily organic reactions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is generally suitable for teaching reaction kinetics and for the demonstration to students of modern methods for organic reaction rate determination. In addition, the article provides the basic simplicity needed for instruction. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 25, 1973, that the characteristics of the article described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that known domestic flash photolysis apparatus are more complex and better suited for research.

For these reasons, we find that domestic flash photolysis apparatus are not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART, Director,
Special Import Programs Division.

[FR Doc.73-12365 Filed 6-21-73; 8:45 am]

RIPON COLLEGE
Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(e) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897) and the regulations issued thereunder as amended (31 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00503-01-59800. Applicant: Ripon College, Ripon, Wis. 54971. Article: Side entry goniometer model 1B1102. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in the course chemistry 2111 to teach the kinetic and the mechanisms of reactions, reaction rates and laws, for laboratory use in demonstration of modern methods for reaction rate determination—primarily organic reactions.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is generally suitable for teaching reaction kinetics and for the demonstration to students of modern methods for organic reaction rate determination. In addition, the article provides the basic simplicity needed for instruction. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 25, 1973, that the characteristics of the article described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that known domestic flash photolysis apparatus are more complex and better suited for research.

For these reasons, we find that domestic flash photolysis apparatus are not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART, Director,
Special Import Programs Division.

[FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973]
Farmington, Conn. 06032. Article: Ultra­
microtome, model OM U3. Manufacturer: C.
Reichert Optische Werke AG, Austria.
Intended use of article: The article is
intended to be used to prepare animal
human skin in normal and pathologic
conditions. In addition the article will
be used for teaching a course in electron
microscopic techniques for residents and
students in dermatology.

Comments: No comments have been
received with respect to this application.
Decision: Application approved. No in­
strument or apparatus of equivalent sci­
entific value to the foreign article, for
such purposes as this article is intended
be used, is being manufactured in the
United States. Reasons: The applicant’s
use for teaching students in dermatology
using basic scanning electron microscopy
will require the simplicity and ease of
operation of the foreign article. The
Department of Health, Education, and
Welfare (HEW) advised in its memoran­
dum dated May 25, 1973, the capabilities
described above are pertinent to the pur­
poses for which the article is intended
to be used. HEW further advised that
domestic instruments are of greater rela­
tive complexity when compared to the
foreign article and require more highly
developed operator skills.

For these reasons, we find that the
domestic scanning electron microscopes
are not of equivalent scientific value to
the foreign article for such purposes as
this article is intended to be used. The
Department of Commerce knows
of no other instrument or apparatus of
equivalent scientific value to the foreign
article, for such purposes as this article
is intended to be used, which is being
manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-12561 Filed 6-21-73;8:45 am]

WAYNE STATE UNIV.
Notice of Decision on Application for
Duty-Free Entry of Scientific Article

The following is a decision on an appli­
cation for duty-free entry of a scientific
article pursuant to section 610 of the
Educational, Scientific, and Cultural
Materials Importation Act of 1966 (Pub­
lic Law 89-651, 80 Stat. 897) and the
resolutions issued thereunder as amended
(37 FR 3892 et seq.).

A copy of the record pertaining to this
decision is available for public review
during ordinary business hours of the
Department of Commerce, at the Office
of Import Programs, Department of

Docket No. 73-06546-18-80050. Ap­
licant: National Radio Astronomy
Observatory, Associated Universities, Inc.,
Edgemont Road, Charlottesville, Va.
22901. Article: 60 mm (millimeter)
helical circular waveguide and couplers
for TE_ mode and related antenna
coupling waveguide components and ac­
essories. Manufacturer: Furukawa Elec­
tric Co., Ltd., Japan. Intended use of
article: The article is intended to be used
as part of the very large array radio tele­
scope to transmit radio wavelength radi­
sion from extraterrestrial objects to rec­
ding apparatus. The study of this radiation enables astronomers to
study the sources of energy, origin, and
evolution of the universe. Application re­
cieved by Commissioner of Customs
June 1, 1973.

A. H. STUART,
Director,
Special Import Programs Division.
[FR Doc.73-12561 Filed 6-21-73;8:45 am]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE
Food and Drug Administration

Food and Drug Administration

[FR Doc.73-12561 Filed 6-21-73;8:45 am]

MERCK SHARP & DOHME RESEARCH
LABORATORIES

Nithiazide; Notice of Opportunity for a
Hearing

In FR Doc. 73-11133 appearing at page
14782 in the issue for Tuesday, June 6,
1973, in the last line of the first para­
dgraph, the word “hexamitiasis”, should
read “hexamitiasis”.

Health Services and Mental Health
Administration
NATIONAL ADVISORY COUNCIL ON
HEALTH MANPOWER SHORTAGE AREAS
Notice of Meeting

The Administrator, Health Services
and Mental Health Administration,
announces the meeting date and other re­
quired information for the following

National Advisory body scheduled to
assemble the month of July 1973:

<table>
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<tr>
<th>Committee name</th>
<th>Date, time, place</th>
<th>Type of meeting and or contact person</th>
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<tr>
<td>National Advisory</td>
<td>July 24-25; 9 a.m., Wood­</td>
<td>Open-Contact Jane</td>
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<td>Commission of</td>
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<td>Health, Education,</td>
<td>Universities, Associated</td>
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<td>[FR Doc.73-12513 Filed 6-21-73;8:45 am]</td>
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<td>ton, Md. Code 301-</td>
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Purpose.—The Council is charged with
establishing guidelines and regulations to
improve the delivery of health care
services; assigning Public Health Service
personnel to areas where medical
manpower and facilities are inadequate
to meet the health needs of persons liv­
ing in such areas; and on a nationwide
basis recommending the criteria and
personnel on which selection of areas are
based.

Agenda.—Agenda items will cover
organization, designation of scarcity
areas, recruitment, conference with ter­
mminating professionals, and the Secre­
tary's Override Authority.

Agenda items are subject to change as
priorities dictate.

A roster of members and other rele­
vant information regarding the open
session may be obtained from the con­
tact person listed above.


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

[FR Doc.73-12513 Filed 6-21-73;8:45 am]

Office of the Assistant Secretary for Health

RECOVERY OF LITHIUM CARBONATE

Proposed Issuance of Exclusive License

Pursuant to § 63, 45 CFR, part 6, notice
is hereby given of intent to issue a
limited term, revocable, exclusive patent
license in and to an invention of LeRoy
F. Grantham and Samuel J. Yosim,
entitled "Recovery of Lithium Carbonate.

Any objection thereto together with re­
quest for opportunity to be heard, if de­
sired, should be directed to the Assistant
Secretary for Health, Department of
Health, Education, and Welfare, 350 Inde­
pendence Avenue SW., Washington,
parties may obtain a copy of the patent
application directed to this invention
upon request in writing to the party
hereinabove named.

(45 CFR 63.)

CHARLES C. EDWARDS,
Assistant Secretary for Health.


[FR Doc.73-12519 Filed 6-21-73;9:45 am]
NOTICES

Office of the Secretary
OFFICE OF ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to establish a new chapter TT30, Office of Administration, which supersedes chapter TT04 (37 FR 110593, June 18, 1972). The new chapter includes all elements of the previous Office of Administration, except for the Office of Surplus Property Utilization and the President's Council on Physical Fitness and Sports. The new chapter also includes the Division of OS Personnel formerly within the Office of Personnel and Training, and the Division of Central Payroll and the Data Management Center formerly with the Office of the Assistant Secretary, Comptroller. The new chapter reads as follows:

"Sec. TT30.00 Mission.—The Office of Administration is a component of the Office of the Secretary. The Office of Administration provides advice on matters having to do with the provision of administrative services, personnel operations, and equal employment opportunity to departmental organizations, the Office of the Secretary, and the Office of the Assistant Secretary, Comptroller. The Office of Administration directs the provision of centralized purchasing and contracting services for administrative supplies, professional, technical, and research requirements, administrative supplies, and centrally procured services for department headquarters activities. Maintains personal property management and disposal, and the forms management activities. Provides staff assistance, direction, and guidance to departmental organizations and other Federal agencies.

1. Printing and Visual Systems Branch plans and directs the communication management plans and procedures for the Office of the Secretary. Provides advice on matters having to do with the Department's alerting procedures and classified defense information and materials services. Provides offset, duplicating, photographic, collating, copy preparation, visual-graphic, and addressograph services. Provides the Department's advisory services and centralized procurement of the services from outside sources.

2. Supply Operations Branch plans and directs the provision of centralized purchasing and contracting services for administrative supplies, professional, technical, and research requirements. Administrative supplies and centrally procured services for department headquarters activities. Provides supply, storage, shipping and receiving, and laboring services for department headquarters activities. Maintains personal property management and disposal, and the forms management activities. Provides staff assistance, direction, and guidance to Departmental organizations and other Federal agencies.

3. Communications Branch plans and directs the communication management programs for the Department of Health, Education, and Welfare. Provides advice on matters having to do with the provision of administrative services, personnel operations, and equal employment opportunity to departmental organizations, the Office of the Secretary, and the Office of the Assistant Secretary, Comptroller. The Office of Administration directs the provision of centralized purchasing and contracting services for administrative supplies, professional, technical, and research requirements, administrative supplies, and centrally procured services for department headquarters activities. Maintains personal property management and disposal, and the forms management activities. Provides staff assistance, direction, and guidance to Departmental organizations and other Federal agencies.

4. Departmental Library Branch plans and directs a program for library activities and services Department-wide, provides management assistance to the Secretary, Under Secretary, and other Federal agencies in matters which involve the Federal Library Committee and the Library of Congress.

5. Division of Defense Coordination.—The Division of Defense Coordination plans and directs the Office of the Secretary in matters which include the Defense Coordination Plan No. 1 of 1958, and the National Defense Education Act of 1958. The Division of Defense Coordination is responsible for the Secretary of Defense, the Director of Office of Management and Budget, and the Congress, and participates in Appropriations Committee hearings having to do with the Department's defense activities when requested.

6. Coordinates HEW participation in national and regional interagency readiness tests and exercises. Provides budget estimates and justification and other supporting materials as required by the Office of Emergency Preparedness, the Office of Management and Budget, and the Congress, and participates in Appropriations Committee hearings having to do with the Department's defense activities when requested.

7. Coordinates HEW participation in national and regional interagency readiness tests and exercises.

8. Provides budget estimates and justification and other supporting materials as required by the Office of Emergency Preparedness, the Office of Management and Budget, and the Congress, and participates in Appropriations Committee hearings having to do with the Department's defense activities when requested.

9. Performs special assignments for the Secretary, Under Secretary, and Assistant Secretaries, as requested, on matters involving defense readiness and national disasters, prepares special reports, staff papers, and correspondence. Reviews and conveys in defense-related correspondence prepared by HEW operating units for the Secretary's signature.

10. Coordinates HEW natural disaster assistance and relief activities to ensure expedited response to State and local governments.
government requests for HEW aid; manages disaster information and reporting system; coordinates the performance of other actions required of the Department by Public Law 91-606 and Executive Order 11575, section 4.

D. Printing and Publications Management Staff.—The Printing and Publications Management Staff has responsibility for the following:

1. Advises top Departmental management on matters pertaining to management and direction of the Department's printing and publications program and provides technical assistance and guidance to the operating agencies in planning, executing, and evaluating printing and reprographics programs.

2. Provides liaison for the Department with the Congress, Government Printing Office, other Government agencies, and private industry on printing and publications management.

3. Identifies Federal Department resource on coordinating and monitoring the testing of newly-developed reprographics equipment, systems, and techniques.

4. Directs a periodic review and evaluation of printing and publication management operations throughout the Department.

5. Prepares Department's position and assignment recommendations on proposed changes to the Government Printing and Binding Regulations; and chairs the Department Committee on Printing Management.

Division of Safety Management.—The Division of Safety Management is responsible for the establishment and management of a comprehensive Departmentwide Safety and Health Program which will provide a safe and healthful work environment for employees and the public served, and minimize losses as they relate to human resources, property, equipment and material. This program encompasses the requirements of section 7902 of Title 8 of the U.S. Code and section 19(a) of the Occupational Safety and Health Act as implemented by the current occupational health and safety regulations. This section specifies the following:

1. Develops and promulgates plans, policies, and procedures in the management of the Departmentwide Safety Program encompassing all agencies and regions.

2. Advises top management of the Department on all matters pertaining to the top management and direction of the Departmentwide Safety Program, and provides technical assistance to the operating agencies, regional offices, and field installations in all areas of safety management.

3. Develops, coordinates, and/or promulgates safety and health standards.

4. Conducts safety management surveys and evaluations to determine program implementation and management effectiveness.

5. Prepares and/or coordinates the Department's position on proposed legislation, standards, and regulations relating to safety management.

6. Plans and administers a safety management information system.

7. Develops, coordinates, and monitors safety education, training, and promotion activities throughout the Department.

8. Coordinates and monitors research for development of new loss control methods and techniques.


F. Division of OS Personnel.—The Division of OS Personnel is responsible for the formulation and development of personnel policies and implementation of established policy for the Office of the Secretary. This division provides services in the areas of recruitment and placement, classification, employee relations, employee development, and other personnel services in the Office of the Secretary.

1. Personnel Staffing and Data Control Branch is responsible for all staffing and pay setting activities of employees in the Office of the Secretary, Headquarters, and quarters through GS-15 and wage grade equivalent employees, and consultants and experts, for processing a variety of personnel/payroll data elements into an automated personnel data system, and for maintaining the basic personnel records such as official Personnel Folders, Organizational Listings, Service Records, Card Files and retention registers for purposes of Redundancy in Order.

2. Classification plans, administers, and maintains a comprehensive position classification and wage administration program. The program encompasses General Schedule, Grade Equivalents and equivalents, General Schedule classifications, including Lithographic, Excepted Service and expert and consultant positions for OS Regional Offices. Plans and implements the Personnel Management Program. In classification surveys and daily operations makes a continuous analysis and appraisal of position structure to determine that work is organized and assigned among positions in the most efficient and economical manner to assure the related effective use of manpower resources.

3. Employee Relations Branch plans, administers, and maintains a comprehensive position classification and wage administration program. The program encompasses General Schedule, Grade Equivalents and equivalents, General Schedule classifications, including Lithographic, Excepted Service and expert and consultant positions for OS Headquarters and all standard position descriptions for OS Regional Offices. Plans and implements the Personnel Management Program. In classification surveys and daily operations makes a continuous analysis and appraisal of position structure to determine that work is organized and assigned among positions in the most efficient and economical manner to assure the related effective use of manpower resources.

4. Employee Training Branch designs programs that provide career training to all OS clerical, professional, management and high-level staff personnel; determines total OS training needs and develops annual training plans to service those needs; monitors feasibility of creating new types of training, as needed, and works with operating officials in planning and implementing training; presents full range of Clerical, Professional and Management training opportunities to employee force to meet present or anticipated career, evaluates, revises and otherwise improves programs.

5. Employee Development Center is responsible for conducting functional organization surveys for all organizations in the Department.

6. Counseling Section which is responsible for conducting functional organization surveys for all organizations in the Department.

7. Counseling Section which is responsible for conducting functional organization surveys for all organizations in the Department.

G. Division of Central Payroll.—The Division of Central Payroll provides a centralized payroll system Departmentwide, including active and retired Commissioned Officers, produces accounting reports data, provides information for the Personnel Data System and reports to other Government agencies covering retirement and unemployment compensation. Functions of its components are as follows:

1. Operations Control Branch microfilms and controls all payroll source documents and their processing; responsible for mailing services.

2. Current Payroll Processing Branch makes all adjustments of salary and updates history portions of the master record file, processes time and attendance reports and output listings from the time and leave programs.

3. Commissioned Officers Branch is responsible for the payment of active and retired Commissioned Officers, and the operation of a completely separate payroll system.

4. Administrative Branch provides general and administrative support which includes personnel, budget, correspondence, messenger, and bonding services.

5. Agency Liaison Office establishes and maintains effective liaison with agency liaison officers, timekeepers, financial and personnel officials to promote a more efficient payroll system.
"6. Support Branch provides in-house systems support; analyzes payroll processing and reports findings and recommendations; provides support for special projects and in-house training.

"7. Reports Branch reconciles the reports generated from the processing and payment of the payroll, processes recurring changes, maintains retirement records, handles death benefit claims, pays and transfers lump sum leave; and processes reports for management.

"8. Personnel Data Maintenance Branch establishes and maintains the master record file.

"H. Minority Business Assistance Staff.—Performs a liaison and advocate role for all Departmental activities involving assistance to minority business enterprises and minority business related programs. As part of this role, the staff:

1. Plans, establishes and promulgates Department-wide policy for the Department's Minority Business Assistance program.

2. Serves as Department monitor and coordination point for all matters concerning the placement of contracts by Department Contracting Officers with the Small Business Administration under section 8(a) of the Small Business Act.

3. Seeks to encourage the awarding of contracts to qualified minority business both under provisions of section 8(a) of the Small Business Act, and under the provisions of Federal and Departmental Procurement Regulations.

4. Encourages qualified minority nonprofit institutions to apply for applicable DHEW grants and loans.

5. Assists in coordinating the Department's commitment to increase deposits in minority-owned banks of funds which are directly or indirectly under the Division's control or influence.

6. Has overall responsibility for the establishment of minority-owned concessions in DHEW-managed facilities.

7. Evaluates reports and otherwise monitors agency progress toward accomplishment of minority business assistance goals.

8. Maintains continuous communication with the minority business community nationally and facilities interface with DHEW program resources.

9. Represents the Department in Federal, State, and locally sponsored conferences, seminars, and forums on minority enterprise program matters.

10. Provides the monitors DHEW line authorities with program responsibility for contracts, grants, and similar funding activities which impact on the minority business community.

11. Plans and administers a program for providing current information on all minority business activities of the Department.

"L. Vocational Employment Opportunity Staff.—Carries out activities within OS as mandated by Executive Order 11478 and PL 92-261 which require the establishment and maintenance of a positive program of non-discrimination in employment. The major functions are:

1. Provides direction and guidance on the EEO system to OS managers and employees through development and issuance of directive, instructions, and guidelines.

2. Coordinates and formulates the OS Annual Affirmative Action Plan; monitors and evaluates efficiency and effectiveness of the program of non-discrimination in employment.

3. Monitors OS EEO complaint system and issues decisions on all formal complaints; ensures adequacy of counselors and investigators through training and assignment.

4. Maintains surveillance over minority employment data; provides leadership and assistance in the design, development, and issuance of manpower information related to minority and female employment profiles through the OS Department and agency automatic data systems.

5. Is functionally accountable to the Director of EEO through the Department level EEO staff.

6. Provides for administrative housing of the OS Federal Women's Program Coordinator.

7. Data Management Center.—The Data Management Center provides for the Department upon request systems design, programming, and data processing, and an operational integrated data base system for the consolidated processing of federal and related statistical reporting services Department-wide on a fee for service basis. Its specific components and functions include:

1. Advanced Systems Research and Development Group investigates, analyzes, and designs systems that will utilize computer oriented knowledge to aid in solution of HEW ADP problems.

2. Management Information Systems Group is made up of the following:

(a) Management and Statistical System Section develops, maintains, and provides access to a comprehensive integrated data base to meet reporting requirements and maintenance of consolidated financial and related reporting services Department-wide on a fee for service basis. Its specific components and functions include:

(i) Establishes uniform data element standards, classifications, terminologies, and policies to be used Department-wide in statistical and financial management; establishes and directs implementation of a Department "Grant-in-Aid Reporting" system for consolidated activities of all operating agencies; develops and implements, on a consolidated basis, methods for storage, retrieval, and display systems for management and statistical information and reports.

(b) Requirements and Development Section develops and directs implementation of management data collection systems related to programs, activities, and operation of the Department through use of an integrated data base; devises reporting and retrieval techniques; prepares system specifications and evaluates the results of feasibility studies; provides results of research in operations to improve systems; develops analytical models, the design and analysis of experiments, and assessments of and monitors contractual commitments.

(c) Classification Standards Section is responsible for the establishment of uniform data element standards, classifications, terminologies and policies for use Department-wide; participates in the development of Federal industry standards; conducts studies of policies and procedures to assure an efficient reporting operation; provides management information procedures for new functions to insure compatibility with on-going systems and examines and evaluates studies to improve capability.

8. Division of Data Processing acquires, maintains and operates ADP equipment; develops and maintains tele-processing support systems; provides support services for submission, monitoring, and quality control of reporting programs; prepares proposals and monitors contracts for key punching and machine services; develops computer operations standards and guidelines; prepares short and long-range forecasts of data processing requirements and operates and maintains ADP library.

4. Division of Systems Planning analyzes, designs, and operates data processing systems; provides for operating services; prepares proposals and monitors contracts for systems analysis, design, and programming; implements policies and procedures related to systems analysis and programming operations.


ROBERT H. MARK, Assistant Secretary for Administration and Management.
the various Department operating agencies and Office of the Secretary staff, is to provide architectural engineering policy, direction, and services for both direct Federal and federally assisted construction activity; manage staff offices, integrate facility services to the system for all DHEW owned or operated real property; establish policy, standards, and procedures which will contribute to the improvement of health education, and civil defense by promoting maximum utilization of all available Federal surplus property.

"Sec 1780.10 Organization—OFEPM, under the supervision of the Director, who reports directly to the Assistant Secretary for Administration and Management, consists of:

Office of the Director: Policy Development Staff; Administrative Staff; Metropolitan Engineering Staff.

Office of Planning and Development: Division of Facility Engineering Planning; Division of Facility Engineering Development.

Office of Federally Assisted Construction: Division of Management Information; Division of Operations.

Office of Architectural and Engineering Services: Division of Design Management; Division of Architecture; Division of Engineering.

Office of Real Property Management: Division of Management; Division of Real Property; Division of Space Management.

Office of Surplus Property Utilization: Division of Surplus Real Property; Division of Surplus Personal Property.

"Sec 1780.20 Functions—A Office of the Director. The Office of the Director (OFEPM) shall be responsible for:

1. Office of the Director. a. Administration and supervision of all OFEPM activities and personnel resources.

b. Review of operating agency and staff office architectural and engineering manpower budgetary requirements for recommendations to the Office of the Secretary in relation to the Department's manpower utilization program.

c. In conjunction with Department operating agencies and staff offices, evaluating the architectural/engineering and related technical aspects of annual budget submittals for the acquisition, construction, utilization, operation, and maintenance, repair and improvement, and disposal of Department facilities before the Office of Management and Budget and Congress.

2. Policy Development Staff. a. Defining and developing policies and procedures, and coordinating their development with the various Department operating agencies and staff offices, and other Federal departments and agencies.

b. Advising the Director on congressional inquiries and other legislative matters affecting OFEPM.

c. Serving as the focal point with Office of Civil Rights, Office of the Secretary, and other Federal operating agencies regarding architectural/engineering and construction services.

d. Developing policies, procedures, and regulations for the Department-wide implementation of the Uniform Relocation Act, Public Law 91-648.

e. Serving as liaison with the Department's Office of General Counsel in the development and application of such policies and procedures.

f. Developing and recommending policies and procedures, to the Office of Grants and Procurement Management, for DHEW-wide use in contracting for direct Federal architectural/engineering and construction services, and providing related operational and technical guidance and surveillance.

3. Administrative Staff. Developing OFEPM administrative practices and procedures and annual operating budgets; personnel administration; control and editing of correspondence and publications; control of supply, space allocation, and travel funds; managing files and security controls; establishing and maintaining a resource materials library; and performing other administrative functions as may be necessary.

4. Metropolitan Engineering Staff.

a. Performing architectural/engineering and construction-related technical services as pertinent and as listed in sections 1T02a3, 1T02a4, and 1T02a5, for direct Federal construction activities in the Washington-Baltimore metropolitan area.

b. Reviewing and coordinating with GSA on job orders for repair, modification and services for headquarters facilities in the Washington-Baltimore metropolitan area; managing and distributing bulk parking space within the southwest area complex; developing policy on building equipment operation and liaison with GSA for maintenance and operation of building utilities and equipment and cleaning and custodial services for headquarters facilities in the Washington-Baltimore metropolitan area; and providing liaison with GSA for building services to concessionaires, credit unions, and employee associations in the headquarters facilities in the Washington-Baltimore metropolitan area.

5. Office of Planning and Development. The Office of Planning and Development shall be responsible for:

1. Division of Facility Engineering Planning. a. Developing, publishing, and managing policies and procedures for translating long-range program plans into Federal facility requirements with necessary and appropriate budgetary documentation, in facility comprehensive planning.

b. Providing facility engineering and comprehensive planning consulting services to elements of DHEW, and as appropriate, to other Federal departments, public bodies and private institutions.

c. Acting as focal point for OFEPM interface with planning, budgetary, and management elements of OS, Department Operating Agencies, OMB, and GSA.

d. Serving as point of OFEPM contact for participation in the DHEW Operational Planning System.

e. Determining and documenting facility requirements for Department head- quarters complex to include schedules, justifications, and budgetary implications.

f. Developing and promulgating principles and techniques to relate urban planning to health, education, and welfare facilities.

2. Division of Facility Engineering Development. a. Developing, on an administrative basis, the state-of-the-art of the art of building and formulating application priorities and strategies responsive to DHEW facility programs.

b. Providing consultant services in the facility development area to Department operating agencies and OS elements, other Federal departments and agencies, and where appropriate, to public and private institutions.

c. Sponsoring DHEW involvement in special demonstration projects utilizing innovative techniques for facility development.

d. Developing and promulgating principles and techniques in systems building, construction management/phaased design and construction, and life cycle costing.

e. The Office of Federally Assisted Construction. The Office of Federally Assisted Construction shall be responsible for:

1. Division of Management Information. a. Developing, maintaining, and coordinating architectural/engineering and construction-related reporting systems for the Department direct Federal special-purpose and federally assisted construction activities.

b. Analyzing reporting systems to develop feedback information to OFEPM architectural/engineering staffs which will enable evaluation of project progress control statistics and other necessary engineering management information.

2. Division of Operations. a. Providing direction and supervision to the regional facilities engineering and construction staffs in support of the federally assisted construction activity.

b. Developing policies and procedures for guidance of regional facilities engineering and construction staff.

c. Evaluating architectural/engineering performance rendered in support of the federally assisted construction activity.

d. Coordinating with the Office of Architectural and Engineering Services (OFEPM) and operating agencies and staff offices, the development of guides and other informational data for use by project applicants, architects, engineers, and contractors.

e. Carrying out a continuing program for the monitoring of project design development and construction progress.

f. Maintaining liaison with Department operating agencies, staff offices, and regional offices.

g. Coordinating, with the Office for Civil Rights, Office of the Secretary, equal employment activities in construction activities.

h. Coordinating, with the Department of Labor, the need and issuance of Federal wage determinations for both Federal and federally assisted construction.
projects and the resolution of violations in the area of Federal fair labor standards.

"D. Office of Architectural and Engineering Services. The Office of Architectural and Engineering Services shall be responsible for:

"1. Division of Design Management. a. Establishing, maintaining, and controlling Federal design standards, criteria, and technical specifications for uniform application to the Federal departmental design and related construction services in support of the Department direct Federal special-purpose construction activity.

"b. Developing, maintaining, and updating construction technical data to support design and related construction services in support of the Department direct Federal special-purpose construction activity.

c. Providing upon request, specialized engineering consultant services to Department operating agencies, staff offices, regional offices, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activities.

d. Developing architectural design standards, criteria, and technical specifications for uniform application to the direct Federal special-purpose construction activity and guides for the federally assisted construction activity.

e. Providing draft visual aids services for OFEPM.

"3. Division of Engineering. a. Providing engineering consultant services to Department operating agencies, staff offices, regional offices, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activities.

"b. Developing engineering design standards, criteria, and technical specifications for uniform application to the direct Federal special-purpose construction activity and guides for federally assisted construction activity.

c. Supervising civil, mechanical, and electrical design functions for Federal special-purpose construction activity.

d. Technical development and evaluation of engineering services being rendered by Department operating agency, staff office, regional office, and field installation staffs.

e. Promoting the utilization of the life-cycle cost concept in all engineering design.

"E. Office of Real Property Management.—The Office of Real Property Management shall be responsible for:

"1. Division of Real Property Management.—a. Developing and implementing an integrated facilities management system for the planning and identification, management, and analysis of Department-owned and Department-occupied facilities in support of annual and long-range and budgetary requirements.

"b. Developing and publishing policies and procedures for guidance of Department operating agencies in support of DHEW real property requirements.

c. Acting as the focal point for OFEPM interface with all government and non-government elements concerned with socio-economics compliance in Department-owned and utilized facilities.

d. Administering and supervising a continual program for:

"(1) Evaluation of Department real property condition and operations for compliance with applicable, safety, health, fire protection, environmental, and energy conservation standards.

"(2) Technical surveillance and performance evaluation of DHEW facility operation and maintenance activities relating to energy conservation, fire safety, occupational safety, environmental standards, and other actions required to provide adequate, safe, and properly maintained facilities.

"(3) Evaluation of maintenance and custodial services operations furnished by Federal departments, facility support agencies and private lessors on real property, Department-owned or occupied under lease, assignment, license, or use permit.

"(4) Development of technical material and guidelines for the operation of regional office staffs and field installation personnel for the operation, maintenance, repair, and improvement of Department real property.

"(5) Application of adequate and acceptable entomological control, grounds maintenance, snow removal, and other facility-related services.

"(6) Furnishing upon request, specialized plant maintenance and operation consultant services to headquarters, agencies, regional offices and field installations.

"2. Division of Real Property.—a. Providing operational and planning guidance and where necessary, performance, to the regional offices of Facilities Engineering and Construction (ROFCs) and Department operating agencies in DHEW real property activities.

"b. Maintaining a real property inventory, cost and facility management system for DHEW-owned and utilized Federal facilities, and facility engineering activities related thereto.
order to secure professional advice and evaluation of proposed programs and facilities needed to carry out such programs.

d. Reviewing applications from State agencies for surplus personal property and submission to the General Services Administration of requests to have property made available to the Department for distribution to State agencies.

e. Preparing appropriate instruments to effect conveyances of real properties assigned for the program for which the property was requested; allocating personal property to State agencies on an equitable basis.

f. Carrying out a continuing program of compliance reviews to insure that restrictions as to use of real and personal properties conveyed and donated are fully complied with. Arranging for sales, retransfers, collections for illegal disposals, and institution of legal actions, when necessary, to protect Federal Government claims regarding improper use of donated personal property. Arranging for approvals of interim leases, rights-of-way easements, program changes, and conversions of improvements not needed for continued program use, abrogation of restrictive conditions, and enforcement of transfer conditions prohibiting encumbrance of properties without prior permission.

g. Establishing regulations governing minimum standards of operation for State agencies and the development of policies and procedures for approval of State plans of operation.

h. Developing and executing regulations, policies, and procedures for all operations. Planning for long-range improvements and expansion of the surplus property utilization program.

i. Establishing liaison with the various components of the Department as well as with other Federal, State, local, private, and public health purposes pursuant to section 263(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Deputy to the Director, Office of Civil Preparedness and Management) Delegation 5, take such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational, public health, and civil defense purposes as outlined by section 263(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Defence Civil Preparedness Agency) Delegation 5, take such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational, public health purposes pursuant to section 263(k) of the act, and enter into cooperative agreements pursuant to section 263(n) of the act, except that any action which may be taken by the Secretary shall be prepared and submitted for the Secretary's approval. He shall prepare for submission by the Secretary to the Senate and to the House of Representatives, reports required to be made by section 203(o) of the act.

3. Division of Surplus Real Property.—a. Operating, on a nationwide basis, the real property portion of the surplus property utilization program.

b. Inspecting and screening of surplus real property and the notification of all eligible institutions which have a potential interest in the available surplus real property.

c. Keeping abreast of any regulatory releases by General Services Administration governing real and related personal properties which would necessitate implementation of program policies, procedures, or regulations.

d. Coordinating with the General Services Administration in connection with the securing of assignments of restricted property, and the coordination of approved programs and facilities needed to carry out such programs;

e. Liaison with members of Congress and their staffs, both by telephone and in person, and with other Federal agencies, State and local governments, and other organizations to discuss the subsequent disposition of such property when a determination has been made that the property is no longer useful and needed in the donation program;

f. Carrying out a continuing program of compliance reviews to insure that restrictions as to use of surplus personal properties donated are fully complied with; arranging for sales, retransfers, and collections for illegal disposals, and effecting settlement of Government claims;

g. Establishing and maintaining liaison with the various components of the Department, General Services Administration, Department of Agriculture, Federal Aviation Agency, and other Federal agencies as required;

h. Establishing guidelines for State and local agencies for surplus property utilization program and maintaining a continuing appraisal and analysis of program performance and taking the necessary steps to improve the efficiency and economy of program operations.

i. Establishing guidelines for State agencies for surplus property utilization program and regional representatives to determine eligibility of institutions for the procurement of surplus personal property allocated to State agencies for surplus property by the Department. Initiates and recommends final action on all cases forwarded to OFEM by the regional representatives for determination of the eligibility of applicants that cannot be resolved in the regional office.

Sec. 1T80.30 Delegations of authority.—A. The Director, OPEFM, is delegated: 1. The authorities vested in the Secretary by law (or delegated to the Administrator of General Services) and redelegated to the Assistant Secretary for Administration and Management relating to real property management, engineering and facility planning and construction, and...
building service functions (executive of the financial management authority delegated to the Assistant Secretary, Comptroller) on matters requiring financial management.

2. All authorities in respect to direct Federal special-purpose construction activities.

3. The authority to issue such general policies and procedures as may be necessary to govern the functions, personnel, funds, and property in order to establish and administer the Office of Facilities Engineering and Property Management.

B. The Director, Office of Facilities Engineering and Property Management, is authorized to make determinations and allocations for educational, public health, public safety, and other purposes as outlined by section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration (Defense Civil Preparedness Agency), Delegation 203(o) of the act, and enter into cooperative agreements pursuant to section 203(n) of the act, except that any action which is required to be taken by the Secretary shall be prepared and submitted for the Secretary's approval. He shall prepare for submission by the Secretary to the Senate and to the House of Representatives the reports required to be made by section 203(o) of the act.

C. The authorities delegated are subject to the reservations of authority in the Secretary in chapter 1A of the Department's statement of organization, functions, and delegations of authority of the Department's "Organization Manual."

D. The Director, Office of Facilities Engineering and Property Management, is delegated: 1. Authority for Department-wide coordination of the implementation of the Uniform Relocation Act, Public Law 91-696.

2. Responsibility for the development and interpretation of policies, procedures, and regulations for the act; and for the preparation for the Secretary's transmittal to the President of reports required by section 214 of the act or other reports. Certain other authorities under the act, with regard to project administration, have been delegated to agency heads.

3. Further redelegation of this authority is not authorized.


ROBERT H. MARK, Assistant Secretary for Administration and Management.

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OFFICE OF GRANTS AND PROCUREMENT MANAGEMENT

Statement of Organization, Function, and Delegation of Authority


Sec. 1T60.00 Mission.—The Office of Grants and Procurement Management develops departmental policy in the areas of grants, procurement, and materials, supervises and oversees the grants, procurement, and material functions of the constituent agencies and evaluates the grants, procurement, and material activities of such agencies; establishes to the maximum practicable extent, an integrated and interrelated system for development, initiation, making and administration of grants, procurement, and material; provides management and technical assistance to the Office of the Secretary and to constituent agencies in implementing departmental policies and procedures; establishes grant administration policies and standards, providing guidance and interpretation, and surveillance and evaluation, that agency programs are effectively supporting operational needs and are in compliance with the law and regulations; and monitors the entire system to insure effective implementation of departmental policy.

Sec. 1T60.10 Organisation.—The Office of Grants and Procurement Management is an organizational component of the Office of the Assistant Secretary for Administration and Management and consists of:

Division of Grants Policy and Regulations Development.

Division of Procurement and Materiel Policy and Regulations Development.

Division of Analysis, Review, and Compliance.

Division of Grants and Procurement Management Information, and Reports.

Sec. 1T60.29 Functions.—A. The Office of Grants and Procurement Management provides specialized support and assistance to the Secretary, other staff officers in the Office of the Secretary and to other officials throughout the Department.

1. Serves as the Secretary's manager for grants, procurement, and material programs. Ensures, through establishing policies and standards, providing guidance and interpretation, and surveillance and evaluation, that agency programs are effectively supporting operational needs and are in compliance with the law and regulations.

2. Develops policies, regulations, systems, methods and procedures for the management and administration of grants, procurement, and material activities of the Department.

3. Fosters the use of consistent policies, procedures, and terms and conditions for discretionary grants and contracts. Develops these materials for use by Department grant and contract activities.

4. Evaluates the effectiveness of these activities, and institutes changes where required.

5. Directs and provides departmental training to grant, procurement, and material personnel and program or project officials engaged in the grant, procurement, and materiel process.

6. Develops and directs a system for compilation and analysis of data required in the administration and management of grants, procurement, and materiel management.

7. Provides liaison with other Government agencies and associations concerned with departmental grants, procurement, and materiel management.

8. Reviews and approves all operating agency grant administration policies and procedures prior to publication.

9. Approves all new or revised forms for grants, procurement, and materiel management and develops and standardizes grant forms for departmental use.

"B. Division of Grants Policy and Regulations Development.—1. Develops Department-wide administrative and material policies governing the award and administration of grant and procures these as departmental regulations or in the Department grants administration manual.

2. Makes special studies and problem areas in grants administration including the application of management and financial policies and procedures.

3. Reviews and prepares comments on grant administration aspects of proposed new or amended legislation and operating agency program regulations.

The Director, Division of Grants Policy and Regulations Development chairs the Department's Executive Committee on Grants Administration Policy, provides the Executive Secretariat and staff support for the Department's Grant Appeals Board, chairs or otherwise takes part in various interdepartmental and intradepartmental boards and committees.

4. Establishes and maintains working relationships with OMB, other Federal agencies, associations of grantee institutions and State and local government agencies in order to develop and coordinate grant administration policies.

5. Provides specialized support and assistance to the operating agencies, regional offices, and staff offices of OS on matters relating to grant administration.

6. Reviews and approves all operating agency grant administration policies and procedures prior to publication.

7. Conducts or participates in seminars and training for departmental employees engaged in the grant process, grantees and associations of grantees on grant administration matters.

"C. Division of Procurement and Materiel Policy and Regulations Development.—1. Develops and directs departmental policies, and procedures pertaining to (1) the procurement from non-Federal sources of personal property and nonpersonal services (including construction by such means as purchasing, renting, leasing (including real property), contracting, or bartering, but not by seizure, condemnation, donation, or requisition and (2) materiel management...
including acquisition from established sources, utilization, inventory management, storage and distribution and disposition of materials, supplies and equipment as well as transportation and traffic management, small business program and the commercial and industrial activities of the Department. Recommends issuance of procurement and materiel management regulations. Coordinates with CEPSM concerning material involvement in grant procurement and materiel matters such as position of materials, supplies and equipment projects officials engaged in the procurement and materiel of the Department. Small Business Administration, and the Office of Management and Budget Procurement Committee.

3. Conducts research, originates, and develops innovations in procurement and materiel matters and proposes new or revised forms to be used for materiel management purposes and for contracts and develops general and standard contract forms for departmental use.

4. Maintains liaison with other Government agencies and represents the Department in interagency activities on procurement and materiel matters such as the Federal Procurement Policy Board, Small Business Administration, and the Office of Management and Budget Procurement Committee.

5. Conducts research, originates, and develops innovations in procurement and materiel matters and proposes new or revised forms to be used for materiel management purposes and for contracts and develops general and standard contract forms for departmental use.

6. Recommends, and where necessary, institutes corrections and improvements to carry out findings of the foregoing analyses, studies and reviews.

E. ‘Division of Grants, Procurement Material Management Information and Reports.’

1. Plans, develops and administers an integrated system of statistical reporting and analysis for procurement, grants and materiel management.

2. Develops an information data system on all contract, materiel and grant activities, and assures that adequate controls are established which will permit the rapid retrieval of necessary data for all echelons of the Department.

3. Provides data and information on grant, procurement and materiel activities, as required, to the Congress, the Executive Office of the President, industry, educational community and the general public.

4. Responsible for the preparation of pamphlets and other publications and special tables and charts, as well as all documentation for operating the components of the Department and the general public on the procurement, materiel and grant activities of the Department.”


ROBERT H. MARX, Assistant Secretary for Administration and Management

[PR Doc.73-12510 Filed 6-21-73; 8:45 am]

OFFICE OF INVESTIGATIONS AND SECURITY

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare. Office of the Secretary, is amended to delete “Office of Internal Security” (37 FR 11886) and add new section 1T7O. Office of Investigations and Security. The new section reads as follows:

‘Sec. 1T7O. Missions.—The Office of Investigations and Security, under the general direction of the Assistant Secretary for Administration and Management, serves as the Secretary’s staff to insure compliance with established requirements and Administration of programs and utilization of Federal assistance funds provided by the Department in accordance with applicable laws and regulations; and insures that the security program provides for the internal security of the Department.

‘Sec. 1T7O. Organization.—The Office of Investigations and Security under the supervision of a Director consists of:

Office of the Director

Investigations Division

Security Division

‘Sec. 1T7O.20 Functions.—1. Office of the Director. Provides executive leadership and policy direction for the investigation and management of the investigations and security programs of the Department; reports the results of investigations to departmental officials; serves on the liaison of the Department on all investigative and security matters with agencies within the Department and with other Government agencies; provides departmentwide policy for personnel and physical security, including facility protection and operational responsibility for physical security in and for the southwest area building complex; is responsible for plans and procedures to provide for the personal safety of the Secretary and members of his family; and provides centralized investigative and security services to the Office of the Secretary, the regional offices, and the operating agencies at headquarters and in the field.

2. Division of Investigations. A. Operations Branch: (1) Certifies the need for investigations, recommends to the Secretary and to the Under Secretary the granting, amendments, policies, plans, and programs for the Department’s investigative activities; (2) Develops and implements guidelines and policies for the detection, investigation and prevention of actual or suspected violations of laws, regulations and agreements by departmental employees in the performance of official duties and by departmental grantees and contractors; (3) With the Secretary or Under Secretary, conducts investigations of alleged cases of misfeasance, fraud, misuse of funds, equipment or facilities, violations of terms or conditions of funding, conflicts of interest, unauthorized political activities by employees, grantees, contractors and other personnel working on behalf of the Department; and such other investigations as the Secretary or Under Secretary recommends corrective action; (4) Under provisions of 38 U.S.C. 533(b) and title 18, U.S. Code (Crimes and Criminal Procedure), reports all actual or alleged criminal violations to the Department of Justice, unless responsibility for conducting investigations of such cases has been assigned by law or by the Attorney General to another Federal agency; (4) Conducts periodic self-evaluations of its investigative activities; (5) Evaluates the effectiveness of plans, programs, policies and operations applicable to the above areas of responsibility and periodically reports thereon to the Assistant Secretary for Administration and Management, and to the Under Secretary and Secretary of the Department.

3. Division of Security. A. Personnel Security Branch. (1) Establishes and maintains an internal employee security program pursuant to and in accordance with regulations.
with the provisions of the Act of August 26, 1950, Executive Order 10450, as amended, 42 CFR, part 21, regulations relating to the security program of the Department of Health, Education, and Welfare and other applicable laws and regulations. (2) Determines the scope and nature of investigations and matters relating to security, loyalty or subversion under the criteria set forth in Executive Order 10450; conducts such investigations or arranges for investigation by other Federal agencies or appropriate agencies. (3) Receives investigative data from the Civil Service Commission, the Federal Bureau of Investigation and other sources. Reviews and evaluates such investigative data as to the security, subversive or loyalty aspects. Grants or withholds clearance to occupy a sensitive position or to have access to classified information. (4) Conducts checks upon request of Office of Administration and Management on July 17, 1972, to determine to him, is hereby abolished and its functions transferred to the above-named new Office. The Department telecommunication functions formerly in the Office of Administration and Technology are thereby transferred to the above-named new office. The new chapter reads as follows: "Sec. 1T40.30 Mission.—Under the direction of the Assistant Secretary for Administration and Management, the Office of Management Planning and Technology serves as the Secretary's principal staff to ensure that the organization, management policies, programs, and operations contribute to the effective and efficient achievement of the Department's goals. Specifically the objectives of the organization are: "A. Provide the Department with a center for (a) the development of innovation and realistic management concepts, (b) measures to place the concepts into effect, and (c) the technical expertise to implement the measures. "B. Ensure the accountability of line and staff offices to the Secretary whereby individuals responsible for certain accomplishments are evaluated on their performance vis-a-vis their stated objectives. "C. Institutionalize good management principles (for example, management-by-objectives and the effective use of management information systems) in order that the Agencies and OS offices can manage themselves better. "D. Provide the Secretary and Under Secretary with means of effecting management control over the Department, enabling them to decentralize decision-making to the lowest practical levels of Government. "D. Provide to the Secretary action for rationalizing the missions and functions and improving the organization of the headquarters regional and field offices. "F. Provide the Secretary with management information which enables him and his staff to ensure control over the Department and to take corrective actions before anticipated problems become actual or minor problems become major; and devise an optimal management information system. "G. Identify organizational impediments to achieving the Department's objectives. "H. Provide for and control a clear distribution of authority throughout the Department and a comprehensive and integrated organizational manual which specifies this distribution. "I. Evaluate the management effectiveness of the agencies and agencies of the Department in accordance with directives of the Office of Management and Budget and the Secretary's directions. "Sec. 1T40.40 Organization.—The Office of Management Planning and Technology consists of the following components: Office of the Director. Office of Management Planning: Division of Program Management Analysis Division of Organizational Analysis; Division of Management Improvement Validation; Division of Management Policy and Directives; Office of Management Technology: Division of Management Information Systems; Division of Management Sciences; Division of ARP and Telecommunications Resources. Management Control Staff. "Sec. 1T40.50 Functions.—A. Office of the Director. "1. Directs and coordinates the activities of the Office of Management Planning and Technology. "2. Through the medium of ad hoc Management Evaluation Teams, optimizes the use of analytical staffs to accomplish complex, priority assignments and studies. "B. Office of Management Planning and Technology serves as the principal element of the office with respect to: Organizational planning, review, approval, and documentation; management development; industrial management; agency management improvement; experience with staffing standards program. With respect to the following: (a) develops and recommends Departmental policies, standards, systems, procedures, and program plans; (b) provides technical assistance to agencies; and (c) evaluates the technical adequacy of agency performance. "2. Conducts special studies to: (a) resolve specific management problems and (b) identify problems and develop solutions relating to all phases of agency management and operations. "2. Develops solutions to management problems using the systems approach to agency management, and recommends the use of various analytical and managerial techniques for problem-solving and decision-making. "3. Conducts technical studies using industrial management engineering practices, operations research, mathematical techniques, scheduling and control systems such as PERT, Critical Path Method, or other program control and evaluation techniques. "5. Using approved work measurement methods and staffing standards, conducts studies to validate existing staffing.
NOTICES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-175; Administrative Proceedings Division File No. Z-109]

COLONY HILL

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that: On November 22, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Marshall J. Stewart, president, P.O. Box 95, Monument Beach, Bourne, Mass. 02532, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that: On March 17, 1972, Marshall J. Stewart has filed a statement of record for Colony Hill located in Massachusetts (OLISR No. 1069-35-5) effective January 27, 1972, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

II. As a result of an examination of the property report which had not been disclosed in both the statement of record as required by the revised regulations had not been amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the material facts in the prescribed format to the statement of record as required by the revised regulations, to wit:

OFFICE OF PERSONNEL AND TRAINING

Statement of Organization, Functions, and Delegations of Authority

Revised statement of organization, functions, and delegations of authority for the Office of the Secretary, Office of Personnel and Training (38 FR 11360-61, dated May 7, 1973) is hereby corrected as follows:


ROBERT H. MARK
Assistant Secretary for Administration and Management,
NOTICE

Office of Interstate Land Sales Registration, attempted to serve upon Louis Gagliardi, president, Patrician Shores, Inc., P.O. Box 502, Newport, N.H. 03773, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 24 CFR 1710.45(b) (1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:
B. Louis Gagliardi is president of the developer.
C. The address of the developer is P.O. Box 502, Newport, N.H. 03773.
D. No amendments have been filed by the developer since December 13, 1972.

II. It is hereby ordered, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence of the material facts in the prescribed format as required by the following sections of the implementing regulations:
A. Section 1710.105: Instructions for completion of statement of record, paragraph c.
B. Part IV.D.2, C3.
C. Part VIII.A.6.c.
D. Part IX.A.4.
E. Part XII.A.7.

III. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be deemed to be true, and an order suspending the state of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

JAMES T. LYNN,
Secretary of Housing and Urban Development,

John R. McDowell,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-12538 Filed 6-21-73; 8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON THE MEDICAL USES OF ISOTOPES

NOTICE OF MEETING

In accordance with the Atomic Energy Act of 1954, as amended, primarily section 161a, and with Public Law 92-463 (Federal Advisory Committee Act) and with Executive Order 11871, the Advisory Committee on the Medical Uses of Isotopes, will hold its fourth meeting at 9 a.m. on June 29, 1973, in room 372, 4350 East-West Highway, Bethesda, Md.

The following constitute that portion of the Committee's agenda for the above meeting which will be open to the public:

I. Opening comments.
II. Regulation of nuclear medicine.
A. Status of AEC—FDA regulatory cooperation.
Amendments to 10 CFR Part 35.
B. Status of medical uses of isotopes.
III. Medical hearings.
A. Reactions to Tc-99m iron hydroxide (Diagnostic Isotopes, Inc. kit).
NOTICES

2. Final criteria for licensing of Yb 169 DTPA for cisternography as well-established procedure.
3. Certification by Board of Nuclear Medicine in evidence of user training and experience.
4. Status reports.
2. Radiopharmaceutical testing program.
3. Radiosotope powered pacemakers.

In addition to the above agenda items, the Committee will hold a session not open to the public at the close of the meeting on June 29, 1973, under the authority of section 10(d) of Public Law 92-463 (Federal Advisory Committee Act), to formulate advice and recommendations to the Commission.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items listed above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked no later than July 2, 1973, to Mr. E. E. Cunningham, Assistant Deputy Director for Fuels and Materials, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for the receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above shall be ruled on by the Chairman of the Subcommittee, between the hours of 9 a.m. and 5 p.m. Eastern Daylight Time.

(c) Requests for the opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee.

To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(d) Information as to the Chairman’s ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on June 28, 1973, to Mr. E. E. Cunningham, 301-973-7453, between 9 a.m. and 5 p.m. eastern time.

(e) Questions may be asked only by members of the Committee and AEC consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after September 24, 1973, at the Atomic Energy Commission’s Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

JOHN V. VINCIGUERRA
Advisory Committee Management Officer.

[FR Doc.73-12729 Filed 6-21-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON BARNWELL NUCLEAR FUEL PLANT

Notice of Meeting

JUNE 19, 1973

In accordance with the purposes of sections 29 and 103b, of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommitteee on Barnwell Nuclear Fuel Plant will hold a meeting on July 11, 1973, in room 1048, at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to review the application of the Allied Chemical Nuclear Products, Inc., for a license to operate the facility which is located in Barnwell County, about 7 miles west of Barnwell, S.C.

The following constitutes that portion of the Subcommittee’s agenda for the above meeting which will be open to the public:

Wednesday, July 11, 1973, 9:30 a.m.-3:30 p.m.—Review of the application for an operating license (presentations by the AEC Regulatory Staff and Allied Chemical Nuclear Products, Inc. and its consultants, and discussions with these groups).

In connection with the above agenda, the Subcommittee will hold an executive session at 8:30 a.m. on July 11, which will involve a discussion of its preliminary views, and an executive session at the end of the day, on July 11, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the full AEC. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the regulatory staff of the AEC to receive sensitive information relating to certain plant design details, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting on July 11, will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that a closed session may be held, if necessary, to discuss certain documents which are privileged and fall within exemption (4) of 5 U.S.C. 552(b).

It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than July 2, 1973, to the Executive secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such requests shall be based upon the application for an operating license and related documents which are on file and available for public inspection at the Atomic Energy Commission’s Public Document Room, 1717 H Street NW., Washington, D.C. and through the Board of Commissioners, P.O. Box 443, Barnwell, S.C. 29812.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1 p.m. and 3 p.m. on the day of the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled, and in regard to the Chairman’s ruling on requests for the opportunity to present oral statements or present written statements, shall be made available by a prepaid telephone call on July 5, 1973, to Mr. E. E. Cunningham, 301-973-6561, between 8:30 a.m. and 5:15 p.m. Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) Copies of a transcript of the public sessions will be made available within approximately 24 hours of the meeting and copies of the official minutes of the public sessions will be made available for copying, in accordance with the Federal Advisory Committee Act, on or after September 11, 1973, at the Atomic Energy Commission’s Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA
Advisory Committee Management Officer.

[FR Doc.73-12730 Filed 6-31-73;7:38:45 am]
DUKE POWER CO.

Notice of Reopening of Evidentiary Hearing

In the matter of DUKE POWER CO. (William B. McGuire Nuclear Station, Units 1 and 2).

On June 13, 1973, the Atomic Safety and Licensing Appeal Board recommended the above-entitled proceeding to the Licensing Board for the purpose of clarification in the area of Duke Power Co.'s (Applicant's quality assurance organization). The Licensing Board has on this date issued an order reopening the record of this proceeding for the limited purpose of permitting the presentation of further evidence by the parties with regard to whether Applicant's quality assurance organization complies with the criteria in appendix B to 10 CFR, part 50.

Thereafter, if it is ordered. In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, and take notice that an evidentiary hearing shall reconvene on June 26, 1973, at 9:30 a.m., in room 304, 1700 Pennsylvania Avenue NW., Washington, D.C. 20005.

Issued at Washington, D.C., this 18th day of June 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LACZ, Chairman.

[FR Doc.73-12518 Filed 6-21-73;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

NOTICE OF MEETING

The Citizens' Advisory Committee on Environmental Quality will meet on June 29, 1973, at 9:30 a.m., in room 500, 1700 Pennsylvania Avenue NW., Washington, D.C. 20005.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, land use, energy, and other current environmental issues.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Tuesday, June 26, 1973, to Lawrence N. Stevens, executive director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue NW., Washington, D.C. 20004, telephone 202-203-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.73-12708 Filed 6-21-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26445; Order 75-6-72]

TEXAS INTERNATIONAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 16th day of June 1973.

By application filed April 30, 1973, Texas International Airlines, Inc. (TXI) has requested amendment of its certificate of public convenience and necessity for route 82 so as to delete Santa Fe, N. Mex. Therefrom. On the same date TXI filed a petition for issuance of an order to show cause why the application for amendment should not be granted.

No answers were filed in response to the application.

Upon consideration of TXI's request and all the relevant facts, we have decided to issue an order to show cause which provides for the requested deletion. We tentatively find and conclude that the public convenience and necessity require the amendment of TXI's certificate for route 82 so as to delete Santa Fe, N. Mex.

In support of our ultimate conclusions, we make the following tentative findings and conclusions. TXI's service at Santa Fe has been characterized by declining traffic and excessive costs and is not likely to become economically sound in the future. Passenger traffic has declined continuously from a peak of 7,966 enplanements per year in 1968 to 4,752 enplanements per year in 1972. Room these figures were 5,532 and 4,316, respectively, and that the total number of departures for the 6-month period of 1972, TXI was experiencing only 33 enplanements per departure.

The deletion of Santa Fe will eliminate a substantial subsidy need, which we estimate to be $10.85 per passenger. On the other hand, inconvenience to the traveling public would be minimized by the availability of alternative air service at Albuquerque, 62 miles and 65 minutes of driving time from Santa Fe. The frequent and conveniently timed Greyhound bus service between the two cities is $2.90 one way and $5.75 round trip. Therefore, Santa Fe would not be an

FEDERAL REGISTER, VOL. 38, NO. 110—FRIDAY, JUNE 22, 1973
isolated community in the event of deletion from TXI's certificate. Finally, the absence of any civic opposition to TXI's application lends support to our decision that the show-cause procedure is appropriate in these circumstances.

Interlocutory orders will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector shall state in detail why a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue a final order making final the tentative findings and conclusions stated herein, and amending the certificate of public convenience and necessity of Texas International Airlines, Inc., for route 32 to delinfe Santa Fe, N. Mex., therefrom:

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings or conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5 an statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Texas International Airlines, Inc.; Mayor of Santa Fe, N. Mex.; Governor of State of New Mexico; and the Postmaster General.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, Secretary.

[FR Doc.73-12366 Filed 6-21-73; 7:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Addition for 1973

Notice of proposed addition to the initial procurement list, August 26, 1971 (36 FR 16982), was published in the Federal Register on December 14, 1971 (37 FR 26628).

Pursuant to the above notice the following service is added to procurement list 1973, March 12, 1973 (38 FR 6742).

<table>
<thead>
<tr>
<th>Service</th>
<th>Price per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Class 7249</td>
<td></td>
</tr>
<tr>
<td>Janitorial/custodial service (JO), Homestead Air Force Base, Fla. (Building 200)</td>
<td>$8,700</td>
</tr>
<tr>
<td>Dental Clinic (building 686)</td>
<td>$836</td>
</tr>
</tbody>
</table>

By the Committee.

CHARLES W. FLETCHER, Executive Director.

[FR Doc.73-12373 Filed 6-21-73; 8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of civil service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant for Conservation, Research, and Education, Office of the Secretary.

U.S. Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.73-12380 Filed 6-21-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of civil service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Technical Assistant to the Under Secretary (Alaska Pipeline), Office of the Secretary.

U.S. Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.73-12362 Filed 6-21-73; 8:45 am]

DEPARTMENT OF THE TREASURY

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of civil service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Chief Engineer, Office of the Chief Engineer.

U.S. Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.73-12319 Filed 6-21-73; 8:45 am]

FEDERAL POWER COMMISSION

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of civil service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Power Commission to fill by noncareer executive assignment in the excepted service the position of Chief Engineer, Office of the Chief Engineer.

U.S. Civil Service Commission,
[SEAL] JAMES C. SPRY, Executive Assistant to the Commissioners.

[FR Doc.73-12391 Filed 6-21-73; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

GULF OIL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 88 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1383) has been filed by Gulf Oil Corp., Gulf Building, Pittsburgh, Pa. 15230, proposing establishment of a tolerance (40 CFR, pt. 180) for negligible residues of the herbicide S-ethyl diethylthiocarbamate in or on the raw agricultural commodities corn grain, corn fodder, and forage, and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatographic procedure using a sulfur-specific flame photometric detector.


HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-12462 Filed 6-21-73; 8:15 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec.
NOTICES

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5), notice is given that a petition (PAP 3H5030) has been filed by NOR-AM Agricultural Products, Inc., 11710 Lake Avenue, Woodstock, Ill. 60098, proposing establishment of a food additive tolerance (21 CFR, pt. 121) for combined residues of the insecticide formetanate sodium-magnesium salt mixtures to irri-
gation canal and ditch banks.


HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

FEDERAL COMMUNICATIONS COMMISSION

[FR Doc.73-12645 Filed 6-21-73;8:45 am]

ORDER REGARDING ORAL ARGUMENT

AMERICAN TELEPHONE & TELEGRAPH CO.

In the matter of American Telephone & Telegraph Co., Long Lines Department, revision of tariff FCC No. 200 Private Line Services, Series 5000 (TELPAR), docket No. 18128; American Teleph- one & Telegraph Co. revision of American Telephone & Telegraph Co., tariff FCC No. 360 Series 6600 and 7000 Channels (program transmission services), docket No. 18684.

1. In accordance with our order FCC 73-592, released May 15, 1973, oral argument will be held on the questions set forth in said order relating to the rate structure of program transmission services before the Commission en banc on June 26, 1973, commencing at 9:30 a.m.

2. Having received the notices of intention to appear and participate in oral argument, It is ordered:

(a) That the parties here designated are entitled to present oral argument in the following order for the times designated:

<table>
<thead>
<tr>
<th>Party</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Broadcasting Co., Inc.</td>
<td>1:00 p.m.</td>
</tr>
<tr>
<td>Columbia Broadcasting System, Inc.</td>
<td>1:30 p.m.</td>
</tr>
<tr>
<td>National Broadcasting Co., Inc.</td>
<td>2:00 p.m.</td>
</tr>
<tr>
<td>Hughes Sports Network, Inc.</td>
<td>2:30 p.m.</td>
</tr>
<tr>
<td>Commissioner of Baseball</td>
<td>3:00 p.m.</td>
</tr>
<tr>
<td>State Mutual Broadcasting Corp.</td>
<td>3:30 p.m.</td>
</tr>
<tr>
<td>Association of Independent Television Stations</td>
<td>4:00 p.m.</td>
</tr>
<tr>
<td>National Hockey League</td>
<td>4:15 p.m.</td>
</tr>
<tr>
<td>TBS, Inc.</td>
<td>4:30 p.m.</td>
</tr>
<tr>
<td>Detroit Tigers Television Network</td>
<td>4:45 p.m.</td>
</tr>
<tr>
<td>UPTN Corp.</td>
<td>5:00 p.m.</td>
</tr>
<tr>
<td>Corporation for Public Broadcasting and Public Broadcasting Service</td>
<td>5:15 p.m.</td>
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<tr>
<td>European Broadcasting Union</td>
<td>5:30 p.m.</td>
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</tbody>
</table>

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following

agreement has been filed with the


Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Com- mission, 1405 1st Street NW, room 411, or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to advise evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or determination of the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or determination.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated heretofore) and the statement should indicate that this has been done.


Notice of agreement filed by:

Howard A. Levy, Esq., 17 Battery Place, suite 631, New York, N.Y. 10004.

Agreement No. 10058, among the above-mentioned, establishes a 12-month nonbinding arrangement to cooperate in the exchange of information and proposals relating to cargo movements, shipper requirements, costs, rates, and delivery practices including interchange with land carriers and other inter-modal activities. Procedures are to be established for consulting with shippers and port interests and no substantive agreement is to be carried out without securing the prior approval of the Federal Maritime Commission.


By order of the Federal Maritime Commission.

FRANCIS C. HURLEY,
Secretary.

CERIFATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

NOTICE OF CERTIFICATES ISSUED

Notice is hereby given that the following vessels owners named have established evidence of financial responsibility with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act,
as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

Certificate No. Owner/Operator and Vessels

01033. N. P. Fertambangan Mijan, Da Gas Bumi Nafindo (Fertambangan, Djakarta, Indonesia: Permina Supply No. 1, Sally II.


06502. Reederi Theodore By: Stella Orion, Stella Rei.


06775. Whitco (Marine Services) Ltd.: Liverpool Clipper, Cardiff Clipper, Bristol Clipper.

07062. Sail Fisheries Co. Ltd.: Woolington No. 1, Woolington No. 2.


07603. Angelina Transportation Corporation: LC-41.


07979. Compania de Navegacion Levantino S.A. Panama: Lentenino.

08003. Shipping Corporation Co. Ltd.: Apollo II.

08053. Stimmon Shipping Co. Ltd.: Stimmon.

08070. Asteroid Shipping Co. Ltd.: Sotir.


08093. Shunwino Co. Ltd.: Shunwino.

08095. Buena Ventura Marine Inc.: Sevole.

08097. W. T. Burton Co., Inc.: C-1.

08099. Lee Shipping Co., Ltd.: Yardon.


08105. Lindinger Facet K/S: Lindinger Facet.

08209. Baracola Shipping Co. Ltd.: Barcelona.

08254. Industrial Sea Transport Corp.: Anemos.


08360. Navimar Linea, Seisalan Corp.: Anthrop.


08363. Milton Shipping Co. Ltd.: Moirdorf, Mingary.

By the Commission.

FRANCIS C. HUEYET, Secretary.
INTERMODAL SERVICE AT THE PORT OF PHILADELPHIA

Order of Investigation and Hearing

In the matter of intermodal service of containers and barges at the Port of Philadelphia; and violations of the Shipping Act, 1916 and the Interstate Shipping Act, 1933.

The port district included within the generic term, "Port of Philadelphia," encompasses the Ports of Philadelphia, Camden, Gloucester, Marcus Hook, and Springfield. Authority over this district has been vested in the Delaware River Port Authority, et al. pursuant to the Port and Harbor Assistance Act of 1974 (33 U.S.C. 501 et seq.), and the Delaware River Port Authority has complaint that these shipping companies have been and are, in some instances, diverting cargo from the Port of Philadelphia to other ports of Philadelphia or to other East Coast ports in the domestic and foreign trades.

The questions raised by the complaints of the Delaware River Port Authority in the pending Commission proceedings referred to, as well as similar practices by other carriers, shipping companies, railroads, and barge operators purporting to serve Philadelphia, warrant the conclusion that the practices have become so widespread that any effective solution cannot be reached on the basis of the complaints. Accordingly, an investigation and hearing must be held with respect to the practices of all container and lighter or barge operators serving Philadelphia, with respect to the practices of all carriers in the domestic and foreign trades.

The Delaware River Port Authority and other Philadelphia port interests have filed with this Commission two complaints against 11 common carriers by water, alleging that these shipping companies were illegally diverting cargo from said port by inter alia, absorbing the cost of inland transportation costs and providing preferential arrangements; encouraging, inducing and persuading shippers and consignees not to move cargo via the normal port of Philadelphia; advertising and notifying the shipping public that they offer regularly scheduled service, and soliciting the movement of cargo to and from the Port of Philadelphia in some instances or so-called Philadelphia bills of lading, whereas the carriers do not provide such regularly scheduled service.

The questions raised by the complaints of the Delaware River Port Authority in the pending Commission proceedings referred to, as well as similar practices by other carriers, shipping companies, railroads, and barge operators purporting to serve Philadelphia, warrant the conclusion that the practices have become so widespread that any effective solution cannot be reached on the basis of the complaints. Accordingly, an investigation and hearing must be held with respect to the practices of all container and lighter or barge operators serving Philadelphia, with respect to the practices of all carriers in the domestic and foreign trades.

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By the Commission.

FRANCIS C. HURNEY, Secretary.

[FR Doc. 73-15604 Filed 6-21-73; 3:45 am]

[Docket No. 72-37]

[FR Doc. 73-15604 Filed 6-21-73; 3:45 am]

NOTICES


Specifically, the Delaware River Port Authority has complained that these common carriers by water have been and are, in some instances, diverting cargo from the Port of Philadelphia, to other ports of exit or entry and absorbing the cost of inland transportation of such cargo although the cargo involved would naturally pass through the Port of Philadelphia, advertising and notifying the shipping public that they offer regularly scheduled service, and soliciting the movement of cargo to and from the Port of Philadelphia in some instances or so-called Philadelphia bills of lading, whereas the carriers do not provide such regularly scheduled service.

The Delaware River Port Authority is authorized by approved agreements and, if so, whether the agreements extend to the extent that they authorize such practices, should be disapproved.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
canceled or modified pursuant to section 15 of the Shipping Act, 1916; or are in fulfillment of any other agreement between persons subject to the Shipping Act, 1916, which has not been filed with or approved by the Federal Maritime Commission as required by section 15 of the Shipping Act, 1916;

(3) Violate section 16, Shipping Act, 1916, by subjecting a person, locality or description of traffic to undue or unreasonable rates or charges which are unjustly discriminatory between shippers or ports;

(4) Violate section 17, Shipping Act, 1916, by resulting, through the absorption of inland transportation costs, in discrimination, charging or collecting rates or charges which are unjustly discriminatory between shippers or ports;

(5) Violate section 18, Shipping Act, 1916, by providing service in violation of the provisions of section 23, Merchant Marine Act, 1920; or are in unreasonable rates or charges for service in violation of the provisions of section 25, Merchant Marine Act, 1920; or are in unreasonable rates or charges;

It is further ordered, That the respondents in this proceeding; and

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding, and desiring to intervene herein, shall file a petition to intervene in accordance with rule 5(1) (46 CFR 624.73) of the Commission's rules of practice and procedure.

Francis C. Hurney,
Secretary.

United States Atlantic to Puerto Rico

Sea-Land Service, Inc., P.O. Box 1056, Elizabeth, N.J. 07207.


Indian Towing Co., Inc., 2216 Surekote Rd., P.O. Box 2127, New Orleans, La. 70122.

Gulf Atlantic Transport Corp., P.O. Box 4908, Jacksonville, Fla. 32207.

Cargil Lines Ltd., Via Motta 15, Chicago, Switzerland.


North Atlantic Mediterranean Freight Conference (Agreement 9148) 17 Batter Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004


American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

North Atlantic French Mediterranean Freight Conference (Agreement 7700) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.


Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.


United States Lines, Inc., One Broadway, New York, N.Y. 10004

North Atlantic French Mediterranean Freight Conference (Agreement 9148) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.

Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.


United States Lines, Inc., One Broadway, New York, N.Y. 10004

North Atlantic French Mediterranean Freight Conference (Agreement 9148) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.


Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.


United States Lines, Inc., One Broadway, New York, N.Y. 10004

North Atlantic French Mediterranean Freight Conference (Agreement 9148) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.


Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.


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North Atlantic French Mediterranean Freight Conference (Agreement 9148) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.


Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.


United States Lines, Inc., One Broadway, New York, N.Y. 10004

North Atlantic French Mediterranean Freight Conference (Agreement 9148) 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Izak-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.


Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.
Atlantic Container Line Ltd., Overline House, Central Station, Southampton SO9 1 RA, England.

Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, 2000 Hamburg 1, Germany.

Sea-Land Service, Inc., P.O. Box 1500, Elizabeth, N.J. 07207.

Israel Shipping Co., Ltd., Hariach, Haifa, Israel.

AMERICAN EXPORT Lines Inc., 17 Battery Place, New York, N.Y. 10004.


Concordia Line, Dampskibsselskabet Halsa, Slachthuis, 6, Bremen, Germany.


Hansa Line, Deutsche Dampfschiffahrts Gesellschaft "Hansa", Slachthuis, 6, Bremen, Germany.


Sea-Land Service, Inc., Conibin and Fleet Street, P.O. Box 1500, Elizabeth, N.J. 07207.

Zim Israel Navigation Company, Ltd., 7-9, Halsa, Haifa, Israel.

ISRAEL/U.S. NORTH ATLANTIC PORTS WESTBOUND CONFERENCE AGREEMENT 8450

ADDRESS INDIVIDUAL LINES

American Export Lines Inc., Via D. Piassela 11/13, Genoa, Italy.

Zim Israel Navigation Company, Ltd., Rehov Ha'atzmaut 7-9, Haifa, Israel.

SALONIKA (YUGOSLAV CARGO)/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9286) 1 NEW YORK PLAZA, NEW YORK, N.Y. 10004


Hellenic Lines Ltd., Hellenic Lines Limited of Piraeus, Akti Miossini, Piraeus, Greece.

GREECE/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9228) 1 NEW YORK PLAZA, NEW YORK, N.Y. 10004


Concordia Line, Dampskibsselskabet Alaksa (Aktieselskabet Atlas) (Dampskibsselskabet Idaho), Skipsaktieselskapet Hilda Knudsen, Skipsaktieselskapet Samuel Bakke (as one member or party only), Haugesund, Norway.

Hellenic Lines Ltd., Akti Miossini, Piraeus, Greece.


Zim Israel Navigation Co., Ltd., Ha'atzmaut Rd., Haifa, Israel.

TURK/Y/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9220) 1 NEW YORK PLAZA, NEW YORK, N.Y. 10004


Atlantic Container Line Services Ltd., Overline House, Central Station, Southampton SO9 1 RA, Great Britain.

Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, 2000 Hamburg 1, Germany.

Sea-Land Service, Inc., P.O. Box 1500, Elizabeth, N.J. 07207.

Seatrain International S.A., Port Seatrain, Weehawken, N.J. 07087.


Hellenic Lines Ltd., Hellenic Lines Limited of Piraeus, Akti Miossini, Piraeus, Greece.

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE AGREEMENT 11, PLACE DE LA JOLIETTE, MARSEILLES 2, FRANCE


Concordia Line, Dampskibsselskabet Alaksa, Aktieselskabet Atlas, Danske Kompagni (Spanish line), Paseo de Calvo Sotelo 4 E., 28238 Madrid, Spain.


Concordia Line, Dampskibsselskabet Alaksa, Aktieselskabet Atlas, Danske Kompagni (Spanish line), Paseo de Calvo Sotelo 4 E., 28238 Madrid, Spain.

Southwest Maritime Conference, Amstel 32 Ap, Centraal Station, Rotterdam, Holland.


Jugolinija, Jugoslavenska Linijska Plovidba, Raddamenska 48, Rijeka, Yugoslavia.

Continental North Atlantic U.S.A. Freight Conference (Agreement 9856), 30 Place de La Joliette, Marseille 2, France.


Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10007.


NOTICES

16423

Pacfic Lines, Greece, Akti Misoul, Piraeus, Greece.

Toll - Societa Per Azioni Di Navigazione, Piazza de Ferrari, 1, 10121 Genova, Italy.

Jugoslavij, Jugoslovenska Lijn, P.O. Box 2089, Boka, Yugoslavia.

KY, Nedloyd Lijnen, P.O. Box 350, Amsterdam, The Netherlands.


Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.

Zim Israel Navigation Co., Ltd., 7-9 Haatzmaut Rd., Haifa, Israel.

NORTHERN ATLANTIC CONTINENTAL FREIGHT CONFERENCE (AGREEMENT 9214), 17 BATTERY PLACE, NEW YORK, N.Y. 10004.


Atlantic Container Line, Ltd., 80 Pine Street, New York, N.Y. 10007.

Dort Containerline Co. Ltd., Reid House, Reid Street, Hamilton, Bermuda.

Egea Lloyd Aktiesellschaft, Ballindamm 25, Hamburg, Germany.

Sea-Land Service, Inc., P.O. Box 1056, Elizabeth, N.J. 07207.


NORTH ATLANTIC/WESTERN EUROPE RATE AGREEMENT (AGREEMENT 9528), ANDREA ISOLOV.

Finnlines, c/o Boise-Griffin Steamship Co., Inc., 1 World Trade Center, New York, N.Y. 10048.

Meyer Line, c/o Furness Withy Agencies, 5 World Trade Center, New York, N.Y. 10048.


GERMAN NORTHERN ATLANTIC POST RATE AGREEMENT (AGREEMENT 9427), 14 SCHILCHENBRAND, P.O. BOX 11 0090, HAMBURG, GERMANY.

Finnlines, c/o Boise-Griffin Steamship Co., Inc., 1 World Trade Center, New York, N.Y. 10048.

Meyer Line, c/o Furness Withy Agencies, 5 World Trade Center, New York, N.Y. 10048.


U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND AGREEMENT, 19 RECTORY STREET, NEW YORK, N.Y. 10008.


(Columbus Line) Hamburg-Sudamerikanische Dampfschifffahrts Gesellschaft, Egbert & Anns, 200 Hamburg 1, Ost-West Strasse 29, Hamburg, Germany.

Farrell Lines Inc., 1 Whitehall St., New York, N.Y. 10004.

Pacific America Container Express Line (Pace Line), The Joint Service of Associated Container Transportation (Australia), Ltd., 159 Fenchurch St., London ECSM336, England.

Australia-Zimeatlantic Express Service, Australia Line, 6 Bridge St., Sydney, N.S.W., Australia.

Australia/US. ATLANTIC & GULF CONFERENCE 17/19 Bridge St., Sydney, N.S.W. 2000, Australia.


Columbus Line, Ost-West Strasse 29, 2000 Hamburg 11, West Germany.

Farrell Lines Inc., 1 Whitehall St., New York, N.Y. 10004.


The Joint Line (Pace Line), The Joint Service of Associated Container Transportation (Australia), Ltd., 159 Fenchurch St., London ECSM336, England.

Australian Fruit Carriers Co., Ltd., Refrigerated Express Line (Pace Line), The Joint Service of Associated Container Transportation (Australia), Ltd., 196 Fenchurch St., London ECSM336, England.

Australian Coast Shipping Commission trading as the Australian National Line, 65/79 Riverview Ave., South Melbourne, Victoria, 3205 Australia.

Refrigerated Express Line (Austria) Pty., Ltd., 73 Pte St. (G.P.O Box 5044, Sydney, 2001), Sydney, N.S.W. 2000, Australia.

MINI-Bridge Operators Not Conference


Phoenix Container Lines Ltd., suite 2006, 1 California St., San Francisco, California 94111.


American President Lines, Ltd., International Bldg, 601 California St., San Francisco, Calif. 94111.

Barber Lines A/S, P.O. Box 1330, Vika, Oslo 1, Norway.


The Swedish East Asia Co., Ltd., P.O. Box 1254, 10262 Stockholm 2, Sweden.

Japan Line, Ltd, Kishimoto Bldg, 2-18 Marunouchi, Chiyoda-ku, Tokyo, Japan.

Kawasaki Kisen Kaisha Ltd, 8 Kaigan-Dori, Fukuoka, Japan.

Nippon Yusen Kaisha, Ltd, 17/19 Bridge St., Sydney, N.S.W. 2000, Australia.


American President Lines, Ltd., International Bldg, 601 California St., San Francisco, Calif. 94111.

Lykes Bros. Steamship Co., Inc. P.O. Box 5304, New Orleans, La. 70180.

Maritime Line of the Philippines Inc., 205 Juan Luna, Manila, Philippines.


Nippon Yusen Kaisha, Ltd, 9-2, Marunouchi 2-chome, Chiyoda-ku, Tokyo, 106 Japan.

Lykken Bros., Steamship Co., Inc., P.O. Box 5304, New Orleans, La., 70180.

Lykes Bros. Steamship Co., Inc. P.O. Box 5304, New Orleans, La. 70180.

Maritime Line of the Philippines Inc., 205 Juan Luna, Manila, Philippines.

Maritime Line of the Philippines Inc., 205 Juan Luna, Manila, Philippines.

Maritime Line of the Philippines Inc., 205 Juan Luna, Manila, Philippines.

Zim Container Service F.E. (a division of Zim Israel Navigation Co. Ltd.). 207/209 Hameginim Ave., Haifa, Israel.

NOTICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 73 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 1st Street NW, room 1615, or may inspect the agreement at the field offices located at New York, N.Y., Baltimore, Md., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973. Any person desiring a hearing on the proposal agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

DEPPE LINE ET AL.

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Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 1st Street NW, room 1615, or may inspect the agreement at the field offices located at New York, N.Y., Baltimore, Md., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973. Any person desiring a hearing on the proposal agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.
NOTICES

NEW YORK SHIPPING ASSOCIATION
Order of Investigation Regarding Man-Hour/Tonnage Assessment Formula

In its decision in docket No. 72-51, New York Shipping Association—NYSA-ILA Man-Hour/Tonnage Assessment Formula; possible violation of sections 15, 16 and 17, served June 14, 1973, the Commission concluded that the latest man-hour/tonnage assessment formula (agreement No. T-2804) of the New York Shipping Association (NYSA) was subject to the Commission's jurisdiction under section 15 of the Shipping Act, 1916.

The Commission made no findings or conclusions as to the ultimate apportionability of the formula under section 15 or any other provision of the Shipping Act, 1916.

Therefore, it is ordered. That the Commission institute a proceeding pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 814, 812), to determine whether agreement No. T-2804 should be approved, modified or disapproved pursuant to section 15 of said act, and/or whether agreement No. T-2804 violates sections 16 and 17 of the act.

It is further ordered. That in the event any modification of this agreement or further agreement establishing a temporary or permanent assessment formula is filed with the Commission, such agreement shall be made subject to this investigation for approval, disapproval, or modification under the standards of section 15 of the Shipping Act, 1916.

It is further ordered. That this matter be assigned for an expedited hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined and announced by the presiding Administrative Law Judge.

It is further ordered. That notice of this order shall be published in the Federal Register and that a copy thereof shall be served upon respondents. Persons other than the respondents, who desire to become parties to this proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Notice of agreement filed for approval by:

Mr. Hubert F. Carr, vice president and secretary, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 10004 is a general passenger agency agreement between Pacific Far East Line, Inc. and Moore-McCormack Lines, Inc., whereby Pacific Far East Line, Inc. appoints Moore-McCormack Lines, Inc. as its general passenger agent in Brazil, Argentina, and Uruguay with respect to any vessels designated and operated by Pacific Far East Line, Inc., to perform services enumerated in the agreement under conditions, terms and at rates. The agreement is filed on behalf of the parties.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[F.R.Doc.73-12600 Filed 6-21-73;8:45 am]

PACIFIC FAR EAST LINE, INC. AND
MOORE-McCORMACK LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 735, 75 Stat. 735, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973.

That this matter shall be conducted under the trade name "Unigulf Lines" and that a common bill of lading shall be used.


By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[F.R.Doc.73-12601 Filed 6-21-73;8:45 am]

NOTICES

Man-Hour/Tonnage Assessment Formula, established a through billing arrangement for the transportation of cargo in the trades from Thailand to the ports of Oregon, Washington, and Alaska in the United States, with transshipment ports of Oregon, Washington, and Alaska.

Agreement No. 9691-2, among the above named, provides that the parties' operations under the sailing agreement will be conducted under the trade name "Unigulf Lines" and that a common bill of lading shall be used.


By order of the Federal Maritime Commission.

FRANCIS C. HURNEY, Secretary.

[F.R.Doc.73-12607 Filed 6-21-73;8:45 am]
NOTICES

16425

STATES STEAMSHIP CO. AND SHUN CHEONG S. N. CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (46 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. J. McGowan, Rates & Conferences Department, States Steamship Co., 320 California Street, San Francisco, Calif. 94104.

Agreement No. 10659, between States Steamship Co. and Shun Cheong S.N. Co., Ltd., establishes a through billing arrangement for the transportation of cargo in the trades from U.S. Pacific coast ports, Hawai, and British Columbia, Canada, to the ports of Malaysia and Singapore with transshipment at Hong Kong, British Crown Colony, under terms and conditions set forth in the agreement.


By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-12596 Filed 6-21-73; 8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-304, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension, and Allowing Changes To Become Effective Subject to Refund


Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereto.

The proposed changed rates and charges 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 hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the “Date suspended until” column. Each of these supplements 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. Each 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 supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[seal]

KENNETH F. FLEMING,
Secretary.
<table>
<thead>
<tr>
<th>Docket No.</th>
<th>Respondent</th>
<th>Rate schedule No.</th>
<th>Sup- permanently No.</th>
<th>Purchaser and producing area</th>
<th>Amount of annual increase</th>
<th>Date filing tendered</th>
<th>Effective date unless suspended</th>
<th>Date suspended until</th>
<th>Costs per thousand cubic feet*</th>
<th>Rate in effect</th>
<th>Proposed increased rate</th>
<th>Rate in effect subject to refund in docket No.</th>
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<tr>
<td>RI73-305</td>
<td>Gulf Oil Corp</td>
<td>204</td>
<td>10</td>
<td>Phillips Petroleum Co. (Endene Field, Upton County, Tex. (Permian Basin))</td>
<td>21,702</td>
<td>5-29-73</td>
<td>2-7-74</td>
<td>17.28</td>
<td>17.75</td>
<td>RI72-271.</td>
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*Unless otherwise stated, the pressure base is 14.65 lb/in².

1 No gas currently available for delivery.

2 No present production.

3 Includes 1 c/m ft deduction for quality.


5 Includes upward British thermal unit adjustment.

6 Applicable to production from formations below the Strawn Formation.

7 Subject to 0.4467 c/m ft³ compression charge where applicable.

8 Based on buyers resale rate which is contractually due Aug. 1, 1973, Gulf is also to receive a pro rata share of the buyers tax reimbursement.

9 Contract agreement.

10 Includes reduction of 1 c/m ft³ for quality.
NOTICES

The proposed increases of Atlantic Rich­field Co. under FPC Gas Rate Schedules Nos. 28, 29, 280, 282, and 286, and Shell Oil Co. under its FPC Gas Rate Schedule No. 253 are proposed as a substitute improve­ment for a prior increase that was sus­pended for 5 months since they exceed the rate limit for a 1-day suspension.

Gulf Oil Corp. under FPC Gas Rate Sched­ule No. 205 has submitted a substitute in­crease for a prior increase that was sus­pended for 5 months, as they exceed the rate limit for a 1-day suspension. The substitute increase reflects a combination of costs which were inadvertently omitted on the prior filing. The substitute increase is accepted subject to the existing suspension procedure, and is effective for 5 days to refund 6 of the prior date filing becomes effective subject to refund.

The proposed increase by Gulf Oil Corp. under FPC Gas Rate Schedule No. 205 is for a sale of gas to Phillips Petroleum Co. in the Permian Basin area. Phillips proposed an increase which is subject to the existing suspension procedure and is effective for 5 days to refund as of the date prior filing becomes effective subject to refund.

The remaining proposed increases do not exceed the rate limit for a 1-day suspension, and are therefore subject to the existing suspension procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1973. These proposals are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11608, and the rules and regulations issued thereunder.

[FR Doc.73-12428 Filed 6-20-73;8:45 am]

[DOCKET NO. E-8247]

AMERICAN ELECTRIC POWER SERVICE CORP.

Filing of Superseding Rate Schedules


Take notice that on May 30, 1973, American Electric Power Service Corp. (AEPSC) on behalf of Ohio Power Co. (OPC), Indiana Electric Service Co. (IE, the proposed rate schedules for the sale of gas to Pennsylvania, and CPC) on May 15, 1973, filed notice that effective May 10, 1973, its rate schedule FPC No. 18 is canceled.

Any person desiring, to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 2.56). The rate increases granted in these cases do not exceed the applicable ceiling rate, it is contractual­ly dependent on Phillips' proposed resale rate which exceeds the applicable ceiling rate. Accordingly, the proposed increases of Phillips and Gulf are suspended for 1 day from August 1, 1973, the contractual effective date.

The terms and conditions of Schedule H are contained in recent filings with the Commission. AEPSC states that among the factors which have necessitated this rate change are increased costs of operation, transmission and facilities, increased capital costs, and general and maintenance costs. AEPSC also states that the proposed terms of compensation are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11608, and the rules and regulations issued thereunder.

[FR Doc.73-12666 Filed 6-21-73;8:45 am]

[DOCKET NO. E-8246]

CONSUMERS POWER CO.

Notice of Cancellation


Take notice that Consumers Power Co. (CPC) on May 15, 1973, filed notice that effective May 10, 1973, its rate schedule FPC No. 13 was canceled.

Any person desiring, to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 2.56. All such petitions or protests should be filed on or before June 21, 1973.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11608, and the rules and regulations issued thereunder.

[FR Doc.73-12428 Filed 6-20-73;8:45 am]

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The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11608, and the rules and regulations issued thereunder.

[FR Doc.73-12428 Filed 6-20-73;8:45 am]

[DOCKET NO. E-8247]
unit of which is scheduled to begin gen-
eration prior to July 1, 1973; and (4) de-
deliveries of electric power and energy to
East Kentucky, which are scheduled to

The minimum wholesale power rate sched-
ule CR-1-C of SEPA will supersede its
currently approved wholesale power rate
schedule CR-1-B for electric service to
TVA. In general, under rate schedule
CR-1-C, TVA is entitled to purchase sub-
stantially all the capacity and energy
output of the electric generating plants of
the Cumberland projects except 175,000
kW of peaking capacity and up to
100,000 kW of standby capacity with
accompanying energy, which may be re-
tained by SEPA for sale to Big Rivers,
Indiana Statewide, Southern Illinois,
and East Kentucky. A standby charge
(excluding credits for the capacity and
energy retained by SEPA and not sold
to TVA, as explained above, and subject
to certain adjustments related to, among
other things, differences in the un-
regulated flow of water into the reservoir
of Wolf Creek project; (2) recovery of
the costs of Wolf Creek project remedial
work; and (3) delay beyond June 30,
1973, in reconnection of the Connecticut
Power Commission, Washington, D.C.
project's capacity can be
available for public inspection. Any per-
son desiring to be heard or to
make any protest with reference to said
application should on or before July 6,
1973, file with the Federal Power
Commission, Washington, D.C. 20426
applications for interconnection
agreements could be made available by
SEPA to any cooperative
for periods of not less than 1 week.
Any such amounts of power so made
available and bought by a cooperative
shall be at rates as agreed upon by the
operating representatives of the parties
prior to commencing delivery. Standby
capacity may be used by cooperatives
only to replace loss of generation on their
systems because of maintenance and/or
emergency outages of their generating
equipment.

In support of proposed wholesale power
rate schedules CR-1-C and CR-2-C, the
Secretary submitted to the Commission
the repayment study, dated March 1973,
which was prepared by SEPA for the
purpose of showing that such rate sched-
ules will produce revenues which, to-
gether with revenues collected to date,
are sufficient to repay all costs associated
with the production and transmission of
the electric power and energy generated
at the Cumberland projects, including
the amortization of each dollar of Fed-
eral investment allocated to power within
50 years from the time that this invest-
ment becomes revenue producing.

Proposed wholesale power rate sched-
ules CR-1-C and CR-2-C, together with
the repayment study in support thereof,
are on file with the Commission and
available for public inspection.

Any such rate schedules provided for in
the Cumberland projects' capacity can be
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equipment.
other procedural dates are deferred
further order of the
Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78--12577 Filed 6-21-72;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Suspending Proposed Rate Increase,
Setting Matter for Hearing, and Instituting
Investigation


On April 10, 1973, Gulf States Utilities Co. (Gulf States) tendered for filing the following revised rate schedules:

Schedule 429, Other Electric Corporations For Resale.
Rate Schedule SR-1, Electric Service to Sam Rayburn Dam Electric Cooperative For Resale to Member Municipalities.
Rate Schedule SR-2, Electric Service to Sam Rayburn Dam Electric Cooperative For Resale to Member Rural Electric Distribution Cooperatives.
Schedule REA, Wholesale Power to Rural Electric Distribution Cooperative.
Schedule REA, Wholesale Power to or For Rural Electric Distribution Cooperative.

The company states that the proposed rate changes would establish a fuel clause adjustment in all of the rate schedules (except rate A under rate schedule SR-1), exactly the same as the fuel clause adjustment now included under the FPC schedule No. 104. Gulf States further indicates that the basic rate levels have been increased approximately 40 percent for service to rural electric cooperatives and for service to Sam Rayburn Dam Electric Cooperative, Inc. under rate A of rate schedule SR-1 and under rate schedule SR-2 to FPC schedule No. 98. The basic rate levels have also been increased approximately 20 percent for service to municipalities and for service to Sam Rayburn Dam Electric Cooperative, Inc. for resale to municipalities under rate B of rate schedule SR-1 to FPC schedule No. 98. The total amount of the increased revenues will be according to the company, about $3.35 million.

The company gives as its reasons for the proposed changes the necessity of recovering from customers an increase in the company’s fuel costs and Gulf States’ desire to make the rates and charges more closely support the company’s other costs of providing such service.

The Company states that most of the contracts affected by the application contain an express clause contemplating and permitting such rate increases as are now being sought. As to those not containing an express clause, in the event the Commission should determine that the rate under any such contract may not be changed under the terms of the contract, Gulf States requests that the new rates be made effective as to all deliveries in excess of the maximum contractual commitment of Gulf States provided in such contract and the company further requests that the Commission find it in the public interest to move in institution of a section 206 proceeding as to the rate in such contract. The company proposes an effective date of June 15, 1973.

The filing was noticed on April 18, 1973, with petitions to intervene and protests due on or before May 4, 1973. Petitions to intervene which were accompanied by various protests and motions were timely filed by: Southwest Louisiana Electric Membership Light & Power Co.; Mid-South Electric Cooperative Association; Robertson Electric Cooperative; Sam Rayburn Dam Electric Cooperative and its members; the Town of Welsh, La.; the city of Caldwell, Tex.; and Cajun Electric Power Cooperative. An untimely petition to intervene with accompanying motion to reject and protest was filed on May 7, 1973, by the Houston County Electric Cooperative, and untimely protests were filed on May 14, 1973, by the city of St. Martinville, and on May 17, 1973, by the city of Dwayne, La. The pleadings of the company contained various allegations as to:

(1) The reasonableness of the proposed rates; (2) discrimination; (3) the lawfulness of the proposed fuel clause; (4) the applicability of the price guidelines; (5) anticompetitiveness; and (6) contract provisions regarding unilateral rate changes. In view of the nature of the proceedings herein, it will not be necessary to discuss in detail the various allegations set forth in these petitions and protests, except as to the questions regarding the possible application of the fuel clause proposed in this filing.

The filing is made in light of Section 406 of the Federal Power Act to determine if the rates contained therein are in the public interest and reasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall suspend the proposed increases and set the matter for hearing. As Gulf States agreed, Gulf States shall be directed to file within 60 days of the issuance of this order a complete updated cost-of-service study utilizing calendar year 1972 data. While the fuel clause proposed in this filing is not consistent with our opinion No. 633, and we shall order Gulf States to file within 60 days of the issuance of this order a reasonable fuel clause consistent with opinion No. 633.

A number of the contracts affected by this application are for various specified terms and either do not contemplate unilateral changes in rates by the company or specify dates when such increases can go into effect. We find that three of these may be terminated by the company in the near future and request that the fuel clause of such termination be filed with this Commission.

We shall therefore accept this application for rate increase as to those contracts for filing to become effective, subject to refund, upon the contractually specified dates and proper notice of such being filed with this Commission. As to Gulf States properly file such a contract, the company may, by their terms, put into effect a rate increase on a specified date in the near future.

Finally, we note that the contract with Cajun Electric Cooperative, Inc. (FPC No. 49) has expired by its terms. We shall therefore accept the company’s application as its new contract which is subject to one year suspension as a part of the proceeding under section 206.

We further note that the contract between Gulf States and Gueydan, Louisiana (FPC No. 49) has expired by its terms. We shall therefore accept the company’s application as its new contract which is subject to one year suspension as a part of the proceeding under section 206.

Finally, we note that the contract with Cajun Electric Cooperative, Inc. (FPC No. 49) was suspended one year until March 23, 1973, and made subject to hearing in docket No. E-7676 by our order of March 1, 1973, in docket No. E-8003. Since its terms do not preclude

further investigation.

NOTICES

16129

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973

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See appendix A for the relevant provisions of the Sam Dam contract.

8 See the relevant language of all affected contracts as set out in appendix A.

9 These other contracts are: FPC No. 69, 71, 78, 79, and 77.

10 Ibid.
unilateral rate increases, the rate increase application as to this customer shall go into effect, subject to refund, and shall be a part of the section 205 proceeding in this docket.

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 this Commission, upon a section 205 proceeding concerning the lawfulness of the rates and charges contained in Gulf States' rate schedules as proposed to be amended in this docket, but only as affecting those contracts which are not fixed rate contracts, and that the tendered rate schedules applicable to such contracts be suspended as hereinafter provided.

(2) That the disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not completed prior to the expiration of the suspension period herein ordered, 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.

(4) With respect to certain fixed rate contracts affected by this rate application, an investigation under section 206 of the Federal Power Act should be ordered.

(5) As to deliveries in excess of the maximum contractual commitment under the fixed rate contracts, the new rates should become effective, as an initial filing, on June 15, 1973, and an investigation under section 206 should be instituted to determine if such rates are in the public interest.

(6) As to the fixed rate contracts with the town of Welsh, La. (FPC No. 51) and Kirbyville Light and Power Co. (FPC No. 81), the instant rate increase application should be effective, subject to refund, upon the contractually specified dates and proper notice of such termination being filed with this Commission.

(7) Gulf States should be directed to file a complete updated cost-of-service study utilizing calendar year 1972 data within 60 days of the issuance of this order.

(8) Gulf States should be directed to file on or before August 13, 1973, a revised fuel clause consistent with opinion No. 633.

The Commission orders

(A) The proposed rate schedules filed by Gulf States on April 10, 1973, are hereby approved, subject to such conditions of service furnished hereunder.

(B) 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 C.F.R., chapter 1, § 1.6), a public hearing shall be held commencing with a prehearing conference on October 23, 1973, at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street N.W., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Gulf States rate schedules as proposed to be amended herein.

(C) Pursuant to the prehearing conference on October 23, 1973, Gulf States' prepared testimony together with its entire rate filing shall be submitted to the record as of the conclusion of such case-in-chief subject to appropriate matters being preserved for the parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of sections 13.11 and 13.12 of the Commission's rules of practice and procedure.

(D) On or before September 10, 1973, the Commission shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any party which may be granted intervention by later order in this proceeding shall be served on or before October 31, 1973. Any rebuttal evidence by Gulf States shall be served on or before November 9, 1973. The public hearing herein ordered shall convene on November 27, 1973, at 10 a.m., e.d.t.

(E) A presiding administrative law judge shall be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), and shall adjudicate all issues presented. All parties will be entitled to present testimony and exhibits of any party which may be granted intervention by later order in this proceeding.

(F) Pending hearing and a final decision thereon Gulf States' proposed tariff sheets as they affect FPC rate schedule Nos. 20, 24, 30, 49, 55, 63, 95, 96, 98, 101, 109, 111, 112, 117, 122, 124, 127 and 87, the new rates shall be made effective on the same date and the use thereof deferred until June 15, 1973.

(G) As to those contracts which do not allow for unilateral changes in rates but which do permit for change in rates on written agreement by parties, the new rates shall be made effective on June 15, 1973, as an initial filing as to deliveries in excess of the maximum contractual commitment as provided in such contract, and an investigation under section 206 of the Federal Power Act is hereby instituted as to whether such rates are in the public interest, such investigation shall be joined with and a part of the proceedings ordered herein.

(H) As to the rates prescribed in the fixed rate contracts (FPC rate schedule Nos. 68, 71, 72, 76, 79, and 87) an investigation under section 206 of the Federal Power Act is hereby instituted as to whether such rates are in the public interest, and such investigation shall be joined with and a part of the proceedings ordered herein.

(I) As to the fixed rate contracts with the town of Welsh, La. (FPC No. 51) and the city of Kaplan, La. (FPC No. 54), and Kirbyville Light and Power Co. (FPC No. 81), the instant rate increase application shall be effective, subject to refund, upon the contractually specified dates and proper notice of such being filed with this Commission or upon Gulf States properly terminating such contracts and notice of such termination being filed with this Commission.

(J) The rates permitted to become effective pursuant to this order shall be subject to such regulations as may be promulgated under the President's economic stabilization program announced June 13, 1973.

(K) Gulf States is directed to file on or before August 13, 1973, a complete cost-of-service study utilizing calendar year 1972 data.

(L) Gulf States is directed to file on or before August 13, 1973, a revised fuel clause consistent with Opinion No. 633.

(M) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL]

KENNETH F. PLUMS,
Secretary.

APPENDIX A

RELEVANT PROVISIONS OF THE AFFECTED CONTRACTS WITH REGARD TO THE PROPOSED "FIXED-RATE" CONTRACT QUESTIONS PRESENTED BY THE RATE APPLICATION

Rate schedule numbers and system and relevant provisions

FPC No. 29—Town of Erath, La.; contract dated July 19, 1938:

Article IV

"It is understood and agreed, however, that any rate under which service is being furnished is expressly subject to change insofar as such change may be legally ordered by such governmental regulatory or other body as may have jurisdiction in the premises.

FPC No. 24—Town of Vinton, La.; contract dated October 11, 1928:

Article IV

"It is understood and agreed, however, that any rate under which service is being furnished is expressly subject to change insofar as such change may be legally ordered by such governmental regulatory or other body as may have jurisdiction in the premises.

FPC No. 30—Town of St. Martinville, La.; contract dated June 1, 1940:

Article IV

"It is understood and agreed, however, that any rate under which service is being furnished is expressly subject to change insofar as such change may be legally ordered by such governmental regulatory or other body as may have jurisdiction in the premises.

FPC No. 49—Town of Gueydan; agreement dated February 6, 1929, has expired, superseding rate schedule not filed.

FPC No. 51—Town of Welsh; contract dated October 11, 1945, is effective not later than November 21, 1945:

Article IV

"It is understood and agreed, however, that any rate under which service is being furnished is expressly subject to change insofar as such change may be legally ordered by such governmental regulatory or other body as may have jurisdiction in the premises.

FPC No. 54—Kirbyville Light and Power Co.; contract dated July 19, 1938:

Article IV

"It is understood and agreed, however, that any rate under which service is being furnished is expressly subject to change insofar as such change may be legally ordered by such governmental regulatory or other body as may have jurisdiction in the premises.

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decreased rates shall become applicable to the service rendered hereunder on the next following anniversary date of this agreement in the case of decreased rates.

FPC No. 54—City of Kaplan, La.; contract dated May 28, 1950, amended by letter dated July 9, 1965, to read:

"This agreement shall bind the Company and the Customer until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof . . ."

FPC No. 68—Sam Houston Electric Cooperative, Inc.; contract dated May 25, 1950, amended by letter dated July 12, 1965, to read:

"This agreement shall bind the Company and the Customer until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof . . ."

FPC No. 71—Jasper Newton Electric Cooperative; contract dated May 25, 1950, amended by letter dated July 9, 1965, to read:

"This agreement shall bind the Company and the Customer until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof . . ."

FPC No. 72—Southwest Louisiana Electric Membership Corporation; contract dated May 25, 1950, amended by letter dated July 12, 1965, to read:

"This agreement shall bind the Company and the Customer until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof . . ."

FPC No. 75—Mid-South Electric Cooperative Association; contract dated September 21, 1950, which is "...subject to all valid laws and governmental regulations..." (Article XII), amended by letter dated March 1, 1965, to read:

"This agreement shall bind the Company and the Customer until April 1, 1970, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof . . ."

FPC No. 79—City of Abbeville, La.; contract dated May 21, 1960:

"This agreement shall bind the Company and the Customer until August 1, 1973, and thereafter for successive five-year periods unless terminated by written notice given by either party to the other one year prior to the expiration of the initial term or any extension thereof."

FPC No. 81—Kirbyville Light & Power Company; contract dated August 26, 1951:

"The term of this agreement shall be for a period of Ten (10) years from the date the Customer first takes service hereunder, which date, subject to the provisions of Articles VII and IX, shall be not later than November 1, 1951, and shall continue thereafter from year to year, unless a written notice to the contrary is given by either party to the other at least sixty (60) days prior to the expiration of the original term or any renewal thereof."

FPC No. 83—City of Newton, Tex.; contract dated January 15, 1953:

"It is understood and agreed that the rates charged the Customer hereunder shall be the Company's standard rate schedule in effect for like conditions of service to the class of service furnished hereunder. If a rate increase or decrease should be made, applicable to the class of service furnished hereunder, by the Company, or by order or permission of any regulatory body having jurisdiction thereof, such increased or decreased rates shall become applicable to the service rendered hereunder from and after the effective date of such rate change."
by Gulf States under this Article III, Gulf States, may, at its option, terminate this Contract in its entirely upon written notice to the Company, to be effective on any day that terminates within one year after the end of such five month period, such termination to be effective on the date specified for such termination by the Company, or by order or permission of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to the service rendered hereunder from and after the effective date of such rate change.


Article IV

"It is understood and agreed that the rates charged the Customer hereunder shall be the Company's standard rate schedule in effect for like conditions of service to the class of service furnished hereunder, if a rate increase or decrease should be made, applicable to the class of service furnished hereunder, by the Company, or by order or permission of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to the service rendered hereunder from and after the effective date of such rate change."

FPD No. 104—Cajun Electric Cooperative, Inc., contract dated March 12, 1972, suspended 1 day until May 23, 1973, and subject to hearing in docket No. E-7679 by order of March 1, 1973, in docket No. E-8003:

Article XII

"Section 1. Redetermination of Rates. Gulf States' rate for service to Member Cooperatives provided in Article V Section 2 may not be changed prior to July 1, 1977, without the approval of all regulatory agencies that have jurisdiction thereof, it being in the interest of the parties that during the entire term of this Agreement the rates and the manner in which such rates are charged to the Customer hereunder shall be the rates set forth in the Rate Schedule 'SR-2'."

(b) The schedule of rates paid by the Sam Dam Coop to Gulf States for power and energy delivered to Member Cooperatives under this Article IV as set forth in Subsection (a) above, is subject to the rate schedules as set forth in the Rate Schedule 'SR-2'.

(c) If a rate increase or decrease should be made applicable to the service rendered by Gulf States to the Sam Dam Coop hereunder by final order or by acceptance for filing by Gulf States of any regulatory body having jurisdiction thereof, such increased or decreased rates shall be applicable to such service rendered hereunder from and after the effective date of such rate change."

FPD No. 115—Town of Hayne, La.; contract filed April 27, 1973, but has not yet been accepted for filing by the Commission.

[FR Doc. 73-12578 Filed 6-21-73; 8:45 am]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Filing of Proposed Initial Service Agreement


Take notice that New York State Electric & Gas Corporation (NYSSEG) on May 24, 1973, tendered for filing an Initial Service Agreement (Agreement) dated May 1, 1973, between NYSSEG and Rochester Gas & Electric Corp. (RG&E), under which NYSSEG shall make available to RG&E capacity of its transmission system which is surplus to its own requirements for transmission of electricity from the Blenheim-Gilboa Pumped Storage Project of the Power Authority of the State of New York (PASNY), the proposed effective date is May 26, 1973. NYSSEG requests waiver of the 10-day filing requirement to permit service under this Agreement to commence on that date. NYSSEG further states that a copy of the filing was served upon RG&E.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 255 North Capitol St. NE., Washington, D.C. 20426, in accordance with sections 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 June 26, 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 proceedings. 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 P. PLUMB, Secretary.

[FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973]

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available for public inspection.

KENNETH P. PLUMB, Secretary.

[F.R. Doc. 73-12579 Filed 6-21-73; 8:45 a.m.]

[Docket No. E-8935]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application


Take notice that on May 30, 1973, Northern States Power Co. (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the Applicant to enter into a guaranteeing payment of the principal and interest on borrowings by it into a guaranteeing payment of the obligations shall not exceed $500,000 at any one time.

Applicant is incorporated under the laws of the State of Minnesota with its principal business office at Minneapolis, Minn., and is engaged primarily in the electric utility business in central and southern Minnesota, southeastern South Dakota, and in the Fargo-Grand Forks and Minot areas of North Dakota.

Expenditures during 1973 for the total construction program of Applicant are estimated at $204 million, of which $192 million is for electric facilities, $7 million for gas facilities, and $5 million for heating, telephone, and general facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 28, 1973, file with the Federal Power Commission and are available for public inspection. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH P. PLUMB, Secretary.

[F.R. Doc. 73-12580 Filed 6-21-73; 8:45 a.m.]

[Docket No. E-8935]

SOUTHERN NATURAL GAS CO.

Order Setting Matters for Formal Hearing, Permitting Intervention, Prescribing Procedures, and Fixing Date of Hearing


Pursuant to section 7(b) of the Natural Gas Act, Southern Natural Gas Co. (Southern) filed on September 1, 1971, in the above-captioned docket an application to abandon service to Mississippi Chemical Corp. (Mississippi). Southern, in support of its application, alleged severe natural gas shortages. By Commission order dated July 11, 1972, the application was set for formal hearing to commence on July 31, 1972. On July 17, 1972, Southern filed a motion for approval of an amendment to the settlement filed by Southern on July 17, 1972.

In its original form, the settlement incorporated certain agreements except for one "standby" condition that Southern may continue to receive deliveries of 29,000 M ft³ per day of firm gas from Southern until such time as it has received reliable service for its full requirements from another source or sources, but not beyond December 31, 1975.

Timely petitions to intervene were filed by Carolina Pipeline Co. (Carolina), Landis Gas Co. (Atlanta), Alabama Gas Corp. (Alabama), Columbia Nitrogen Corp. (CNC), and Nippo, Inc. (Nipro). Opposition to the proposed settlement relates largely to allegations that continued firm service to Mississippi will adversely affect the supplies of gas available to the petitioners. Carolina states that it does not object to the proposed amendment only if the continued service by Southern is limited to 29,000 M ft³/d.
NOTICES

[SOUTHERN NATURAL GAS CO. Certification of Proposed Settlement Agreement


Take notice that on May 29, 1973, the presiding administrative judge certified to the Commission a proposed stipulation and agreement which was made part of the record in these proceedings on May 23, 1973. Southern Natural Gas Co. (Southern) moved that the agreement be certified to the Commission as a settlement of all issues in phase 2 of docket No. RP72-91, and all issues in dockets Nos. RP73-13, RP73-16, and RP73-87.

The agreement contains a summary of a cost of service study for the 12-month period ended December 31, 1972, reflecting a jurisdictional cost of service (less purchased gas component) of $123,575,872 and jurisdictional revenues (less PGA component) of $121,305,326. The settlement rate of return is 5.75 percent with a return on common equity of 10.84 percent. The rates filed in dockets Nos. RP72-91, RP73-13, and RP73-16 would remain in effect without refund except for flow-through of supplier refunds.

The agreement provides for increased rates effective 40 days following the date of its approval by the Commission to reflect the cost increases filed for in docket No. RP73-87, due to increased advance payments to producers and the cost of transportation of gas by Sea Robin Pipeline Co. in docket No. RP73-47. The agreement also provides for tracking of future advance payments to producers and for the flow-through of supplier refunds.

Southern on May 17, 1973, served the agreement upon all jurisdictional customers and upon interested State commissions, with notice that it would be offered in hearings due on June 29, 1973.

Comments on the stipulation and agreement may be filed with the Commission, on or before June 29, 1973, and serve on all parties to these proceedings, including Commission Staff, their evidence and testimony in support of the statements respective positions.

By the Commission.

[SEAL]  KENNETH F. PLUMB, Secretary.

[SOUTH TEXAS NATURAL GAS GATHERING CO. Notice of Application


Take notice that on May 22, 1973, South Texas Natural Gas Gathering Co. (Applicant), P.O. Drawer 521, Corpus Christi, Tex. 78403, filed in docket No. CP73-315 an application pursuant to section 7(e) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer, reinstallation, and operation of compression facilities to accommodate additional supplies of natural gas to be purchased from Shell Oil Co. et al., (Shell et al.) in the McAllen Ranch Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the aforementioned facilities were the subject of its application of April 2, 1972, filed in docket No. CP67-349, in which it sought authorization to transfer, reinstallation, and operation of these facilities, but due to receipt of new supplies of gas from Shell et al., in the McAllen Ranch Field the abandonment of the facilities is no longer necessary. Instead, Applicant now seeks authority to transfer, reinstallation, and operation of one 1,000 hp compressor unit from its Freer Station in Webb County, Tex., to its Falfurrias Station in Jim Wells County, Tex. According to Applicant, the transfer will provide design capacity for delivering approximately 8,000 M ft² of gas per day to Transcontinental Gas Pipe Line Corp. (Transco) at the Falfurrias Station and 174,000 M ft² per day at the Rodriguez station downstream of the Freer Station.

Applicant estimates the cost of the relocation to be $150,000 to be financed with cash on hand.

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Applicant states that Shell et al., were authorized in an order issued by the Commission in docket No. R72-240, et al. on January 10, 1973, to increase their deliveries to Applicant to 100,000 M ft\(^3\) per day. Applicant further states that in this order the Commission approved a settlement proposal of Applicant which envisioned the filing of an application seeking authority to relocate the hereinbefore-mentioned facilities.

Any person desiring to be heard or to make any protest with reference to said application should do so before July 2, 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 1.8, 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 of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB, Secretary.

[FR Doc.73-12585 Filed 6-21-73:8:45 am]

VERMONT ELECTRIC POWER CO., INC.

Notice of Filing of Proposed Rate Schedule


Take notice that on May 3, 1973, Vermont Electric Power Co., Inc. (Velo) filed in docket No. E-8190 a proposed rate schedule providing for the sale by Velo to Consolidated Edison Co. of New York, Inc., of certain of Velo's entitlements to power from the Merrimack No. 2 plant of Public Service Co. of New Hampshire. Velo requests an effective date of May 1, 1973.

The service proposed to be rendered consists of the sale of 91 mW of capacity at the rate of $61.78/mW/d and associated energy at the rate of 91.337 times the fuel expense (FPC Account No. 501) to which Velo is entitled from the Merrimack No. 2 plant of Public Service Co. of New Hampshire.

Velo requests an effective date of May 1, 1973.

The service proposed to be rendered is for 91 mW of capacity at the rate of $61.78/mW/d and associated energy at the rate of 91.337 times the fuel expense (FPC Account No. 501) to which Velo is entitled from the Merrimack No. 2 plant of Public Service Co. of New Hampshire.

Velo requests an effective date of May 1, 1973.
NOTICES

WISCONSIN ELECTRIC POWER CO. ET AL.

Applicant files May 9, 1973, Intercon­
nection and Electrical Energy Agree­
ment dated April 21, 1973, between N.­
agara Mohawk Power Corp. (Niagara) and Central Hudson Gas & Electric Corp.
(Central Hudson), providing for the
transmission of power and energy to and from the New York State Power Author­
ity’s Blenheim-Gilboa Pumped-Storage Plant for the account of Central Hudson.
The Agreement covers (1) up to 25,000
kW commencing on the date when the
first unit is placed in commercial
operation at the Gilboa Plant, (2) up to
50,000 kW commencing on the date when
the second unit is placed in commercial
operation at the Gilboa Plant, (3) up to
75,000 kW commencing on the date when
the third unit is placed in commercial
operation at the Gilboa Plant, and (4) up
to 100,000 kW commencing on the date when
the fourth unit is placed in commercial
operation at the Gilboa Plant.

Niagara’s transmission facilities which
will be used under the agreement are lo­
cated between Niagara’s New Scotland
substation connection with the Gilboa
Plant and Niagara’s 345 kV transmission line interconnection with the
Pleasant Valley Substation of Consoli­
dated Edison Co. of New York, Inc. The
445 kV line, which interconnects with the first
unit of the Gilboa Plant is placed in com­
mercial operation, estimated to be June
1973, and terminated when the 345 kV
transmission line interconnection be­
tween the Gilboa Plant and Niagara’s
Leeds Substation becomes commercially
operative. Estimated total revenue to be
obtained over the life of the agreement is
$163,896.75.

By order issued May 21, 1973, in the
above-designated matter, a hearing was
On June 6, 1973, Natural Gas Pipeline
Co. of America filed a motion to vacate
procedural dates. On June 11, 1973, JONES & PELLOW OIL CO. filed a notice of with­
drawal of its application.

Upon consideration, notice is hereby
given that the hearing scheduled for
June 18, 1973, is postponed without date.

KENNETH F. PLUMB,
Secretary.

[FED Reg. Vol. 38, No. 120—Friday, June 22, 1973]
NEW ENGLAND POWER SERVICE CO.
Notice of Proposed Rate Schedule Supplements

Take notice that New England Power Service Co. (New England) on June 1, 1973, tendered for filing proposed rate schedule supplements, each constituting an amendment to the contract for primary service for resale between the Company and the named customer at a new rate R-7:

| Massachusetts Electric Co., FPC No. 102. |
| Granite State Electric Co., FPC No. 163. |
| Town of Ashburnham, FPC No. 182. |
| Town of Hingham, FPC No. 184. |
| Town of Groveland, FPC No. 166. |
| Town of Danvers, FPC No. 179. |
| Town of Merrimac, FPC No. 174. |
| Town of Marblehead, FPC No. 181. |
| Town of Littleton, Mass., FPC No. 175. |
| Town of Paxton, FPC No. 178. |
| City of Peabody, FPC No. 182. |
| Town of Ipswich, FPC No. 189. |
| Town of Lawrence, FPC No. 177. |
| Town of Groveland, FPC No. 180. |
| Town of Holden, FPC No. 197. |
| Town of East Hampton, FPC No. 199. |
| Town of West Boylston, FPC No. 188. |


New England proposes that the new schedule R-7 will become effective on July 1, 1973, in lieu of third revised Volume No. 1 to its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective on July 1, 1973, in lieu of third revised Volume No. 4A.

Southern Natural Gas Co.
Notice of Proposed Changes in Rates and Charges

Take notice that Southern Natural Gas Co. (Southern), on June 1, 1973, tendered for filing substitute third revised sheet No. 4A to its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective on July 1, 1973, in lieu of third revised sheet No. 4A.

Southern states that the subject filing is in compliance with the Commission's letter order issued on May 18, 1973, in docket No. RP73-64, that in Southern is modifying its rates effective as of July 1, 1973, to reflect the Commission's order of May 25, 1973, in Sea Robin Pipeline Co.'s Docket No. RP73-47.

Southern further states that its ten-dered tariff sheet, entitled original PGA-1, is based on the same data reflected in the May 15, 1973, filing made by Southern and only the cost of gas purchased from Sea Robin has been adjusted to reflect the rates contained in Sea Robin's "set B" tariff sheets accepted for filing by the Commission in the May 25, 1973, order.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20452, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1973.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. FLUM, Secretary.

SOUTHERN NATURAL GAS CO.
Notice of Proposed Changes in Rates and Charges

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20452, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1973.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. FLUM, Secretary.

SOUTHERN NATURAL GAS CO.
Notice of Proposed Changes in Rates and Charges

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20452, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1973.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. FLUM, Secretary.

SOUTHERN NATURAL GAS CO.
Notice of Proposed Changes in Rates and Charges

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20452, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1973.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. FLUM, Secretary.

SOUTHERN NATURAL GAS CO.
Notice of Proposed Changes in Rates and Charges

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 285 North Capitol Street NE, Washington, D.C. 20452, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 13, 1973.

Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.
boc panel of the Business Advisory Council on Federal Reports to be held in room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. on Wednesday, July 18, 1973 at 9:30 am.

The purpose of the meeting is to obtain advice on reporting problems involved in public use reports of the Department of Defense "Contractor Cost Data Reporting (CCDR) System." The meeting will be open to public observation and participation.

VELMA N. BOLDWIN, Assistant to the Director for Administration.

SECURITIES AND EXCHANGE COMMISSION

[70-5360]

ALABAMA POWER CO. AND GEORGIA POWER CO.

Proposed Purchase and Sale of Transmission Line


Notice is hereby given that the Alabama Power Co. (Alabama), P.O. Box 2841, Birmingham, Ala. 35231, and the Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, Ga. 30303, electric utility subsidiary companies of the Southern Company, (Southern); have filed an application-declaration with this Commission pursuant to section 9,10, and 12(d) of the Act and rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama proposes to purchase and Georgia proposes to sell two segments of a 115,000-volt transmission line for $163,913.93. The purchase price was determined on the basis of original cost. $233,674.51, less accrued depreciation, through June 30, 1973.

The line segments proposed to be sold are the northern portion of a line originally built by Georgia in approximately 1928 between generating plants in Columbus and Americus, Ga. In 1941, Georgia routed this line through a substation in South Columbus, Ga. Subsequently, the line was tapped at three Alabama substations and almost the entire capacity of the subject line segments is now used to serve Alabama's customers. The line segments to be sold are entirely in Russell County in the State of Alabama. It is stated that their acquisition by Alabama will result in greater economy of operation and maintenance.

It is stated that the fees or expenses to be paid in connection with the proposed transaction are estimated to be $3,416.25 for Alabama, including legal fees of $2,000, and $1,950 for Georgia including legal fees of $700.

It is further stated that no State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than July 12, 1973, request that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by such application-declaration. The application-declaration, as filed or as may be amended, may be granted and permitted to become effective as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT, Secretary.

[FR Doc.73-12556 Filed 6-21-73; 8:45 am]

EXETER SECOND FUND, INC.

Filing of Application


Notice is hereby given that Exeter Second Fund, Inc. (Applicant), 3001 Philadelphia Pike, Claymont, Del. 19703, an open-end diversified investment company registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware corporation on July 11, 1966, and registered under the Act by filing a Form N-8A Notification of Registration on July 14, 1966.

Applicant represents that pursuant to an agreement of merger adopted by its shareholders on January 31, 1972, Applicant was merged on February 1, 1972, into and in the name of Second Fund, Inc., also a Delaware corporation registered as an investment company under the Act. On that date each share of Applicant's common stock issued and outstanding was converted into shares of common stock of Exeter on the basis of the relative asset value per share. Applicant represents that it has no business activity in the United States and there are no unclaimed distribution; that it is engaged in no business activity; and that it is filing for dissolution with the State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 13, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT, Secretary.

[FR Doc.73-12567 Filed 6-21-73; 8:45 am]

EXETER THIRD FUND, INC.

Filing of Application

Notice is hereby given that Exeter Third Fund, Inc. (Applicant), 3001 Philadelphia Pike, Claymont, Del. 19703, an open-end, diversified management investment company registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 8(f) of the Act for an order
NOTICES

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12555 Filed 6-21-73; 8:45 am]

WINDSOR FUND INVESTMENT PLANS
Filing of Application
Notice is hereby given that Wellington Management Co. (Applicant), 1630 Locust Street, Philadelphia, Pa. 19103, sponsor of Windsor Fund Investment Plans (the Plan), a unit investment trust registered under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Plan has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant represents that pursuant to an agreement of merger adopted by its shareholders on January 31, 1972, Applicant was merged on February 1, 1972, into Exeter Fund, Inc. (Exeter), also a Delaware corporation registered as an investment company under the Act. On that date each share of Applicant's common stock issued and outstanding was converted into shares of Exeter on the basis of the relative net asset value per share. Applicant represents that there are no unclaimed distributions; that it is filing for dissolution with the State of Delaware; that it is engaged in no business activity; and that it is filing for dissolution with the State of Delaware.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 13, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request or notice of intent should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally on the person (almost if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above.

Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12555 Filed 6-21-73; 8:45 am]

CONTINENTAL VENDING MACHINE CORP.
Order Suspending Trading
It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, of Continental Vending Machine Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; it is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 19, 1973, through June 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12556 Filed 6-21-73; 8:45 am]

Order Suspending Trading
It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; it is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 19, 1973, through June 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12556 Filed 6-21-73; 8:45 am]

ORDER SUSPENDING TRADING

Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 19, 1973, through June 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12556 Filed 6-21-73; 8:45 am]
NOTICES

**Order Suspending Trading**

**EQUITY FUNDING CORPORATION OF AMERICA**

**EQUITY FUNDING CORPORATION OF AMERICA**

**Order Suspending Trading**

**JUNE 15, 1973.**

The common stock, $0.30 par value, of Equity Funding Corp. of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $0.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corp. of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered, Pursuant to section 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities on such exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 16, 1973, through June 25, 1973.*

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc.73-12552 Filed 6-21-73; 8:45 am]

**GIANI STORES CORP.**

**Order Suspending Trading**

**JUNE 15, 1973.**

The common stock, $0.10 par value of Giant Stores Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered, Pursuant to sections 19(a) (4) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on such exchange be summarily suspended, this order to be effective for the period from June 16, 1973, through June 25, 1973.*

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc. 73-12549 Filed 6-21-73; 8:45 am]

**INDUSTRIES INTERNATIONAL, INC.**

**Order Suspending Trading**

**JUNE 15, 1973.**

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 16, 1973, through June 25, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc. 73-12549 Filed 6-21-73; 8:48 am]

**GOODWAY INC.**

**Order Suspending Trading**

**JUNE 15, 1973.**

The common stock, $0.10 par value of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered, Pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 16, 1973, through June 25, 1973.*

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc. 73-12547 Filed 6-21-73; 8:48 am]

**JEROME MACKEY'S JUDO, INC.**

**Order Suspending Trading**

**JUNE 13, 1973.**

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Jerome Mackey's Judo, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

*It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 19, 1973, through June 28, 1973.*

By the Commission.

[SEAL] RONALD F. HUNT, Secretary.

[FR Doc. 73-12547 Filed 6-21-73; 8:48 am]

**OHIO POWER CO. AND AMERICAN ELECTRIC POWER CO., INC.**

**Notice of Proposed Issue and Sale of First Mortgage Bonds and Preferred Stock at Competitive Bidding and of Common Stock to Holding Company**

Notice is hereby given, that American Electric Power Co., Inc. (AEP), a registered holding company, and its electric utility subsidiary company, Ohio Power Co. (Ohio Power), a registered holding company, New York, N.Y. 10004 have filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(b) and 10 of the Act for such purpose as are applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio Power proposes to issue and sell, pursuant to the competitive bidding requirements of rule 50 under the Act, $40 million aggregate amount of first mortgage bonds. The proposed series of bonds will bear a single maturity date within the range of from 5 to 30 years. Such maturity date is to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds shall be a single rate of one-eighth of 1 percent and the price to be paid to Ohio Power which shall be less than 30 percent nor more than 1024 percent of the principal amount thereof will be determined by the competitive bidding. The bonds will be issued under and pursuant to the provisions of the Mortgage and Deed of Trust, dated as of October 1, 1938, made by Ohio Power to Manufacturers Hanover Trust Co., as trustee, as hereafter supplemented and amended and as to be further supplemented and amended by a supplemental indenture to be dated as of the first day of the month in which the bonds are issued and which includes a provision limiting the maturity of the bonds to a single maturity date within the range of from 5 to 30 years and subject to the competitive bidding requirements of rule 50 under the Act.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
The dividend rate of the preferred stock (which will be expressed in a multiple of .94 of 1 percent) and the price to be paid to Ohio Power (which shall not be less than $109 per share and shall exceed $102.75) will be determined by the competitive bidding. The terms of this new series of the preferred stock include a prohibition, until 1978, against purchasing such preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest rate or other preferred stock at a lower effective dividend cost.

Ohio Power further proposes to issue and sell, and AEP proposes to acquire, 3 million shares of its common stock, no par value (or, if for any reason the proposed 2-for-1 split of the common stock (file No. 70-5294) is not effected prior to the sale of the cumulative preferred stock and bonds, then 1,500,000 shares) for a total cash payment of $45 million. It is proposed that AEP purchase such shares following receipt of the required authorizations and prior to the issuance and delivery of the bonds or the preferred stock.

The proceeds of the preferred stock, bonds, and common stock are to be applied to the payment of unsecured short term indebtedness of the company for its construction program, for working capital, to reimburse its treasury for money actually expended for such purpose, and for other corporate purposes. It is expected that, at the time of the issuance and delivery of the bonds, cumulative preferred stock, and common stock, there will be no notes payable to banks outstanding and commercial paper estimated at approximately $16 million will be outstanding. The company estimates that construction costs aggregating approximately $170 million, exclusive of construction costs in connection with the General Capital Plan, will be incurred in 1973. It is stated that the Public Utilities Commission has jurisdiction over the issue and sale of the bonds, preferred stock, and common stock and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses in connection with the proposed common stock sale are estimated at $1,500. The fees and expenses to be incurred by Ohio Power in connection with the other proposed transactions will be supplied by amendment.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-12555 Filed 6-21-73;8:45 am]

FILE No. 600-1

PELOREX CORP.
Order Suspending Trading


It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Pelorex Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 16, 1973, through June 25, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-12556 Filed 6-21-73;8:45 am]

FILE No. 600-1

STAR-GLO INDUSTRIES INC.
Order Suspending Trading


It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $9.10 par value, and all other securities of Star-Glo Industries Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 17, 1973, through June 27, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-12554 Filed 6-21-73;8:45 am]

FILE No. 600-1

TRIONICS ENGINEERING CORP.
Order Suspending Trading


It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors; It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 16, 1973, through June 25, 1973.

By the Commission.

RONALD F. HUNT,
Secretary.

[FR Doc.73-12556 Filed 6-21-73;8:45 am]

INTERSTATE COMMERCE COMMISSION
ACORN PIPE LINE CO. ET AL.
Tentative Valuations

Notice is hereby given that tentative valuations are under consideration for the common carriers by pipeline listed below.

1972 Reports

Valuation docket No.

1394 Acorn Pipe Line Co., P.O. Box 5000, Houston, Tex. 77012.

1414 Allegheny Pipe Line Co., P.O. Box 2521, Houston, Tex. 77001.

1332 Amoco Pipeline Co., P.O. Box 6119-1A, Chicago, Ill. 60680.

1378 Arapahoe Pipe Line Co., 200 East Golf Road, Palatine, Ill. 60067.


1321 Ashland Pipe Line Co., 1409 Winchester Avenue, Ashland, Ky. 41101.

1381 Badger Pipe Line Co., P.O. Box 300, Tusla, Okla. 74119.

1425 Black Lake Pipeline Co., P.O. Box 308, Independence, Kans. 67351.

1322 Buckley Pipe Line Co., P.O. Box 368, Emmuska, P.O. Box 186.

1382 Butte Pipe Line Co., P.O. Box 2648, Houston, Tex. 77001.

1404 Calvin Pipe Line Co., 1801 Slover Avenue, Bloomington, Calif. 92316.

1409 Cheyenne Pipeline Co., P.O. Box 370, Cody, Wyo. 82414.

1471 Cherokee Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.

1416 Chevron Pipe Line Co., P.O. Box 599, Denver, Colo. 80201.

1427 Chesapeake Pipe Line Co., 200 East Golf Road, Palatine, Ill. 60067.

By the Commission.

F. HUNTER
Secretary.
16442
NOTICES
Valuation
docket No.

1972 REPORTS—Continued

1972 REPORTS—Continued

docket No.

1312 Cities Service Pipe Line Co., P.O. Box 300, Tulsa, Okla. 74102.
1422 Colonial Pipeline Co., P.O. Box 1885, Atchison, Kans. 66002.
1316 Continental Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1426 Cook Island Pipe Line Co., P.O. Box 580, Dallas, Tex. 75221.
1341 CRA, Inc., 3315 North Oak Trafficway, Kansas City, Mo. 64116.
1352 Crown Central Pipe Line and Transportation Corp., P.O. Box 1756, Houston, Tex. 77201.
1385 Crow-Rancho Pipe Line Corp., P.O. Box 1750, Houston, Tex. 77001.
1349 Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79105.
1411 Dixie Pipeline Co., P.O. Box 3220, Houston, Tex. 77001.
1385 Emerald Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79105.
1394 Exxon Pipeline Co., P.O. Box 2230, Houston, Tex. 77001.
1348 Frontier Pipe Line Co., P.O. Drawer 2944, Houston, Tex. 77201.
1335 Gulf Refining Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1409 Hess Pipeline Co., P.O. Box 502, Woodbridge, N.J. 07691.
1400 James Pipe Line Co., P.O. Box 1930, Wichita, Kan. 67201.
1413 Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, Conn. 06002.
1376 Kansas Pipe Line Co., P.O. Box 29029, Houston, Tex. 77027.
1299 KAW Pipe Line Co., P.O. Box 22392, Houston, Tex. 77224.
1419 Lake Charles Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1354 Lakehead Pipe Line Co., Inc., 3025 Tower Avenue, Superior, Wis. 54880.
1403 Laurel Pipe Line Co., P.O. Drawer 2100, Houston, Tex. 77001.
1386 MAPCO, Inc., 1437 South Boulder Avenue, Tulsa, Okla. 74116.
1350 Marathon Pipe Line Co., 539 South Main Street, Findlay, Ohio 45840.
1373 Michigan-Ohio Pipeline Corp., 600 West Pickard Street, Mount Pleasant, Mich. 48858.
1383 Mid-Mississippian Pipe Line Co., P.O. Box 3398, Tulsa, Okla. 74102.
1314 Mobil Pipe Line Co., P.O. Box 900, Houston, Tex. 77001.
1326 Ohio River Pipe Line Co., 1409 Winchest Avenue, Ashland, Ky. 41101.
1380 Okan Pipeline Co., P.O. Box 1900, Houston, Tex. 77001.
1417 Olympic Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221.
1420 Palenka Pipe Line Co., 2500 First National Bank Building, Dallas, Tex. 75202.
1350 Phillips Pipeline Co., Adams Building, Bartlesville, Okla. 74002.
1372 Phoenix Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1343 Plantation Pipe Line Co., P.O. Box 311, Bradenton, Fla. 33501.
1367 Plateau Pipe Line Co., 539 South Main Street, Findlay, Ohio 45840.
1410 Phoenix Pipeline Co., 1400 Elm Street, Dallas, Tex. 75203.
1347 Portland Pipe Line Corp., 325 Forest Avenue, Fortuant, Maine 04101.
1337 Pure Oil Pipe Line Co., 200 East Golf Road, Palatine, Ill. 60067.
1369 Shamrock Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79105.

1973 REPORTS—Continued

1228 Bell Pipe Line Corp., P.O. Box 2648, Houston, Tex. 77001.
1402 Skelly Pipe Line Co., P.O. Box 1650, Houston, Tex. 77001.
1332 Sohio Pipe Line Co., P.O. Drawer 5774, Cleveland, Ohio 44101.
1424 Southcoast Pipeline Co., 200 East Golf Road, Palatine, Ill. 60067.
1243 Southern Pacific Pipe Lines, Inc. 610 South Main Street, Las Angeles, Calif. 90015.
1370 "Sun Oil Line Co. of Michigan, 907 South Detroit Avenue, Tulsa, Okla. 74120.
1313 Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74101.
1386 Telemurian Pipe Line Co., P.O. Box 308, Independence, Mo. 65201.
1300 Texaco-Cities Service Pipe Line Co., P.O. Box 53332, Houston, Tex. 77002.
1295 Texas-New Mexico Pipe Line Co., P.O. Box 32329, Houston, Tex. 77002.
1330 The Texas Pipe Line Co., P.O. Box 32332, Houston, Tex. 77002.
1379 "Trans Mountain Oil Pipe Line Corp., 400 Broadway, Vancouver 18, B.C., Canada.
1413 "Trans Ohio Pipeline Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1400 Wabash Pipe Line Co., 0/0 Marathon Pipe Line Co., 503 South Main Street, Findlay, Ohio 45840.
1388 "Wentworth Pipe Line Corp., P.O. Box 831, Amarillo, Tex. 79105.
1369 "Wenche Pipe Line Co., 910 South Michigan Avenue, Chicago II, 60613.
1363 "West Texas Gulf Pipe Line Co., P.O. Drawer 2100, Houston, Tex. 77001.
1421 White Shoal Pipe Line Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102.
1377 Wyoming Pipe Line Co., P.O. Box 2648, Houston, Tex. 77001.
1355 "Wyco Pipe Line Co., 916 South Michigan Avenue, Chicago, Ill. 60603.
1373 "Yellowstone Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.

1971 REPORTS

1384 Minnesota Pipe Line Co., P.O. Box 2256, Winona, Kans. 67201.
1322 National Transit Co., 900 Southwest, Houston, Tex. 77022.
1423 Williams Bros. Pipe Line Co., P.O. Drawer 2448, Tulsa, Okla. 74101.

BASIC REPORTS

1340 Belle Ronshe Pipe Line Co., P.O. Box 1812, Casper, Wyo. 82601 (1968).
1423 UCAR Pipeline Co., P.O. Box 2146, Houston, Tex. 77027 (1970).
1433 Collins Pipeline Co., P.O. Box 2511, Houston, Tex. 77001 (1976).

On or before July 23, 1973, persons other than those specifically designated in section 19a(b) of the Interstate Com­merce Act having an interest in the valu­ation of any carrier named above may, pursuant to rule 72 of the Commission's general rules of practice (49 CFR 1100.72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the cate­gory of "additional parties as the Com­mission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. Blanket petitions to intervene in all or several of these proceedings is not permissible. Individual petitions to intervene must be filed with respect to each valuation in which participation is sought. It is also required that a copy of the petition to intervene be served at the address above upon the carrier whose property is the subject of the tentative valuation and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(b) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

[SEAL]
ROBERT L. OSWALD, Secretary.

[FR Doc.73-12613 Filed 6-21-73;8:45 am]

ASSIGNMENT OF HEARINGS


Cases assigned for hearing, postponement, cancellation or oral argument appear below and are published only once. This list contains cases assigned for hearing only and does not include cases previously assigned hearing dates. The hearings will be on the same 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.

[FR Doc.73-12614 Filed 6-21-73;8:45 am]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(b), 211, 121(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1123), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsider-
NOTICES

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–74461. By order of June 18, 1973, the Motor Carrier Board approved the transfer to Cleveland Cartage Service, Inc., Cleveland, Ohio, of the operating rights in certificate No. MC–135128 issued June 3, 1971, to William Kavalec, Jr., doing business as Cleveland Cartage Service, Cleveland, Ohio, authorizing the transportation of steel drums and steel pails, from the plant site of Inland Steel Container Co., at Cleveland, Ohio, to points in Kentucky, Michigan, New York, Pennsylvania, West Virginia, Illinois and Indiana. Subject to restrictions. David A. Turano, 100 East Broad Street, Columbus, Ohio 43215, attorney for applicants.


MOTOR CARRIER TRANSFER PROCEEDINGS


Application filed for temporary authority under section 216(a)(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR, part 1132:

No. MC–FC–74536. By application filed June 6, 1973, THRASHER TRUCKING CO., P.O. Box 116, Monahans, Tex. 79756, seeks temporary authority to lease the operating rights of J. H. MARKS TRUCKING CO., INC., P.O. Box 2192, Odessa, Tex. 79769, under section 210(a)(b). The transfer to THRASHER TRUCKING CO., of the operating rights of J. H. MARKS TRUCKING CO., INC., is presently pending.

By the Commission.

Robert L. Oswald, Secretary.
FEDERAL REGISTER
CUMULATIVE LISTS OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during June.

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ENVIRONMENTAL PROTECTION AGENCY

AIR PROGRAMS; IMPLEMENTATION PLANS

Approval of Transportation and/or Land Use Controls
On April 30, 1971, pursuant to section 109 of the Clean Air Act, as amended, the Administrator promulgated national primary and secondary ambient air quality standards for six pollutants. The act requires that the primary standards protect the public health with an adequate margin of safety, and that the secondary standards protect the public welfare from any known or anticipated adverse effects. Under section 110 of the act, States were required to prepare and submit to the Administrator plans for implementing the national ambient air standards in each air quality control region in the State. The Administrator published on May 31, 1972, his initial approvals and disapprovals of State implementation plans developed and submitted under the provisions of Federal law.

The protection of the ambient air of three of the pollutants for which control strategies were required to be submitted by States—carbon monoxide, hydrocarbons, and photochemical oxidants—suffered by the delay resulting from the absence of vehicle emission standards. Consequently, many States were unable to formulate, and submit, adequate control strategies that utilized only limitations on emissions from stationary sources. However, as the Administrator noted in his May 31 approval/disapproval of implementation plans, neither the States nor the Environmental Protection Agency had any practical experience that would permit the development of meaningful transportation control schemes or the prediction of their impact on air quality. States were advised that adoption of transportation control schemes could be deferred beyond the April 15 deadline for submittal of implementation plans but those plans would have to define the degree of emission reduction to be achieved through transportation control measures in order to identify those being considered. States were required to submit adopted transportation control strategies no later than February 15, 1973.

Many States requested 2-year extensions pursuant to section 110(e) of the act for the attainment of the primary standards for these pollutants based on the unavailability of transportation control measures. The Administrator determined that, in fact, transportation control measures would not be available soon enough to permit attainment of the primary standards within the 3-year time period prescribed by the act; therefore, 2-year extensions were granted at the request of those States that had determined that transportation control measures would be necessary. In some cases, this meant that States would have to submit on February 15, 1973, transportation and/or land-use control measures that would achieve the standards by 1977. In other cases, the 2-year extension meant that certain States would not have to submit transportation control measures because the Federal motor vehicle control program (FMVCP) and/or stationary source control would be adequate to achieve the standards by 1977 without transportation-related measures. In order to assist the States in the development of transportation control strategies, the Environmental Protection Agency conducted numerous studies and prepared the results available to the States. In addition, contract assistance was provided in the areas of air quality modeling and the development of the strategies for 14 of the affected States, and the reports of these studies have been made available to all the States.

On January 31, 1973, the U.S. Court of Appeals for the District of Columbia Circuit decided the case of Natural Resources Defense Council Inc., et al. v. Environmental Protection Agency (civil action No. 72–12–1522) and seven related cases, hereafter referred to as NRDC v. EPA. This court held that the action of the Clean Air Act does not permit the delay in submission of transportation control portions of State implementation plans until February 15, 1973, or permit noncompliance with all Federal standards by 1977 for attainment of the national primary air standards where plans had not been submitted. The order required the Administrator to formally rescind through numerous studies and publication in the Federal Register the extension of time granted for submission of transportation and/or land-use control portions of implementation plans. It also required the Administrator to formally rescind in the same manner the extension granted to several States to delay implementation of their plans or portions thereof until May 31, 1977. The court ordered the Administrator to inform the States concerned that "all States that have not yet submitted an implementation plan fully complying with the requirements of the Clean Air Act of 1970 are required to submit a plan by April 15, 1973. That plan must satisfy each and every requirement of section 110(a) (2) (A)–(H); if it is to be approved by the Administrator. In particular, it must provide for the attainment of the primary standards as expeditiously as practicable but in no case later than May 31, 1975." In accordance with this order, 23 States including the District of Columbia were notified by telegram on February 5, 1973, that any extensions granted because of the unavailability of transportation control measures would be formally rescinded and that plans for the attainment and maintenance of the standards for these three pollutants would be required by April 15, 1973. A Federal Register notice was published on April 15, 1973 (38 FR 7239), to complete the requirements of that court order by specifically amending the provisions of this part with regard to each State concerned. These amendments provided that every State which was granted an extension to achieve those primary standards and/or permitted to defer submittal of the transportation and/or land-use control strategies until 1977 was required to submit no later than April 11, 1973, transportation and/or land-use controls which will show achievement of the standards by 1975. In addition to those States which had regions that would not achieve the standards by 1975 and that were required to submit transportation control strategies on February 15, a number of other States which had regions that would achieve the standards by 1977 were required to submit transportation control strategies on April 15, 1973. States that were not granted an extension but that had deficient plans were also required to submit transportation control strategies on April 15, 1973.

The approval/disapproval decisions are based on a detailed evaluation of plans submitted by the States. Criteria for this evaluation include choice of control strategies, control plan adaption and submission procedures, accuracy of air quality data and emissions inventories, the request considerations, provisions for air quality surveillance, review of legal authority, adequacy of resources, and provisions for intergovernmental cooperation.

The Administrator disapproves a State plan or portion thereof, or where a State fails to submit an implementation plan or portions thereof, the Administrator is required, under section 110(e) of the act, to promulgate regulations setting forth a substitute implementation plan or portions thereof. Where regulatory portions of a State plan, including control strategies and related rules and regulations, are disapproved or were not submitted, regulations setting forth substitute portions will be proposed and promulgated. When disapproved portions are of a nonregulatory nature, e.g., air quality surveillance, resources, and intergovernmental cooperation, and therefore are not susceptible to correction through promulgation of regulations by the Administrator, detailed comments will be im
cluded in the evaluation report; in such cases, the Environmental Protection Agency will work with the States to correct the deficiencies.

To prevent delays, the Administrator's evaluation of State plans reflects the latest information submitted by the States. In the interest of giving States every opportunity to bring their implementation plans into full compliance with the act and 40 CFR, part 51, the Environmental Protection Agency has notified States that modifications submitted after final form publication of State plans would be accepted and considered provided that such modifications were made and submitted in accordance with the requirements of 40 CFR, part 51. Accordingly, many States have been, and still are, making and submitting modifications of their implementation plans. Where such modifications were not received in time to affect the Administrator's approval or disapproval today of a State plan or portion thereof, appropriate changes to this part will be published as soon as the Administrators evaluation of such modifications has been completed.

The act directs the Administrator to require a State to revise its implementation plan whenever he finds that it is substantially inadequate for attainment and maintenance of national standards and levels. In accordance with the statutory mandate, the Environmental Protection Agency will make a continuing evaluation of State plans and will, as necessary, call upon the States to make revisions.

A discussion of the available transportation control alternatives, and the Administrators approvals and disapprovals, is set forth below. A more detailed description of disapproved portions, together with an explanation of the basis for disapproval, will be provided to the States. A more detailed evaluation report is available for public inspection at the Freedom of Information Center, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and in the Agency's regional offices.

TRANSPORTATION CONTROL ALTERNATIVES

Transportation control plans provide for reductions in carbon monoxide and hydrocarbon levels required beyond the reductions provided by the Federal motor vehicle emissions control program and stationary source regulations set forth in the previously published implementation plans. These reductions are to be accomplished through the implementation of the transportation control alternatives which are described below. The appropriateness of a particular alternative is determined by the pollutant controlled (carbon monoxide or oxidant) as well as by the characteristics of the specific air quality control region such as topography, demography, climatology and institutional arrangements.

The control of carbon monoxide is influenced by its lack of reactivity and its localized dispersion characteristics. High ambient carbon monoxide concentrations can be decreased by reducing the density of emissions in a specific area of interest. In addition to control measures that control carbon monoxide concentrations, the use of emission reduction techniques for new vehicles at all major fixed emission points, are considered to be effective. These include tailpipe modifications to equipment and techniques that have been considered—measures to improve traffic flow, programs to reduce total vehicle miles of travel (VMT), and programs to shift travel away from congested areas. In the interest of giving the States all three can be effective in reducing carbon monoxide levels. However, traffic flow improvements must be undertaken in conjunction with restrictions that will prevent the vehicle demand from recongesting traffic arteries. Traffic flow can be improved through various traffic engineering programs as well as through staggered work-hour strategies to reduce total vehicle miles of travel, such as auto-free zones, increased parking fees, four-day workweeks, and improved public transit. Carbon monoxide and hydrocarbon levels can be reduced by the temporal or spatial redistribution of the emissions, which is especially applicable to localized high ambient concentrations such as occur in many central business districts (CBD). Reduction of air quality in the surrounding area must be considered when spatial redistribution is utilized as a control measure.

Photochemical oxidant, primarily ozone, is a secondary pollutant; it results from the reaction of two primary pollutants (hydrocarbons and nitrogen oxides) in the presence of sunlight. As such, it differs from carbon monoxide in that there exists a lag time between the emissions of the primary pollutants and the formation of the secondary pollutant. The concentration of carbon monoxide affects the conversion process in the atmosphere, whereas the concentration of nitrogen oxides determines the formation of ozone. Since the conversion of nitrogen oxides to ozone depends upon reduction of precursor (primary pollutant) emissions over a much wider area than required for the reduction of primary pollutants, ozone control plans and the reduction in hydrocarbon emissions required to meet the air quality standards for oxidants, as determined by statistical evaluation of observed data, is specified in 40 CFR, part 51, appendix J. Alternative control measures such as inspection/maintenance, retrofit, increased parking fees and road tolls, four-day workweeks, carpooling, improved mass transit, "smog taxes" on automobiles and gasoline, gasoline rationing, etc. can be used to reduce hydrocarbon emissions over a wider area.

Traffic flow measures or controls that redistribute traffic over a larger time or space are not considered effective in reducing photochemical oxidants.

Measures which reduce both carbon monoxide and hydrocarbon emissions from vehicles include inspection/maintenance programs and vehicle retrofit devices. Estimates of the effectiveness of these measures were provided in a notice of proposed rulemaking published January 12, 1973 (38 FR 1447) and promulgated in final form on June 5, 1973 (38 FR 15193). Alternative transportation control measures contained in State plans such as improvements in mass transportation, car pooling, methods of noise abatement, and methods of reducing miles traveled, traffic flow improvements, inspection and maintenance measures as well as retrofit programs, are discussed in subsequent sections.

MASS TRANSIT

Since automobiles are the major source of carbon monoxide and hydrocarbon emissions, it would be desirable from an air quality standpoint if many trips presently made by auto could be diverted to other modes of travel.

It should be pointed out that any mass transit improvements requiring major construction, such as the extension of existing fixed-route systems or the building of new systems, cannot be completed by 1975 or 1977 unless such construction is already underway. Accordingly, for purposes of achieving the carbon monoxide and oxidant air quality standards in the secondary and nonattainment areas, alternative strategies must focus on alternative systems, primarily bus transit, and on immediate improvements in existing systems. Much can be done to improve existing transit facilities for bus transit in order to increase their attractiveness to the traveling public. Such improvements could include modifications in schedules, routes, and fare structures; preferential bus facilities and priority, such as exclusive bus lanes; park-and-ride facilities; measures to increase the comfort and security of passengers; and improved public information and marketing programs.

Where mass transit improvements are not sufficient to significantly reduce auto travel, as is generally the case, incentives to, and restraints on, auto travel may be needed. Economic disincentives such as higher parking charges and tolls, higher gasoline taxes, and higher fees for auto registration might be used for this purpose. Alternate modes of transportation must be made available concurrent with the imposition of vehicle restraints in order to retain mobility for the public.

Techniques that improve mass transit service and simultaneously restrain the automobile may be effective in diverting auto riders to mass transit. Provision for exclusive lanes for buses and carpoolers which simultaneously reduce road capacity available to the auto is an example. Other techniques would include priority metering for buses and expressway ramps, bus-priority signalization, and auto-free zones.

Many States have proposed mass transit improvements as part of their programs to meet ambient air quality standards. In some cases, States have made excessive or unsubstantiated claims of emission reductions resulting from mass transit improvements. In these cases, the Administrator has exercised his judgment in assigning different emission reductions. As in the case of traffic flow improvements, such an estimate has not in itself resulted in disapproval of a control strategy where the control strategy
provided sufficient margin or included adequate contingency measures.

**CAR-POOLING**

Increasing the average occupancy rate of automobiles is a conceivable method of reducing vehicle miles traveled (and thus automotive air pollutant emission) without the use of additional personnel or equipment. Experimental programs have shown that incentive measures such as express lanes, reduced tolls, and preferential parking can lead to the formation of car pools. Innovative information and communication systems can also be used to assist in the formation of groups of individuals who live and work near each other and who have compatible work schedules. These car pools could use existing highway facilities while reducing air pollution emissions and the drain on natural resources.

**REDUCTION IN VMT**

Measures such as mass transit, car pools, bus lanes, parking restrictions, increased bridge tolls, gas rationing, and others are designed to reduce the vehicle miles traveled (VMT). The Administrator believes that some reduction in VMT can be reasonably achieved by 1975 by employing available transportation control strategies. Application for time extensions to meet standards therefore cannot be granted until some reduction in VMT can be shown by control strategies submitted in state plans.

Information available on possible VMT reductions can be incomplete. It is true today as it was a year ago that states have had practically no experience with transportation control measures as a means of dealing with air quality problems. Aside from the National experience during World War II (gasoline rationing), no one knows what the public response to significant measures for reducing VMT will be. The studies that have been made on this point are inadequate and are necessarily hypothetical until the measures have actually been put into effect. Public attitudes in major urban areas do appear to be changing, however, and seem becoming less favorable to the continued use of automobiles on the present scale.

Finally, even the ability of different modes of transportation to absorb the demand for trips that would be created by a significant VMT reduction will vary greatly with the individual characteristics of the city involved. No firm projection of what alternative transportation is available can be made without detailed traffic study of the individual region, and, for the most part, such studies have not been made.

It is clear, however, that the authors of the clean air amendments of 1970 anticipated that substantial VMT reductions might be necessary to achieve the new standards. The Senate report on the act stated that the current vehicle population is largely made up of cars that meet the 1975-76 standards, as much as 75 percent of the traffic may have to be restricted in certain large metropolitan areas if health standards are to be achieved within the time required by this bill.

It is also clear from the January 31, 1973, court of appeals decision that if VMT reduction measures are reasonably available by 1975, and if the standards cannot be achieved without using them, they must be put into effect. This is true even though the restrictions may be necessary only for a few years until cleaner cars are produced. Against this background, the Administrator has reexamined the question of VMT reduction and has concluded that a reduction in VMT in 1975 is a feasible and necessary measure for many regions.

Though some reduction in the use of private automobiles may be expected simply from the use of measures designed to increase the attractiveness of other modes of transportation, further significant reductions can only be assured through the use of some form of restraint or disincentives to vehicle usage. A measure cannot be considered "reasonably available" if it proves to do would cause severe economic and social disruption. Although some reduction in personal travel could certainly be absorbed without such disruption, achievement of VMT reduction will require that the majority of the traffic displaced from single-passenger automobiles be absorbed by other modes of transportation such as car pools and public transit.

The only significant expansion of public transit facilities that can be accomplished by 1975 except where construction is already underway is the upgrading and physical expansion of bus services. Much, however, can be done in this regard. Scheduling and service can be improved and optimized. Individual lanes of free-flowing traffic from major roads can be set-aside for the exclusive use of buses. Significant numbers of new buses can be purchased and put into service by then. According to Department of Transportation figures, 2,500 transit buses were sold in the United States in 1972. In addition to these, 7,359 metropolitan public transit systems had purchased and put into service 8,442 additional buses. Significant alternative transportation capacity appears to be available now, or will be available by 1975, to allow significant VMT reductions (perhaps 10 to 15 percent) by 1975 in most of the Nation's cities. Further significant reductions should be possible by 1977. Alternative transportation capacity exists partly in present mass transit facilities, or can be created through the expansion of bus systems. In most places, potential road of transportation capacity is currently available. The Administrator cannot directly require the use of car pools. It can be expected, however, that as measures to make the use of private automobiles less convenient are imposed, increased reliance on car pools will develop naturally as a matter of private initiative.

VMT reduction measures which the Administrator may propose will vary according to the pollution problem of the individual region. Three major control measures appear to be particularly effective for VMT reduction. The first is the use of parking restrictions in central business districts (CBD). In addition, helping solve the problem of localized carbon monoxide pollution in these areas, as outlined above, such measures can be expected to discourage auto trips to CBD's by making it more difficult to park the car at the end of the trip, and thus encouraging a shift to alternate modes of transportation. The second is the conversion of some streets of freeways and major streets to the exclusive use of buses or car pools or both. This can be expected to encourage the use of public transit as a means of transportation by reducing traveltime and thus discourage the use of private automobiles by reducing the amount of road space available to them. The third is the implementation of gasoline rationing policies which might be no more than a limit on the growth in gasoline consumption. This can be expected to further reduce VMT. In some regions, this will be made necessary by the legal requirement to propose a plan theoretically capable of meeting the standards by 1975, or by 1977 at the latest.

**TRAFFIC FLOW IMPROVEMENTS**

In central business districts, traffic speeds are low during most of the day. Various traffic flow improvement measures, including operational improvement of existing roads, have been proposed by many States on the basis that the resulting higher traffic speeds will substantially reduce pollutant emissions. The States have not addressed themselves directly to this problem. Where the States have considered and proposed such countermeasures, they have been proposed as separate control measures for which additional emission reductions have been claimed. The Administrator recognizes that it is not easy to solve the problem of induced traffic; however, failure to recognize the problem gives a false picture of the results of the traffic flow improvements, and failure to identify the major elements of the problem could result in inadequate monitoring and in inadequate planning of counter and contingency measures.
Pollutant emissions from in-use vehicles can be reduced by ensuring that engines and emission control devices are maintained in good operating condition. This can be achieved through periodic inspections of in-use vehicles and the repair of vehicles that fail to meet inspection standards. The degree of emission reduction obtained will depend on the frequency of inspection and the particular inspection standards used. The total emission reduction achievable through a particular inspection measure will generally be established only after the vehicles in a particular area have completed the inspection/maintenance cycle.

States have proposed three principal types of annual inspection programs: idle emission tests, loaded emission tests, and inspection and maintenance. The Administrator has evaluated the feasibility of these systems and the time generally required to implement the measures and complete one inspection cycle. An idle-test program (i.e., tests with transmissions in neutral) can be fully loaded in normal driving conditions, whereas a loaded-test program (i.e., tests with the vehicle placed on a dynamometer which is programmed to simulate actual driving conditions) leads to somewhat greater emission reductions, but, due to the equipment needed, may require up to 6 additional months for implementation (December 1, 1975). The implementation component of the inspection/maintenance approach is subject to adjustment based on an evaluation of results from current programs, and availability of facilities for safety inspection, and licensed garages.

The Administrator does not currently believe that implementation of heavy-duty vehicle maintenance/inspection programs can be assured, even by 1977. Currently a successful inspection/maintenance approach for heavy-duty vehicles has not been identified. Accordingly, provisions for heavy-duty vehicle inspection/maintenance have only been considered as the New York City transportation control plan in view of the city's continuing program to develop and test heavy-duty retrofits.

Most States have not yet developed detailed plans for implementation of inspection/maintenance programs. Implementation will require obtaining the necessary legal authority; promulgating the required regulations specifying appropriate emission or other performance standards and testing procedures; training garage mechanics; licensing garages where necessary or appropriate; and training the State's supervisory manpower.

Retrofit Control Systems

Some States have proposed that retrofit emission control systems be required for light- and/or heavy-duty vehicles registered in those areas of the State having pollution that significantly affect a particular air quality control region. The retrofit devices which have been proposed include vacuum spark advance disconnect (VSAD), air bleed, catalysts, and heavy-duty retrofit catalysts. These devices are currently in various stages of development and use. For any retrofit strategy to be effectively implemented, the affected State must be able to achieve any given primary standard at a reasonable cost. The strategies are often complex, involving a combination of manpower, facilities, equipment, and material which involve direct costs that can be quantified and budgeted. It should be noted that private citizens, especially the retail business community, may be more directly affected (in terms of cost) by these control measures than by typical stationary source control measures.

There are also social impacts which occur as a result of the implementation of transportation control measures. These impacts take the form of non-monetary costs attributed to control measures, such as inconvenience and loss of time and opportunity. Control measures which affect personal mobility, choice of travel mode, and regional accessibility also induce monetary social costs, although quantification of these costs is difficult.

Society will be affected by the implementation of transportation control measures in several specific ways. An individual will incur costs when bringing his vehicle into compliance with specific strategies. A decrease in or inhibition of the mobility of the individual may affect employment and other business operations and sales, as well as recreational activities and facilities. Public service and enforcement activities will require expanded capabilities and resources as a result of implementation of the transportation control strategies. In addition, there will be measurable impacts on raw materials and natural resources, such as the energy supply.

The most significant impact, however, will result from measures which directly affect the individual's mobility and life style and necessitate changes in the economic structure of the community. The severity of this impact in each urban area depends on the degree and magnitude of the control measures proposed; the extent to which incentives are provided; the manner in which direct costs of abatement are financed; and the degree to which incentives are provided to ameliorate the effects of the control measures.

EXTENSION REQUESTS

Section 110(e) of the Clean Air Act provides that an extension of up to 2 years in the time allotted a State for achieving any given primary standard in any air quality control region may be granted only if the Governor of a State requests it and establishes the following:

1. He must have presented a plan which is theoretically able to achieve the standards by the 1975 deadline;
2. He must show that the State has the authority to control certain sources of pollution, and that the economic and social impacts of the control strategies necessary to control certain sources will not be available by 1975;
3. He must show that the requirements should not be construed to mean that the methods of control must be those that would not be available by 1975;
4. He must demonstrate that the plan provides for the application, as soon as is practicable, of all reasonably available control measures for the control of sources (those from these sources; and) he must show that all strategies in the plan for the control of other sources will be applied
RULES AND REGULATIONS

by May 31, 1975. The January 31, 1973, Court of Appeals decision placed particular
stress on the requirement for a careful review of extensions, requests. An extension, if granted, applies only to those specific measures for which more time is required. All other measures in the plan must be fully implemented by May 31, 1975, or sooner as provided in the plan.

If the State has not met the conditions of section 110(e), the Administrator must disapprove the request for extension and propose a substitute plan. If it becomes apparent either that the original denial was in error or that the best achievable plan still will not meet the standards in 1975, the Environmental Protection Agency may grant itself an extension of time, if justified by the facts, up to a 2-year maximum. In granting itself the extension, the Environmental Protection Agency is bound by the same legal standards as those that apply to State requests. In particular, no such extension will be legally valid unless the requirements of section 110(e) have been met.

PUBLIC HEARINGS AND COMMENTS

All States were required, prior to the adoption of any final or revised plan, to conduct one or more public hearings on such plan, compliance schedule, or revision. Notice of a public hearing was to be given at least 30 days prior to the date of such hearing. Notice was to be given by prominent advertisement, in the region affected, of the date, time, and place of such hearing. The proposed plan or revision was to be available for public inspection at the time of announcement of the notice.

Comments were received from the general public, private industry and such organizations as Natural Resources Defense Council. Typical comments were as follows: (1) Plans did not provide necessary assurance that the State will furnish the required resources to implement the programs which are proposed; (2) plans did not provide an adequate description of the enforcement methods, administrative procedures, monitoring systems, and surveillance programs necessary for plan implementation; (3) plans made insufficient and legally insufficient request for extensions of the deadline for attainment of the primary standards; and (4) plans did not make provision for intergovernmental cooperation in the implementation of a strategy.

These and other comments are addressed in the preamble to the specific State plans and in the evaluation reports written by the Agency.

FUTURE STATE ACTION REQUIRED

As indicated in the March 20, 1973, notice, the completion of extension requests of transportation control strategies requires three steps. The first step was completed with submittal on April 15, 1973, the State control strategies, as defined in 40 CFR 51.1(n), which are proposed to be put into effect on a specified timetable. A listing of possible transportation control strategies does not meet this requirement, even if it is coupled with general assurances that one or more of the measures described will be put into effect if necessary. To be acceptable, a plan must make choices and indicate specific plans, called for by § 51.11(a), (c), (d), (e), and (f) calling for judicial, the legal authority, since the Agency has previously stated that necessary legislative authority may be submitted by July 30, 1973. To the extent that legal authority is not shown to be available at that time, the affected elements of the plans will be disapproved, and the Administrator will promulgate substitute provisions unless the State can show that the authority is not currently needed, that it will be obtained before it is needed, and that no loss of time in meeting the standards will result from waiting to obtain it.

Detailed regulations for implementing the control strategy must be adopted by December 30, 1973. This does not defer the necessity for the States to choose their strategies and make firm commitments to put them into effect. It merely means that the detailed procedures involved can be approved later. If the plan did not provide adequate assurance that this later stage would be essentially procedural, so that substantial difficulties would not be likely to arise then, the plan was not approved.

FEDERAL MOTOR VEHICLE EMISSION PROGRAM

The April 11, 1973, decision of the Administrator (38 FR 10317) granting certain suspensions of the 1975 auto emission standards to the domestic auto manufacturers will, to some degree, affect the State transportation control plans. It is estimated that the interim motor vehicle standards specified by the Administrator will increase the vehicle pollutant emissions in 1975 by 2 to 4 percent of that anticipated before the 1-year extension was granted to the automobile manufacturers. Because of the closeness of the date of the Administrator’s decision and the April 15, 1973, deadline for plan submittal, only a few of the plans accounted for the effect of the interim standards. For those plans that are found to be inadequate, additional measures will be proposed by the State or the Environmental Protection Agency to compensate for the 1-year extension.

The effects of these and other factors will be examined in the final review of the plans. The States will be required, at appropriate times, to suitably revise their plans in accordance with the revision procedures prescribed by the Clean Air Act and 40 CFR 51.14.

SUMMARY OF APPROVAL/DISAPPROVAL ACTIONS

The Court of Appeals order required that transportation control plans be submitted by 21 States and the District of Columbia. Through a number of decisions in the court order, the Commonwealth of Virginia has also voluntarily submitted a transportation control strategy. Approval/disapproval actions today cover 43 separate air quality control regions or portions of regions found in these 23 jurisdictions. The actions taken in these 43 separate cases have been cataloged as shown in the following table. This table identifies Air Quality Control Regions (AQR) or subregions with the name of a key metropolitan area associated with the region. For example, the Northern Alaska Inland area is designated Fairbanks and the Texas portion of the El Paso-Las Cruces-Alamogordo interstate region is designated El Paso.

APPROVAL/DISAPPROVAL SUMMARY

Plains fully approved now:
   Alabama, Birmingham, Mobile
   New York, NYC, Rochester, Syracuse

Plains fully approved after expiration of comment period:
   Kansas, Kansas City

Plains with generally approvable control strategy but procedurally deficient:
   Arizona, Phoenix
   D.C., National Capital
   Florida, Miami
   Illinois, Chicago
   Oregon, Portland
   Pennsylvania, Philadelphia, Pittsburgh
   Utah, Salt Lake City
   Virginia, National Capital
   Washington, Seattle, Spokane

Plains submitted too late to evaluate:
   Colorado, Denver

Inadequate plan submitted—Significant EPA promulgation anticipated:
   Maryland, National Capital
   Baltimore

Texas, El Paso, Austin/Waco, Corpus Christi, Houston/Galveston, San Antonio, Beaumont, Dallas/Fort Worth

No plan submitted—Expected in July:
   California, San Francisco, San Diego
   Sacramento, San Joaquin Indio
   Indiana, Indianapolis
   Massachusetts, Boston, Springfield
   Minnesota, Minneapolis-St. Paul
   New Jersey, Newark, Camden
   Trenton
   Ohio, Cincinnati, Dayton, Toledo
   Alaska, Fairbanks

Total

Air Quality Control Region or portion of Region

16554
A limited number of State plans are being completed approved today. However, the Administrator has approved portions of most plans submitted and recognizes the commitment and extension of effort put forth by many States in the development of these plans. He is confident that many States will correct the deficiencies and have fully approvable plans. The transportation control plans for Alabama and New York are completely approved. Based on evaluation of recent air quality measurements and inventory data, the locations in the remaining regions in New York State require transportation controls and have submitted approvable plans. The Governor of Alabama has determined that the southern Louisiana-Southeast Texas Interstate region, the Kansas portion of the Metropolitan Kansas City Interstate region, and the Missouri portion of the Metropolitan Kansas City Interstate region require extensive transportation controls, which must be achieved by December 31, 1976. Plans already submitted in these regions will be fully approvable today but contain the deficiencies and have fully approvable plans. The Metropolitan Birmingham Intrastate region in Alabama, the Alabama portion of the Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi Interstate region, the Central New York region, the New York portion of the New Jersey-New York-Connecticut Interstate region, the Metropolitan Kansas City Interstate region, and the Missouri portion of the Metropolitan Kansas City Interstate region require transportation controls to achieve the standards for photochemical oxidants (hydrocarbons) by May 31, 1975. The requirements of sections 110(a) and (b) of the Clean Air Act require that States submit plans in response to public comments. Comments are due March 20, 1973. The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law. No public hearings on this revision were held by the State of Colorado. However, since the revision submitted was a nonregulatory revision, no public hearing was required under 40 CFR 10113. Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies. A major petroleum company commented on gasoline-adding strategies and was ready adopted by the State of Alabama. The Natural Resources Defense Council challenged as inadequate the State figures indicating that the standards would be achieved without transportation controls through the increasing stringency of controls on new cars. Although, as noted in the evaluation report, the plan has not been accepted by public comment for the required time period. Maryland and Texas submitted plans which are considered to have serious deficiencies, and are proposed to meet standards. It is expected that the significant control measures will be proposed by the Administrator to make these plans acceptable.

Transportation control plans for 15 regions or portions of regions have been disapproved because no transportation control measures have been submitted by the appropriate States to the Administrator.

A discussion of specific actions relevant to each State is given below.

ALABAMA

The State of Alabama was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Mobile (Alabama) -Pensacola-Panama City (Florida) -Southern Mississippi interstate region, and for photochemical oxidants (hydrocarbons) in the Alabama Metropolitan (Alabama) -Pensacola-Panama City (Florida) -Southern Mississippi interstate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Alabama was directed to submit a transportation strategy by April 15, 1975, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. On April 24, 1975, the State of Alabama submitted a nonregulatory plan revision. This revision was reviewed and evaluated by the Administrator pursuant to 40 CFR part 61. It has been determined after review that the revision submitted adequately surges that the Alabama plan meets the requirements of section 110. A summary of this review is contained in "Evaluation Report on the Transportation Control Study for the State of Alabama," which is available both at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460, and at the Office of Public Affairs, EPA Region IV, 1421 Peachtree Street NE., Atlanta, GA. 30309.

The approved implementation plan provisions were adopted in accordance with procedural requirements of State and Federal law. No public hearings on this revision were held by the State of Alabama. However, since the revision submitted was a nonregulatory revision, no public hearing was required under 40 CFR 51.6. There were two respondents to the Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies. A major petroleum company commented on gasoline-adding strategies, and was ready adopted by the State of Alabama.

The Natural Resources Defense Council challenged as inadequately adopting the State figures indicating that the standards would be achieved without transportation controls through the increasing stringency of controls on new cars. Although, as noted in the evaluation report, the plan has not been accepted by the State figures in full, the figures even as adjusted indicate in our best judgment that the standards will be met on schedule.

ARIZONA

The State of Arizona was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment and maintenance of the carbon monoxide standards in the Phoenix-Tucson Intrastate region.

In accordance with NRDC v. Environmental Protection Agency, this extension was rescinded, and Arizona was directed to submit a transportation strategy by April 15, 1975, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. In addition, Arizona was directed to provide for transportation controls to achieve the standards in the Phoenix-Tucson intrastate region.

The State of Arizona held a public hearing on the proposed plan on January 25, 1973. At this hearing 37 persons testified, including representatives of 9 conservation groups and 3 industries. General support and endorsement were voiced for inspection/maintenance and retrofit as immediate solutions, but most testimony indicated that these strategies would be inadequate as permanent solutions. There was general support for long-term strategies such as mass transit, controlled growth, and land-use planning.

The plan was received on April 11, 1973, and published notice of its arrival in the Federal Register, 38 FR 10119 (Apr. 24, 1973), and invited comments.

One comment submitted criticized the use of a limited data base and lack of contingency measures in the plan and objected to the high cost of retrofits.
Comments received from three oil companies also objected to catastrophic retrofit. In addition, the Natural Resources Defense Council submitted comments that challenged as too high the estimates of emission reductions to be achieved from measures intended to reduce the number of overloaded inspection and maintenance system; the general lack of regulatory language and choice of strategies; and the absence of VMT reduction measures. The feasibility of the proposed retrofit program was also questioned.

After reviewing the plan, the Administrator concluded that, if only the emission control on bulk tank farms and service stations were implemented, the national standards for photochemical oxidants could be attained by May 31, 1975, but that a 30 percent VMT reduction in addition to those measures would be required in order to attain the standards for carbon monoxide by the 1975 deadline. However, the State's implementation of several of the proposed strategies are already underway.

The Administrator has determined that catastrophic retrofits cannot be fully implemented before mid-1973, and that air-bleed retrofits cannot be fully implemented before mid-1976. In addition, it was indicated that the proposed loaded inspection system cannot be fully implemented before mid-1976, even though the State has an ongoing program for several of the proposed strategies are already underway.

A request by the Governor for an 18-month extension for both pollutants was not approved. As of the date of the plan, the State had failed to satisfy the justification criteria published in the Federal Register (36 FR 15493) for extension requests, namely, the plan contains no VMT reduction that was implemented during the extension period. In the judgment of the Administrator, sufficient alternative transportation capacity is presently available to achieve a 10- to 15-percent VMT reduction by 1975. Therefore, the Administrator cannot grant the extension. Nevertheless, it should be noted that, based on the above determinations, a 10-month extension would not be sufficient for implementing all the strategies needed for attainment of the standards.

The Administrator recognizes the sincere efforts of Arizona to develop technically sound and workable transportation control strategies. In order to realize its objective, the Administrator encourages the State to investigate the availability of strategies other than those involving heavy duty vehicles, and to submit an adequately documented justification for an extension of the attainment dates for the carbon monoxide standards.

CALIFORNIA

The State of California was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the standards for oxidants (hydrocarbons) in the San Diego and San Joaquin Valley Inlandia region and for carbon monoxide in the Los Angeles, San Diego, and San Joaquin Valley Inlandia region. This directive did not include the Metropolitan Los Angeles Inlandia region, which was already the subject of separate EPA action before that time.

Because the court order handed down in NRDC v. EPA required the Administrator to approve or disapprove State plans within 2 months after the date required for the submission of the plan, the Administrator is disapproving those portions of the California plan that were required to be submitted pursuant to paragraph 3 of the court order. This disapproval is based solely upon lack of timely submittal of the required plan and is not meant to reflect on the content of the submitted plan.

The Environmental Protection Agency has acknowledged in the Federal Register receipt of the plan and is now providing an opportunity for the public to comment on the plan. The State plan will be considered. After considering the plan submitted by the State and all public comments, including the comments of the Environmental Protection Agency will take such final action as appropriate to approve all portions of the plan submitted by California.
The National Capital Interstate Air Quality Planning Committee,This committee, composed of representatives from the District of Columbia, the States of Maryland, and the Commonwealth of Virginia, including local jurisdictions and citizen environmental groups. Substantial support was evidenced for land use controls, staggered work hours, carpool incentives, “bike-ways,” restrictions on heavy-duty gasoline-powered trucks.

The District of Columbia held public hearings on February 12 and 13, 1973. Statements were presented by representatives of commerce, industry, and citizen environmental groups. Substantial support was evidenced for land use controls, staggered work hours, carpool incentives, "bike-ways," restrictions on free employee parking facilities, and an expanded commuter rail system. Business representatives objected to parking surcharges and the proposed ban on day-time uses of heavy-duty gasoline-powered trucks.

Upon receipt of the District of Columbia plan, EPA published notice of its arrival in the Federal Register, 38 FR 11114 (May 4, 1973), and invited comments. Comments were received from industry, public environmental organizations, chambers of commerce, governmental organizations, and private individuals. The written comments reflected strong objections to peak-hour delivery.
The region must be adopted, and expressed as technical feasibility and safety implications, including the proposed curtailment of aircraft taxing; and urged region-wide implementation of the plan. Receipt of the written comments was acknowledged by letters from the Regional Administrators to the implementing sources.

The comments submitted by the Natural Resources Defense Council deserve special mention. These comments pointed out the need for a more comprehensive system of vehicle restraints and VMT reduction measures to be established. In addition, NRDC stated that a uniform plan for the entire air quality control region must be adopted, and expressed doubt as to the feasibility of the proposed retrofit program. Finally, NRDC stated that legal authority, regulations, and enforcement responsibilities and procedures were lacking in the case of certain strategies.

The plan proposed by the District of Columbia includes a broad spectrum of control measures for both mobile and stationary sources, which, if they can be fully implemented, could achieve the primary national air quality standards for photochemical oxidants and carbon monoxide by May 31, 1975. Moreover, interim measures that could be implemented in the event that some of the proposed measures are not available by May 31, 1975. However, the absence of proposed regulations and specific procedures for enforcement and administration of portions of the plan, plus the impracticability of full implementation of several proposed control measures by May 31, 1975, preclude full approval of the plan.

Although no extension was requested, the Administrator currently opposes the extension of the time period for submission of the Indiana plan. The Illinois Environmental Protection Agency proposes to promulgate a uniform plan that will reflect both the comprehensiveness of the control measures, as proposed by the District of Columbia, and Illinois lead-time constraints.

**ILLINOIS**

In accordance with NRDC v. EPA, Illinois was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the carbon monoxide standards in the Illinois portion of the Metropolitan Chicago interstate region by May 31, 1975.

The Illinois Environmental Protection Agency held public hearings on April 5 and 6, 1973, on its proposal for a transportation plan. This plan was subsequently submitted to the Administrator on April 17, 1973. Receipt was acknowledged in the April 27, 1973, letter. However, theAdministrator, along with a statement that EPA would consider additional comments, submitted the plan for the following reasons, among others:

(A) Failure to utilize current State procedures in adopting this plan, and

(B) Lack of discrete legal authority for implementation.

Based on an examination of applicable State and Federal law, procedures, and precedents (including the original Illinois plan and PTO standards), the Administrator has determined that the State of Illinois is to adopt the proposed plan for the following reasons:

A more detailed review by EPA of the air quality standard for photochemical oxidants was not exceeded once during the calendar year of 1972. The original Indiana plan with its need for an extension was based upon a second highest 8-hour concentration of 0.13 parts per million, recorded in 1971. There was no apparent opposition to the State's implied intent to neither propose additional strategies nor request an extension for attaining the photochemical oxidant ambient air quality standard by 1975. However, at that time, the EPA Region V office requested that the proposed plan provide an explanation regarding the reduction of measured photochemical oxidant concentrations between the years 1968 and 1972.

The State has not formally submitted its plan to date. Because the court order requires the Administrator to approve or disapprove State plans within 2 months after the date required for submission, the Administrator, after approving those portions of the Indiana plan that were required to be submitted pursuant to paragraph 3 of the court order, is concerned that this plan is based upon the lack of timely submittal of the required plan and is not meant to reflect.
on the content of an expected late submission. A proposed EPA plan will be published on June 15, 1973.

The Governor of Indiana is expected to submit the plan in the near future. When the plan is received, the Environmental Protection Agency will acknowledge receipt of the plan and will provide an opportunity for the public to comment on this plan. All comments submitted by the public on both the EPA proposal and the Indiana plan will be considered. After considering the plan submitted by the State of Indiana and all comments, the Environmental Protection Agency will take such final action as appropriate to approve all portions of any plan submitted by Indiana that are approvable and promulgate Federal regulations for the balance.

KANSAS

The State of Kansas was granted, pursuant to section 110(e) of the act, an extension of time for the attainment of the carbon monoxide standards in the Kansas portion of the Metropolitan Kansas City Interstate region. In accordance with NRDC v. EPA, this extension was rescinded, and Kansas was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. The Kansas Board of Health, in conjunction with the State of Missouri held public hearings on April 12, 1973, during which alternative transportation control strategies were considered. Subsequent to that hearing, Kansas submitted a non-regulatory plan revision that utilized a lower air quality base value for computing the required degree of control to meet the air quality standards by May 31, 1975. The State indicated that the Federal motor vehicle control program plus stationary source control of carbon monoxide had been adequate to provide for the required emission reductions and would thus obviate the need for a transportation and/or land use control strategy. Because of the late submission of the plan, however, the Administrator has not had adequate time to evaluate public comments on the approvability of such revisions. Hence, as required by the January 31, 1973, court order, the Administrator is today disapproving those portions of the Kansas implementation plan that were to be addressed.

After the period for opportunity for public comment on the plan closes, all comments received will be considered in the plan review. The Environmental Protection Agency will then revise this disapproval notice as is deemed appropriate.

LOUISIANA

The State of Louisiana was granted, pursuant to section 110(e) of the act, an extension of time for the attainment of the photochemical oxidant (hydrocarbon) standards in the Louisiana portion of the southern Louisiana-southeast Texas interstate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Louisiana was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. On March 30, 1973, Louisiana submitted implementation plan revisions that consisted of controls for hydrocarbon emissions from stationary sources (revisions 22.8 and 22.9), emission inventory changes, and an updated control strategy. These revisions indicated that the national standards for photochemical oxidants (hydrocarbons) would be attained in Louisiana's portion of the southern Louisiana-southeast Texas interstate region by May 31, 1975. A review of these revisions was conducted by the Administrator, pursuant to 40 CFR, part 51, and the revised implementation plan which was reported in the Federal Register, and a 21-day period set for receipt and analysis of public comment prior to approval/disapproval. Because Louisiana's submittal was not reviewed in sufficient time to analyze and/or include public comment into the approval/disapproval decision by June 15, 1973. When analysis of public comments is completed, this notice will be revised accordingly.

A summary of the Administrator's review based on currently available information is contained in the evaluation report which is available at the Freedom of Information Center, EPA, room 329, 401 M Street SW, Washington, D.C. 20460, and the Office of Public Affairs, EPA, Region 6, 1600 Patterson Street, suite 1100, Dallas, Tex. 75261.

Public hearings were held by the State of Louisiana on December 28, 1972, to consider the revisions to the State's stationary source controls, and on March 3, 1973, to consider the revised control strategy. The revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate notice, public hearings, and time for comment. The general consensus of those present at the hearings was that the proposals were satisfactory.

MARYLAND

The State of Maryland was granted, pursuant to section 110(e) of the act, an extension of time for the attainment of the standards for carbon monoxide in the Metropolitan Baltimore intrastate region and for photochemical oxidants and carbon monoxide in the southern Maryland portion of the National Capital interstate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Maryland was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975.

Although neither the May 31, 1972, nor the March 20, 1973, amendments to 40 CFR, part 52 require the submission of a strategy for the attainment and maintenance of national standards for photochemical oxidants (hydrocarbons) in the Metropolitan Baltimore intrastate region, more recent data indicate a serious hydrocarbon problem and require more recent data from fully calibrated instrumentation indicated excessive concentrations of photochemical oxidants in the Metropolitan Baltimore intrastate region, the State of Maryland submitted and submitted proposed strategies for both pollutants in both the Metropolitan Baltimore intrastate region and the National Capital intrastate region.

The State of Maryland held public hearings on the proposed plans on March 5, 1973, for the National Capital interstate region, and on February 28, 1973, and April 4, 1973, for the Metropolitan Baltimore intrastate region. All sessions were attended by representatives of industry, government, and environmental citizens' groups, and by private citizens. In each case, environmental groups advocated decreased highway construction, all groups supported improved mass transit, and industry representatives pushed for heavy-duty truck deliveries and retrofit of vapor recovery devices.

The Governor of Maryland submitted a plan for the State of Maryland on April 16, 1973, and April 21, 1973, for the latter region is subject to considerable

EPA is in agreement with basically all of these comments, and has disapproved portions of the Maryland plan accordingly. These deficiencies also require that both the stationary and the inspection and maintenance programs be described in the required detail. In addition, the failure to include any VMT reduction measures is a serious omission. EPA published notice of its approval of the proposed VMT measures in the Federal Register, 38 FR 10120 (April 24, 1973), and invited comments. Comments were received from industry, public environmental groups, chambers of commerce, governmental organizations, and private individuals. Principal comments from these sources reflected the lack of a specific VMT control program, the unavailability of lead-free gasoline, and the economic impracticability of banning new stationary sources. Receipt of the written comments has been acknowledged by letters from the Regional Administrator to the commenting sources.

The comments submitted by the Natural Resources Defense Council deserve special mention. These comments asserted that the reductions claimed for the inspection and maintenance portions of the plan were inadequately supported by data, and that both the stationary and the inspection and maintenance programs were not described in the required detail. In addition, the failure to include any VMT reduction measures is a serious omission. EPA is in agreement with basically all of these comments, and has disapproved portions of the Maryland plan accordingly. These deficiencies also require that both the stationary and the inspection and maintenance programs be described in the required detail. In addition, the failure to include any VMT reduction measures is a serious omission.
updating when supplementary information is provided by Maryland. It is EPA's understanding that such an update is currently in preparation. Although no assumptions are made concerning future contents of an updated plan, a number of statewide items, such as a motor vehicle inspection program, could be modified either to both of the regions. Consequently, it is deemed reasonable that this evaluation will reflect those items in the current Metropolitan Baltimore plan that would be addressed in a National Capitalization strategy by April 15, 1973, that would provide for the attainment and maintenance of the National Standards as noted above by May 31, 1975.

As a result of Massachusetts' unresponsiveness to the Administrator's order of March 20, 1973 (38 FR 7323), the Administrator will at this time indicate that deficiency and list the resulting exception to the approvability of the Massachusetts implementation plan for the Metropolitan Boston intrastate region and the Hartford-New Haven-Springfield interstate region.

MINNESOTA

The State of Minnesota was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the carbon monoxide standards in the Minneapolis-St. Paul intrastate region. In accordance with NRDC v. EPA, this extension was rescinded and Minnesota was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the National Standards as noted above by May 31, 1975.

The State of Minnesota held a preliminary hearing on the proposed plan on January 12, 1973. Subsequent formal public hearings were held on Febru­ary 20, 1973, and May 3, 1973. The plan, however, has not yet been submitted to the Administrator. Since the Adminis­trator, because of the court order, must approve or disapprove State plans within 2 months after the required submission date, the Administrator is today disapproving those portions of the Minnesota implementation plan that are deficient. A proposed EPA plan that remedies these deficiencies will be published soon for comment and will be promulgated on August 15, 1973, as required by the Clean Air Act.

It is expected that the Governor of Maryland will submit additional elements of the proposed plan in the near future that will acknowledge, in the Federal Register, receipt of the additions and will provide an opportunity for the public to comment on these additions. After consider­ation of the additions submitted by the State of Maryland and all comments, EPA will revise this initial action as appropriate to approve all portions of any plan submitted by Maryland that are approvable and to propose Federal regulations for the remainder.

MASSACHUSETTS

The State of Massachusetts was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment and maintenance of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the Metropolitan Boston intrastate region and the standards for carbon monoxide in the Metropolitan portion of the Hartford-New Haven-Springfield interstate region. In accordance with NRDC v. EPA, this extension was rescinded and Massachusetts was directed to submit a transpor­tation strategy by April 15, 1973, that would provide for the attainment and main­tenance of the standards as noted above by May 31, 1975. On May 21, 1973, the State of Missouri submitted a nonregulatory plan revision that utilized a lower air quality base value for computing the required degree and photochemical oxidants (hydrocarbons) by May 31, 1975. The State indicated that the Federal motor vehicle control program plus stationary source control of carbon monoxide would be sufficient to meet the national ambient air quality standards and that would obviate the need for a transportation and/or land use control strategy. Because of the late submission of the plan, Missouri has not had adequate time to evaluate public comments on the approvability of such revisions. Hence, as required by the January 31, 1973, court order, the Administrator is today disapproving those portions of the Missouri implementa­tion plan that were to be addressed.

After the period for public comment on the plan closes, all comments submitted by the public will be considered in the plan review. The Environmental Protection Agency will then revise this disapproval notice as deemed appropriate.

NEW JERSEY

On May 31, 1972 (37 FR 10842), the Administrator approved New Jersey's implementation plan for attaining the national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons). He also granted the 2-year extension provided for in section 110(e) of the Act, for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the Jersey-New York-Connecticut interstate region and the New Jersey portion of the Metropolitan Philadelphia interstate region. The basis of New Jersey's 2-year extension was that the Federal motor vehicle control program and the New Jer­sey motor vehicle inspection program could provide for the attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1975, without the imposition of additional transportation control measures that would be difficult to implement. These additional measures would have to be implemented to provide for attainment of the standards by May 31, 1975.

On March 20, 1973 (38 FR 7323), the Administrator, in effect, disapproved the transportation control plan previously submitted by New Jersey on January 26, 1972. Because of the stringent timetable imposed by the court decision, the State of New Jersey was directed to submit a transportation control plan for achieving the national ambient air quality standards for photochemical oxidants and carbon monoxide in both the Metropolitan Philadelphia interstate region and the New Jersey-New York-Connecticut interstate region. However, in an effort to show good faith, the Commissioner of the New Jersey Department of Environ­mental Protection, acting in behalf of the
Governor, sent a letter to the Regional Administrator expressing his intent to develop a plan as soon as possible and identifying seven alternative strategies that the State would consider. The most comprehensive strategy presented included the following:

2. Compliance with the more restrictive inspection/maintenance standards that are expected to reject approximately 45 percent of New Jersey vehicles.
3. Control of stationary sources, and
4. Reduction of vehicle miles traveled during critical seasons of the year by rationing of gasoline to the extent required to achieve a 69 percent reduction in hydrocarbon emissions.

Notes—This strategy could be employed singly, or in combination with any of the above strategies.

Because the court order requires the Administrator to approve or disapprove State plans within 3 months after the date required for submission of a plan, the Administrator is disapproving those portions of the New Jersey plan that were required to be submitted pursuant to paragraph 3 of the court order. This disapproval is solely based upon the lack of timely submittal of the required plan. Should the State of New Jersey submit its required plan, the Environmental Protection Agency will acknowledge formal receipt of the plan through the Federal Register and will provide an opportunity for the public to comment on the State plan. All comments submitted will be considered in the plan review. The Environmental Protection Agency will then revise this disapproval notice as deemed appropriate.

**New York**

The State of New York was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the New York portion of the New Jersey-New York-Connecticut interstate region, for the carbon monoxide standards in the Central New York intrastate region, and for the photochemical oxidant (hydrocarbon) standard in the Genesee-Finger Lakes intrastate region.

In accordance with NRDC v. EPA, this extension was rescinded, and New York was directed to submit a transportation control strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1976.

The State of New York held public hearings on its proposed plan for New York for the above-mentioned regions and has found them to be adequate for attainment and maintenance of the national ambient standards. A copy of the record of the hearing revision to the Central New York intrastate region was also submitted on April 30, 1973.

The Administrator has reviewed the control strategies submitted by the State of New York for the above-mentioned regions and has found them to be adequate for attainment and maintenance of the national ambient standards. An environmental review upon which this determination was made is available at the Public Affairs Office, Environmental Protection Agency, Region 2, Federal Plaza, New York, N.Y. 10007, and at the Environmental Protection Agency, Freedom of Information Center, room 329, 401 M Street SW, Washington, D.C. 20460.

The Department of Environmental Conservation, as mentioned previously, held a hearing on April 9, 1973, on the State's proposed transportation controls for the attainment of the national ambient standards on carbon monoxide and photochemical oxidants (hydrocarbons). A total of 61 people presented oral testimony at this hearing. A number of additional written comments were submitted at the office of the New York State Department of Environmental Conservation by May 10, 1973. Among those who testified in person were two representatives of County Health agencies, 10 State and local government officials or their representatives, spokesmen for 15 environmental groups, and 19 spokesmen for various citizens, and the Automobile Club of New York. The oil companies objected to any requirement for catalytic retrofits, as did the Automobile Club of New York. Other comments called for attention to VMT reduction, criticized the lack of cooperation between developments like Battery Park City and the Convention Center, and asked for greater commitment of resources to the clean air effort.

The comments submitted by the Natural Resources Defense Council deserve special mention.

These addressed exclusively the plan for the New York City area, and found the three major deficiencies in the measures to be implemented to achieve the standards by 1975, namely a lack of provisions for cooperation with New Jersey, a failure to provide for enough VMT reduction, and a lack of resources in the regulatory proposals.

As the latter indicates, however, the lack of intergovernmental cooperation stems from a failure on New Jersey's part, not New York's. It is therefore inappropriately addressed under a New York heading.

Contrary to the statement on page 3 of the letter that New York has only adopted a single VMT reduction measure—parking restrictions—New York will also implement a system of bus-only commuter lanes, a ban on taxi cruising, a ban on mid-day truck deliveries, and raising tolls on certain bridges. In addition, an additional rule is in parking spaces to which NRDC alludes, this is to be on the order of 30 to 50 percent.

There can be no question but that New York plan provides for substantial VMT reduction. Given this, EPA has concluded that New York was justified in concluding that even more would not be available by 1975. The Clean Air Act contemplates that States will be the initial judges of what measures to use to
improve air quality. If significant measures that result in substantial VMT reductions are provided, then EPA will not interfere with the measures the State has chosen. 

Included with the implementation plan revision submitted by New York was a request by the Governor for a 2-year extension for attainment of the national ambient air quality standard for photochemical oxidants in the New York City area, and 18-month extensions for the achievement of national ambient air quality standards for carbon monoxide in the metropolitan Dayton intrastate region, and for achievement of the national ambient air quality standard for photochemical oxidants in the Genesee-Finger Lakes region.

This extension request was based on the assumption that the retrofitting of passenger vehicles with catalytic emission control devices was not technologically feasible. The Governor also questioned the reliability of the devices, the capability to produce and install the needed devices within the required time frame, and the petroleum industry's capacity to produce the needed quantity of lead-free gasoline.

Analysis of the strategies, including the Federal motor vehicle control program, a statewide emission inspection and maintenance program, and stationary source control programs shows that these will provide sufficient reductions in hydrocarbon emissions to ensure the attainment of the national standard for photochemical oxidants in the Genesee-Finger Lakes region by 1975. Thus, the Governor's request for an extension until the end of 1976 in the attainment date to achieve the national standard for photochemical oxidants in the Genesee-Finger Lakes region, is disapproved.

Nineteen-month extensions were granted for attainment of the national standards for carbon monoxide and photochemical oxidants in the New York City area.

**Ohio**

The State of Ohio was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the Metropolitan Dayton intrastate region, the Metropolitan Cincinnati interstate region, and the Metropolitan Toledo interstate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Ohio was directed to submit transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975.

The State of Ohio held public hearings on the proposed plan for the Metropolitan Dayton intrastate region on May 17, 1973, and for the Metropolitan Cincinnati interstate and Metropolitan Toledo interstate regions on May 29 and 30, 1973, respectively. These plans, however, have not yet been submitted to the Administrator.

Should the court order require the Administrator to approve or disapprove state plans within 2 months after the date required for submission of a plan, the Administrator is disapproving those portions of the Ohio plan that were required to be submitted pursuant to paragraph 3 of the court order. This disapproval is solely based upon the lack of timely submission of the required plan and is not meant to have any reflection upon the content of any submitted revisions. A proposed EPA plan will soon be published for comment.

The Governor of Ohio is expected to submit the revised plan in the near future. When it is received, the Environmental Protection Agency will acknowledge, in the Federal Register, receipt of the plan and provide an opportunity for the public to comment on this plan. All comments submitted by the public on both the EPA proposal and the anticipated Ohio State plan are, however, subject to the proposal for the submission of any plan submitted by Ohio that are approved by EPA.

In accordance with NRDC v. EPA, Oregon was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the Oregon portion of the Portland interstate region.

On April 13, 1973, the State of Oregon transmitted to EPA a transportation control strategy for the Oregon portion of the Portland interstate region. On April 27, 1973, EPA received and accepted the strategy submitted by the State of Oregon and solicited public comments (38 FR 10466). The comments received in response to the announcement, as well as comments made in public hearings held by the State of Oregon on March 2 and May 29, 1973, were considered by EPA in evaluating the transportation control strategy adopted by Oregon.

The subject of the March 2 hearing was a proposed regulation designating the four counties where a motor vehicle emission inspection program will be implemented. NRDC suggested that the hearing the only major point of disagreement was the geographic scope proposed for the inspection program. Suggestions were made to expand the scope of the inspection program to encompass the entire State or the whole Willamette Valley.

No member of the public appeared to present testimony at the State hearing held on May 29, 1973, to consider adoption of the transportation control strategy for the Portland intrastate region. EPA has requested copies of the testimony presented at earlier hearings on the transportation control strategy, held by the State on October 26, 1972, and by the Portland City Council on October 12, 1972. A number of citizen groups and public agencies did participate in the development of the transportation control strategy and did present testimony at the earlier hearings.

Comments were received from the National Resources Defense Council and from two oil companies in response to the Federal Register notice. NRDC criticized the proposal as excessive the reductions claimed from the proposed inspection and maintenance system and the replacement of new cars by old. It also called for abandonment of the proposal to eliminate on-street parking with new off-street facilities. The oil companies objected to any requirement for catalytic retrofits among other points.

Based on his review of the transportation control plan submitted by the State of Oregon for the Oregon portion of the Portland interstate region and the comments submitted in response to the announcement in the Federal Register, the Administrator has found the Oregon submission to be adequate, with certain exceptions, for attainment of national air quality standards. The basis for the Administrator's determination is contained in an evaluation report available to the public at the Library of the Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101, and at the Environmental Protection Agency Office of Public Affairs, 401 M Street SW., Washington, D.C. 20460.

**Pennsylvania**

The State of Pennsylvania was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the southwest Pennsylvania intrastate region and for the carbon monoxide standards in the Pennsylvania portion of the Metropolitan Philadelphia interstate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Pennsylvania was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975.

The State of Pennsylvania held public hearings on the Pennsylvania portion of the Metropolitan Philadelphia interstate region and on the southwest Pennsylvania intrastate region on April 5 and 6, 1973, respectively. Attendees at both hearings included representatives of commerce, business, government, and citizen environmental groups, as well as private citizens.
Participants in the Philadelphia hearings voiced strong support for improved mass transit with fringe parking and unified fares; a majority favored the 2-year extension, and several speakers recommended the annual power surplus and use of highway trust funds for mass transit.

The Pittsburgh hearing included numerous presentations by the business community, as well as by government agencies, which voiced strong support for mass transit improvements, general support for a statewide inspection system, and substantial opposition to vehicle restraints.

The Governor of Pennsylvania submitted the plan for the State of Pennsylvania on April 13, 1973, and requested a 2-year extension (pollutants not stated) based on public opposition to direct restraints and the unavailability of adequate funding for transit expansion. The plan for the Metropolitan Philadelphia interstate region is based on the assumption that the photochemical oxidant concentrations in the central business district are 50 percent higher than at the continuous air monitoring project (CAMP) station whose readings provided the approved air quality baseline. The proposed basic implementation plan submitted on January 27, 1972.

Upon receipt of the plan, EPA published notice of its arrival in the Federal Register, 38 FR 10120 (Apr. 24, 1973), and invited comments. Comments were received from industry, public environmental organizations, chambers of commerce, governmental organizations, and private individuals; comments by governmental and environmental organizations emphasized the inadequacy of the plan, and the business community expressed concern over the proposed vehicle restraints.

The comments submitted by the Natural Resources Defense Council deserve special mention. They claimed that, although several promising strategies had been put forth by the State, the plan failed both to state unequivocally that those strategies would be adopted and to satisfactorily present a proposed strategy sufficient to meet the standards. In addition, some of the VMT restraint measures have not been spelled out in the required detail. Finally, the extension request cannot be granted until it is shown that the most effective inspection and maintenance system reasonably available and the most extensive VMT reduction measures reasonably available will be implemented as soon as practicable.

Although Pennsylvania's transportation control plan purports to provide sufficient control measures for achieving the standards for carbon monoxide emissions, detailed quantification is lacking, and the proposed improvements, as described in various sections of the plan, are frequently contradictory. Moreover, no consideration whatever is given to hydrocarbon emissions in Pittsburgh, which must be reduced substantially if the primary standard is to be met. It is based on the assumption that the baseline air quality concentration for Philadelphia differs from the approved lower figure presented in the original implementation plan, and is not substantiated by valid test data. The basis of information presently available to the Administrator, the Philadelphia air quality concentrations of carbon monoxide are consistent with national averages when viewed from the aspect of traffic density levels. In the event that continued monitoring indicates that a higher (worse) air quality baseline exist in Philadelphia, appropriate revisions of the plan will be required. Although supporting computations for a higher air quality baseline were presented in the earlier (Dec. 20, 1972) version of the plan, no such data are included in the final plan as submitted.

Because the court order requires the Administrator to approve or disapprove the extension after the date required for submission of a plan, the Administrator is approving those portions of the Pennsylvania plan that satisfy the requirements of 40 CFR, pt. 51, and is disapproving those parts of the plan that are deficient. A proposed EPA plan that remedies these deficiencies will be published soon for comment and will be promulgated on August 15, 1973, as required by the Clean Air Act.

**Texas**

The State of Texas was counted, pursuant to section 110(c) of the act, an extension of 2 years for the attainment of the photochemical oxidant (hydrocarbon) standards in the Corpus Christi-Victoria and Metropolitan Houston-Galveston intrastate regions.

In accordance with NRDC v. EPA, the extension was rescinded, and Texas was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. In addition, Texas was instructed to submit a transportation strategy for photochemical oxidants (hydrocarbons) in the Austin-Waco intrastate region, the Dallas-Fort Worth intrastate region, the San Antonio intrastate region, and the El Paso-Las Cruces-Alamogordo intrastate region.

Prior to adoption of a plan, the State must make principal portions of the plan, including revisions, available to the public, and must provide for a public hearing to receive testimony regarding the proposed plan. The State of Texas held hearings on April 4, 1973, in Dallas, Houston, and San Antonio, Tex.

However, although portions or revisions in the control strategy were not made available for public inspection and public comment prior to the hearings, the testimony given at the hearings, as well as written comments to the Administrator, substantiate this deficiency.

The State of Texas was granted, pursuant to section 110(c) of the act, an extension of 2 years for the attainment of the primary standards for photochemical oxidants in all air quality control regions in the State. The Administrator does not consider the justification adequate for granting such extensions.

**Utah**

The State of Utah was granted, pursuant to section 110(c) of the act, an extension of 2 years for the attainment of the standards for hydrocarbon in the Wasatch Front intrastate region.

In accordance with NRDC v. EPA, this extension was rescinded, and Utah was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975.

The State of Utah held a public hearing on March 26, 1973, at which time the revised transportation and land-use control plan was presented to the participants.


One comment was received from the Natural Resources Defense Council. It stated that the State had not shown how the strategies proposed would achieve the standards for carbon monoxide; that they were not supported by the required legal authority, draft regulations, or timetable for implementation; and that the State had failed to adopt any VMT reduction measures, even though...
the standards would not be achieved without them. The Administrator has reviewed the control strategies submitted and finds them adequate with the exceptions noted below in the applicable regulations. An evaluation report that provides the rationale for the special measures will be submitted for public inspection at the Office of Public Affairs, Environmental Protection Agency, Region VIII, Lincoln Street, Denver, Colo., and at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C., 20460.

A request for an extension of time for the attainment of the carbon monoxide standard is disapproved at this time because of a lack of sufficient supporting information.

**VIRGINIA**

Although neither the court order nor the March 20, 1973, amendments to 40 CFR part 52 applies directly to Virginia, their application to Maryland impacts the Virginia portion of the National Capital Interstate region, thus requiring coordinated action by Virginia and the District of Columbia as well as Maryland. The Virginia plan was conceived, drafted, and implemented by the District of Columbia, and comprises the 1975 attainment plan of the National Capital Interstate Air Quality Planning Committee forwarded to the two Governors and the Mayors-Commissioner on January 31, 1973. The emission inventory and planned reductions are on an interstate regional basis, and have not been factored for Virginia's portion of the region.

The State of Virginia held public hearings on the proposed plan for Virginia's portion of the National Capital Interstate region. Comments by representatives from government, industry, and citizen groups indicated overwhelming support for improved mass transit and some determined resistance to any controls that could conceivably change the dominant life style, and substantial objections to catalytic retrofit, gasoline rationing, and retrofit of vapor recovery devices.

The Governor of Virginia submitted a plan for the State of Virginia on April 11, 1973. The plan is based on the recommendations of the National Capital Interstate Air Quality Planning Committee, and includes a broad spectrum of control measures for both stationary and mobile sources. The Governor requested a 2-year extension based on the unavailability of either catalytic converters or gasoline service station vapor recovery systems for dispensing-pump nozzles by May 31, 1975.

In receipt of the plan, EPA published notice of its arrival in the Federal Register, 38 FR 10119 (Apr. 24, 1973), and invited public comment. Comments were received from industry, public representatives, state agencies, commerce, governmental agencies, and private individuals. Environmental organizations objected to the request for a 2-year extension, industry emphasized the impossibility of installing vapor recovery devices on underground gasoline tanks before 1980, and commercial representatives voiced strong objections to the prohibition of heavy-duty gasoline truck deliveries from 6 a.m. to 6 p.m.

The comments submitted by the Natural Resources Defense Council deserve particular attention. The council, in response to the lack of detailed regulations, to the failure to specify whether an idle test or a loaded test would be selected for the inspection and maintenance program, and to the lack of VMT reduction measures, suggested that the bus supply was not nearly the obstacle to expansion of mass transit facilities by 1975 that Virginia had claimed.

Upon receipt of the plan, the Administrator determined that detailed description of and sufficient timetable for implementing VMT reduction and the inspection and maintenance program has not been provided. The proposed parking restrictions also suffer from this deficiency. For these reasons, and because it appears that additional VMT reduction measures may be reasonably available, no extension can be granted at this time.

Consequently, the catalytic retrofit control measure proposed by Virginia cannot be approved because it will not be available to the State in time to contribute to attainment of the standards by mid-1975.

Because the court order requires the Administrator to approve or disapprove State plans within 2 months after the date required for submission of a plan, the Administrator is approving those portions of the Virginia plan that satisfy the requirements of 40 CFR part 51, and is disapproving those portions of the plan that are deficient. The Administrator has determined that detailed description of those deficiencies will soon be published for comment, and will be promulgated on August 15, 1973, as required by the court order.

**WASHINGTON**

The State of Washington was granted, pursuant to section 111(d) of the act, an extension of 2 years for the attainment of carbon monoxide standards in the Puget Sound Intrastate region and the Washington portion of the Eastern Washington-Northern Idaho Interstate Region, and for photochemical oxidant (hydrocarbon) standards in the Puget Sound Intrastate Region.

In accordance with NRDC v. EPA, this extension was rescinded, and Washington was directed to submit a transportation control strategy by April 15, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975.

The State of Washington held public hearings on April 11 and 12, 1973, on the proposed plan. The testimony presented at the hearings indicated general agreement that the plan meets the standards. In addition, other portions of the plan lack the required detail. In the submitted materials, the State indicated that the measurements of oxidant concentration were based on which the original EPA requirement for a transportation...
§ 52.55 (Revoked)
3. Section 52.55 is revoked.

Subpart C—Alaska
4. Subpart C is amended by adding § 52.76 as follows:

§ 52.76 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Phoenix-Tucson Intrastate Region by May 31, 1975.

Subpart D—Arizona
5. Section 52.120 is amended by revising paragraph (c) to read as follows:

§ 52.120 Identification of plan.

(c) Supplemental information was submitted on:

(1) March 21, March 2, and May 30, 1972, by the Arizona State Board of Health,

(2) April 11, 1973, and


6. Section 52.122 is amended by adding paragraph (c) as follows:

§ 52.122 Extensions.

(c) Arizona’s request under § 55.30 for an 18-month extension for attainment of the national standards for photochemical oxidants (hydrocarbons) in the Phoenix-Tucson Intrastate Region is not applicable since the standard will be attained by May 31, 1975. Arizona’s request for an 18-month extension for attainment of the national standards for carbon monoxide in the Phoenix-Tucson Intrastate region cannot be granted at this time since it does not adequately satisfy the requirements of § 51.30.

7. Section 52.130 is amended by adding paragraph (b) as follows:

§ 52.130 Source surveillance.

(b) The requirements of § 51.19(d) of this chapter are not met because the plan does not provide procedures for obtaining and maintaining data on actual emission reductions achieved as a result of implementing transportation control measures.

8. Section 52.132 is amended by revising paragraph (a)/(3) to read as follows:

§ 52.132 Transportation and land-use controls.

(3) No later than December 30, 1973, the necessary regulations and administrative policies needed to implement other transportation and/or land-use strategies, and emission controls on bulk tank farms and service station underground storage tanks.

9. Subpart D is amended by adding § 52.134 as follows:

§ 52.134 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Phoenix-Tucson Intrastate Regions by May 31, 1975.

(b) The requirements of § 51.14(a)/(2) are not met because the plan does not provide a description of enforcement methods, and proposed rules and regulations pertaining to the selected transportation control measures.

(c) The requirements of § 51.14(b) are not met because the plan contains an air bleed, catalytic retrofit, and loaded inspection control measures which cannot be implemented in time to contribute to the attainment of the national standards for carbon monoxide by May 31, 1975. In addition, implementation of the heavy-duty vehicle retrofit and inspection control measures cannot be assured, even by mid-1977.

Subpart F—California
11. Subpart F is amended by adding § 52.240 as follows:

§ 52.240 Control strategy: Photochemical oxidants (hydrocarbons) and carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the San Francisco Bay Area, San Diego, Sacramento Valley, San Joaquin Valley, and Southeast Desert Intrastate Regions by May 31, 1975.

Subpart G—Colorado
12. Subpart G is amended by adding § 52.327 as follows:

§ 52.327 Control strategy: Photochemical oxidants (hydrocarbons) and carbon monoxide.

(a) Due to late submission of the plan revisions, the Administrator disapproves this portion of the plan because there was insufficient time to analyze and/or include public comment in the approval process. Final examination and completion of his evaluation is expected on June 15, 1973.

Subpart J—District of Columbia
13. Section 52.470 is amended by revising paragraph (c) to read as follows:

§ 54.470 Identification of plan.

(c) Supplemental information was submitted on:
(1) Control strategies for sulfur oxides and particulate matter were defined by the District’s “Implementation Plan for Controlling Sulfur Oxide and Particulate Air Pollutants” which was submitted on August 14, 1970.

(2) April 28, 1972, by the District of Columbia, and

(a) The requirements of § 51.11(c) of this chapter are not met because the plan does not contain copies of regulations allowing for improved regional transit that involves purchase of buses and establishment of appropriate routes and express bus lanes; inspection and retrofit of motor vehicles; and imposition of parking surcharges. The plan does not include regulations required for control of heavy-duty vehicle deliveries, reductions achieved from any of the proposed transportation control measures are not identified.

Subpart O—Illinois

19. Section 52.720 is amended by revising paragraph (c) to read as follows: § 52.720 Identification of plan.

(a) The requirements of § 51.14 of this chapter are not met because the plan neither demonstrates that proposed control strategies are adequate to attain and maintain national standards, nor does the plan state which contingency control measures specifically would be imposed, and, except for potential gas rationing, whether their predicted effect would be adequate to attain and maintain national standards. Reduction claims for retrofit vapor recovery, and aircraft taxiing controls are unfulfilled optimistically. The inspection and maintenance portion of the plan does not explain how consistent failure criteria have been or will be established; nor does the plan include a program of enforcement to ensure against post-retrofit strategy alterations. The plan does not explain who will be responsible for implementing the training program for mechanics and other personnel. Though the light-duty retrofit strategy is acceptable, it cannot be implemented by May 31, 1975, and thus is disapproved for attainment by May 31, 1975.

Subpart R—Kansas

23. Section 52.870 is amended by revising paragraph (c) to read as follows: § 52.870 Identification of plan.

(a) Due to late submission of the plan revisions, the Administrator disapproves this section of the plan because there was insufficient time to analyze and/or include public comment in the approval/disapproval decision and complete its evaluation by June 15, 1973.

Subpart T—Louisiana

25. Section 52.970 is amended by revising paragraph (c) to read as follows: § 52.970 Identification of plan.

(a) The revision to Louisiana’s plan for attainment and maintenance of the national standards for photochemical oxidants (hydrocarbons) in the southern Louisiana-southeast Texas interstate region is disapproved because there was insufficient time to analyze and/or include public comment in the approval/disapproval decision by June 15, 1973.

Subpart V—Maryland

29. Section 52.1070 is amended by revising paragraph (c) to read as follows: § 52.1070 Identification of plan.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Metropolitan Indianapolis Intrastate region by May 31, 1975.
Maryland Bureau of Air Quality Control, and

30. Section 52.1079 is amended by revising paragraph (a)(1) to read as follows:

§ 52.1079 Transportation and land use control.

(a) * * *

(1) No later than April 15, 1973, transpor­
tation and/or land use control stra­
eyes and a demonstration that said strategies, along with Maryland's pre­
8ently adopted stationary source emission limitations for carbon monoxide and hy­
drocarbons and the Federal motor vehi­
cle control program, will retain and main­
tain the national standards for car­
bon monoxide and photochemical oxida­
dants in the Metropolitan Baltimore
intrastate and the Maryland portion of
the National Capital interstate regions
by May 31, 1973. By such date (Apr. 15,
1973), the State also must submit a de­
tailed timetable for implementing the legis­
latively adopted authority, regulations, and
administrative policies required for car­
ying out the transportation and/or land use control strategies by May 31, 1975.

31. Section 52.1074 is amended by adding paragraph (b) as follows:

§ 52.1074 Legal authority.

(b) The requirements of § 51.11(c) of this chapter are not met because the plan does not contain or show the avail­
ability of legal authority claimed to exist.

32. Subpart V is amended by adding § 52.1080 as follows:

§ 52.1080 Control strategy: Carbon monoxide and photochemical oxida­
dants (hydrocarbons).

(a) The requirements of §§ 51.14 (a)
(1) and (b) of this chapter are not met because the strategies to control vehicle use are not defined well enough to insu­
re that Maryland will achieve the required degree of emission reduction needed to attain and maintain the national stand­
ards for photochemical oxidants and carbon monoxide in the Maryland por­
tion of the National Capital Interstate region. Except for proposing an annual inspection program, the plan does not in­
clude failure criteria, corrective mainte­
nance provisions, or postinspection en­
forcement procedures. No information on the availability of adequate supplies of lead-free gasoline is provided. The cata­
lytic retrofit control measure cannot be implemented in time to contribute to at­
tainment of the national standards by May 31, 1975. Furthermore, there is inade­
quate assurance that a heavy-duty retrofit program or a heavy-duty inspection pro­
gram can be implemented within the 1975 or 1977 time frame.

(b) The requirements of § 51.14(a)(2)
of this chapter are not met because the plan does not specify enforcement meth­
ods or contain proposed rules and regu­
lations, administrative procedures, or a schedule for achieving implementation milestones.

(c) The requirements of § 51.14(c)(1)
of this chapter are not met because the transportation control strategies are not defined with sufficient detail to insu­
re the maintenance of the national stand­
ards for carbon monoxide and hy­
drocarbons.

(d) The requirements of § 51.14(d) of this chapter are not met because the plan does not include a discussion of the adequacy of existing strategy and/or include public comment in

33. Section 52.1077 is amended by adding paragraph (b) as follows:

§ 52.1077 Source surveillance.

(b) The requirements of § 51.19(d) of this chapter are not met because the plan does not provide for attainment of these stand­
ards by May 31, 1975, or attain­
ment of the national standards by May 11 and 21, 1973. By such date (May 11, 1973), the State also must submit a de­
tailed timetable for implementing the legis­
latively adopted authority, regulations, and
administrative policies required for attaining paragraph (a) (1) to read as follows:

§ 52.1077 Resource sufficiency.

(b) The requirements of § 51.19(d) of this chapter are not met because the plan does not provide for attainment of these stand­
ards by May 31, 1975, or attain­
ment of the national standards by May 11 and 21, 1973. By such date (May 11, 1973), the State also must submit a de­
tailed timetable for implementing the legis­
latively adopted authority, regulations, and
administrative policies required for attaining paragraph (a) (1) to read as follows:

34. Subpart V is amended by adding § 52.1083 as follows:

§ 52.1083 Resources.

The requirements of § 52.20 of this chapter are not met for the Metropolitan Baltimore intrastate region or the Maryland portion of the National Capital Interstate region because the plan does not provide for attainment of the national carbon monoxide standards.

35. Subpart V is amended by adding § 52.1084 as follows:

§ 52.1084 Intergovernmental cooperation.

The requirements of § 51.21(b) (2) of this chapter are not met for the Maryland portion of the National Capital Interstate region because the respons­
obilities of other agencies in carrying out proposed transportation control measures are not identified.

36. Section 52.1072 is amended by adding paragraph (b) as follows:

§ 52.1072 Extensions.

(b) The requested 2-year extension for attainment of the national carbon monoxide and photochemical oxidant standards in the Metropolitan Baltimore intrastate and in the Maryland portion of the National Capital interstate regions cannot be granted because the proposed Maryland control strategies do not provide for attainment of these standards by May 31, 1975, or attainment of these standards as expeditiously as practicable, and do not provide for interim control measures.

Subpart W—Massachusetts

37. Subpart W is amended by adding § 52.1129 as follows:

§ 52.1129 Control strategy: Photochemical oxidants (hydrocarbons) and carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment of the national standards for photochemical oxidants (hydrocar­
bons) and carbon monoxide in the Met­

Subpart Y—Minnesota

38. Subpart Y is amended by adding § 52.1233 as follows:

§ 52.1233 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide in the Minneapolis-St. Paul intrastate region by May 31, 1975.

Subpart AA—Missouri

39. Section 52.1320 is amended by revising paragraph (c) to read as follows:

§ 52.1320 Identification of plan.

(c) Supplemental information was submitted on:

(1) January 26, May 2, May 11, July 12, and August 8, 1972, by the Missouri Air Conservation Commiss­
ion, and


40. Subpart AA is amended by adding § 52.1334 as follows:

§ 52.1334 Control strategy: Carbon monoxide.

(a) Due to the late submission of the plan revisions, the Administrator dis­
approves this portion of the plan be­
cause there was insufficient time to ana­
lyze and/or include public comment in
in the approval/disapproval decision and complete his evaluation by June 15, 1973.
§ 52.1562 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide in the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions.

(a) The requirements of § 51.14 of this chapter are not met because the plan does not provide for attainment and maintenance of the national standard for photochemical oxidants (hydrocarbons) in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate regions by May 31, 1975.

(b) The requirements of § 51.14 of this chapter are not met because the plan does not provide for the attainment and maintenance of the national standard for carbon monoxide in the New Jersey counties of Essex, Camden, and Mercer.

Subpart HH—New York

42. Section 52.1670 is amended by revising paragraph (c) to read as follows:

§ 52.1670 Identification of plans.

(c) Supplemental identification information was submitted on:

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<thead>
<tr>
<th>Region</th>
<th>Pollutants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Particulate matter</td>
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<td>Central New York Intrastate</td>
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<td>Genesee-Finger Lakes Intrastate</td>
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<td>Hudson Valley Intrastate</td>
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<td>Southern Tier Intrastate</td>
<td>Primary</td>
</tr>
<tr>
<td>New Jersey-New York-Connecticut</td>
<td>Primary</td>
</tr>
<tr>
<td>Metropolitan Philadelphia Intrastate</td>
<td>Primary</td>
</tr>
</tbody>
</table>

Note: Dates or footnotes that are in italic are proposed by the Administrator because the plan either did not provide a specific date or the date provided was not acceptable. * * * ♦ ♦ * * *

46. Section 52.1683 is revised to read as follows:

§ 52.1683 Transportation and land use controls.

(a) To complete the requirements of § 51.11 and § 51.14 of this chapter, the Governor of New York must submit to the Administrator: (1) No later than July 30, 1973, the legislative authority is needed for carrying out the transportation and/or land use control strategies; (2) No later than December 30, 1973, the necessary adopted regulations and administrative policies needed to implement such strategies.

Subpart MM—Oregon

47. Section 52.1970 is amended by revising paragraph (c) to read as follows:

§ 52.1970 Identification of plan.

(c) Supplemental information was submitted on:

<table>
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<tr>
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<tr>
<td>March 17, 27, 1972</td>
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<tr>
<td>and May 4, 1972</td>
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<tr>
<td>by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources.</td>
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<tr>
<td>(2) May 5, 1972, and</td>
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</tbody>
</table>

52. Section 52.2030 is amended by adding paragraph (c) as follows:

§ 52.2030 Source surveillance.

(c) The requirements of § 51.19(d) of this chapter are not met because the transportation control plan does not contain provisions for determining what emission reductions are actually achieved by the inspection and maintenance strategy.

Subpart NN—Pennsylvania

51. Section 52.2020 is amended by revising paragraph (c) to read as follows:

§ 52.2020 Identification of plan.

(c) Supplemental information was submitted on:

<table>
<thead>
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<tr>
<td>October 25, 1972, and</td>
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</table>

48. Subpart MM is amended by adding § 52.1976 as follows:

§ 52.1976 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14(a)(2) of this chapter are not met because the transportation control plan does not contain an adequate description of proposed enforcement methods and regulations, proposed administrative procedures to be used, and schedule of the dates by which significant steps in certain strategies will be achieved.

53. Section 52.2031 is amended by adding paragraph (b) as follows:

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
RULES AND REGULATIONS

§ 52.2031 Resources.

(b) The requirements of § 51.20 of this chapter are not met because the plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

§ 52.2032 Intergovernmental cooperation.

(a) The requirements of §§ 51.21(b) of this chapter are not met because the plan does not identify other State or local agencies or their responsibilities for implementing and carrying out designated portions of the plan.

(b) The requirements of §§ 51.21(c) of this chapter are not met because the plan does not indicate that Pennsylvania will transmit to the neighboring States of Maryland, New York, and West Virginia data about factors which may significantly affect air quality in those States.

§ 52.2036 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of §§ 51.14(b) and 51.14(c) of this chapter are not met because the strategies to restrain vehicle use are not defined and qualified well enough to insure that the necessary reductions in carbon monoxide and hydrocarbons will be achieved; the plan does not provide provisions for preventing increases in concentrations resulting from traffic increases; and the plan lacks a summary of data and calculations used to develop the proposed control measures.

Subpart SS—Texas

56. Section 52.2270 is amended by revising paragraph (c) to read as follows:

§ 52.2270 Identification of plan.

(c) Supplemental information was submitted on:

(1) February 25 and May 2 and 3, 1972, by the Texas Air Control Board,
(2) July 31, 1972, and

§ 52.2282 Public hearings.

(a) The requirements of § 51.4 of this chapter are not met because principal portions of the revised plan were not made available to the public for inspection and comment prior to the hearing.

Subpart TT—Utah

58. Section 52.2320 is amended by revising paragraph (c) to read as follows:

§ 52.2320 Identification of plan.

(c) Supplementary information was submitted on:

(1) May 2, 1972, by the Virginia Air Pollution Control Board, and

§ 52.2330 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

§ 52.2431 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of §§ 51.14(a) and 51.14(c) of this chapter are not met because the strategies to restrain vehicle use are not defined and qualified well enough to insure that the necessary reductions in carbon monoxide and hydrocarbons will be achieved; the plan does not provide provisions for preventing increases in concentrations resulting from traffic increases; and the plan lacks a summary of data and calculations used to develop the proposed control measures.

Subpart WV—Virginia

63. Section 52.2320 is amended by revising paragraph (c) to read as follows:

§ 52.2320 Identification of plan.

(c) Supplemental information was submitted on:

(1) May 2, 1972, by the Virginia Air Pollution Control Board, and

§ 52.2424 General requirements.

(b) The requirements of § 51.10(b) of this chapter are not met because the plan does not provide for attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) as expeditiously as practicable, as evidenced by the State's failure to propose interim control measures to be implemented during the 2-year period for which an extension to attain the national standards was requested.

65. Section 52.2427 is amended by adding paragraph (c) to read as follows:

§ 52.2427 Source surveillance.

(c) The requirements of § 51.19(d) of this chapter are not met because the plan does not provide procedures for determining the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) for Virginia's portion of the National Capital interstate region.

66. Section 52.2428 is amended by adding paragraph (c) to read as follows:

§ 52.2428 Request for 2-year extensions.

(c) The 2-year extension requested for attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in Virginia's portion of the National Capital interstate region cannot be granted because the plan does not provide reasonable interim control measures.

§ 52.2429 [Amended]

67. In § 52.2429, the attainment date table is amended by replacing the date January 1975 for attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in Virginia's portion of the National Capital interstate region with the date "May 31, 1975."

68. Subpart VV is amended by adding § 52.2430 as follows:

§ 52.2430 Legal authority.

(a) The requirements of § 51.11(c) of this chapter are not met because the plan does not identify or provide copies of allaws or regulations, necessary for carrying out the proposed transportation control measures.

69. Subpart VV is amended by adding § 52.2431 as follows:

§ 52.2431 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of §§ 51.14(a) and 51.14(c) of this chapter are not met because the strategies to restrain vehicle use are not defined and qualified well enough to insure that the necessary reductions in carbon monoxide and hydrocarbons will be achieved; the plan does not provide provisions for preventing increases in concentrations resulting from traffic increases; and the plan lacks a summary of data and calculations used to develop the proposed control measures.
(b) The requirements of §51.14(b) of this chapter are not met because the plan contains a catalytic retrofit control measure which cannot be implemented in time to contribute to the attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1975.

(c) The requirements of §51.14(c) of this chapter are not met because the plan does not demonstrate that the proposed control measures are adequate for attainment and maintenance of the national standards.

(d) The requirements of §51.14(g) of this chapter are not met because a justification is not provided in the plan for the air quality data used as a baseline for plan development.

§52.2433 Intergovernmental cooperation.
(a) The requirements of §51.30 of this chapter are not met because the plan does not contain a sufficient description of resources available to the State and local agencies, and of additional resources needed to carry out the plan during the 5-year period following submittal.

§52.2434 Transportation and land use controls.
(a) To complete the requirements of §§ 51.11(b) and 51.14 of this chapter, the Governor of Virginia must submit to the Administrator:

1. No later than July 31, 1973, the legislative authority that is needed for carrying out the required transportation control alternatives.

2. No later than December 31, 1973, the necessary adopted regulations and administrative policies needed to implement the transportation control alternatives.

Subpart WW—Washington

73. Section 52.2470 is amended by revising paragraph (c) to read as follows:

§52.2470 Identification of plan.


74. Subpart WW is amended by adding §52.2471 as follows:

§52.2477 Source surveillance.

(a) The requirements of §51.19(d) of this chapter are not met because procedures are not described for monitoring the status of compliance of the traffic-signal optimization programs, the heavy-duty vehicle exclusion programs, and the public transit programs in the Puget Sound intrastate region and in the Eastern Washington-Northern Idaho interstate region.

75. Subpart WW is amended by adding §52.2481 as follows:

§52.2481 Control strategy: Control measures.

(a) The requirements of §51.21(b) and §51.14 of this chapter are met because the inspection strategy will be achieved.

(b) The requirements of §51.14(b) of this chapter are not met because the plan contains a loaded inspection control measure which cannot be implemented in time to contribute to the attainment of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1975.

§52.2482 Air quality surveillance.

(a) The requirements of §51.17(a)(1) of this chapter are not met because the transportation control plan does not provide adequate assurance that air quality surveillance systems sufficient to establish the efficacy of the selected transportation control measures in attaining national standards in both the Puget Sound intrastate region and the Washington-Northern Idaho interstate region.

76. Subpart WW is amended by adding §52.2482 as follows:

§52.2483 Resources.

(a) The requirements of §51.28 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[FR Doc.73-21335 Filed 6-21-73;8:45 am]
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 CONTRACTS

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. 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 orders 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 order No. 15–71 and 15–73 (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 in 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, pts. 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 of the character and in the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, pt. 5. Prevailing wage rates contained herein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas 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. 1849, 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 order No. 15–71 and 15–73 (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, pts. 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 rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original area wage determination decision.

New area wage determination decisions—New area wage determination decision AP-533 for the State of Kansas.

Modifications to area wage determination decisions—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):

California:
AP-255; AP-256
Dec. 29, 1972
AP-267
Mar. 30, 1973
AP-906
Apr. 6, 1973
AP-905
May 18, 1973

Georgia:
AP-149
Jan. 12, 1973

Iowa:
AM-2,446; AM-2,448; AM-817
Aug. 25, 1971

Kansas:
AP-531
May 25, 1973

Louisiana:
AP-532
Mar. 20, 1973

Maryland:
AP-830
June 1, 1973

Mississippi:
AP-130
Feb. 16, 1973
AP-165
Mar. 9, 1973

Montana:
AP-372
Mar. 23, 1973
AP-278
Mar. 30, 1973
AP-285; AP-386; AP-389
Apr. 6, 1973

Nebraska:
AP-522
Mar. 30, 1973
AP-524
Apr. 6, 1973
AP-528
Apr. 6, 1973

New Hampshire:
AP-450
Mar. 23, 1973
AP-498
Apr. 6, 1973
AP-730
May 11, 1973

New Mexico:
AP-750
Do.

Ohio:
AP-277
Mar. 23, 1973

Pennsylvania:
AP-817
May 13, 1973

Tennessee:
AP-190
May 25, 1973

Florida:
AP-710
June 8, 1973

Texas:
AP-396
Jan. 25, 1973
AP-723; AP-732; AP-736
Mar. 27, 1973
AP-731
Apr. 27, 1973

Washington, D.C.:
AP-623
May 18, 1973

Supersedeas decisions to area wage determination decisions—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; Supersedeas Decision numbers are in parentheses following the number of the decision being superseded:

Alabama:
AP-140 (AP-1109)
Dec. 1, 1973
AP-153 (AP-1106)
Feb. 9, 1973

Colorado:
AP-268 (AP-911)
May 4, 1973
AP-900 (AP-911)
May 18, 1973

Maryland:
AP-455 (AP-856)
Dec. 29, 1973

Montana:
AP-279 (AP-910)
Mar. 30, 1973

Vermont:
AP-802 (AP-857)
Apr. 20, 1973


W. R. D. LANDIS,
Assistant Administrator, Wage and Hour Division.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
NEW DECISION

STATE: Kansas
COUNTY: Sedgwick
DECISION NO.: AP-533
DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including stories.

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- **Bricklayers**
- **Carpenters**
- **Cement Masons**
- **Electricians**
- **Laborers**
- **Painters, Brush**
- ** Plumbers**
- **Roofers**
- **Sheet Metal Workers**
- **Soft Floor Layers**
- **Tile Setters**
- **Truck Drivers**

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## Power Equipment Operators

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<th>Group</th>
<th>Description</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Brakemen; Compressor Engineer oiler; Generator; Heavy duty repairman; helper; Pump; Signalman; Switchman</td>
<td>$7.03</td>
<td>.75, 1.20, .30, .02</td>
</tr>
<tr>
<td>II</td>
<td>Concrete mixer, skip type; conveyor; Fireman; Generator; pump or compressor; 2-5 inclusive, Hydrostatic pump; Plant op., generator, pump or compressor; Skiploader - Wheel type up to 3/4 yd. w/o attachments; Selva field technician; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump</td>
<td>$7.27</td>
<td>.75, 1.20, .30, .02</td>
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<tr>
<td>III</td>
<td>Elevator (inside); Ford Fergusson w/drag; Helicopter radio operator (ground); Oilier-crusher (asphalt or concrete plant); Power concrete curing machine op.; Power concrete saw; Power-driven Jumbo form setter; Stationary pipe wrapping &amp; cleaning machine; Truck crane oiler</td>
<td>$7.51</td>
<td>.75, 1.20, .30, .02</td>
</tr>
<tr>
<td>IV</td>
<td>Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 ton); Helicopter hoist; Helicopter radio op.; Highline cableman; Power sweeper; Scraper; Rodman &amp; chairman; Trenching machine (up to 6')</td>
<td>$7.62</td>
<td>.75, 1.20, .30, .02</td>
</tr>
<tr>
<td>V</td>
<td>A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (sprayer bar &amp; similar); Bit sharpener; Boxman or mixerman (Asphalt or concrete); Concrete Joint machine (CA 1 similar type); Concrete planer; Drilling machine (water well); Equipment tender (mobile &amp; granite rock); Ford Ferguson or similar type (w/drag type attachments); Forklift (under 5 ton capacity); Hydra-hammer-zero</td>
<td>$7.81</td>
<td>.75, 1.20, .30, .02</td>
</tr>
</tbody>
</table>

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## Additional Information

- Modifications
- **Basic Hourly Rates**
- **Fringe Benefits Payments**
- **Vacation**
- **App. Tu.**

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**NOTICES**

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
### POWER EQUIPMENT OPERATORS (Cont'd)

#### GROUP VII (Cont'd)
- Pneumatic heading shield (Tunnel); pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Pumps); similar types with any & all attachments up to 50 cu. yds. struck; Rubber-tired scraper (self-loading paddle wheel type); John Deere, 1040 & similar single unit); Skip-loader (wheel or track type, over 1 1/2 yds. up to & incl. 6 1/2 yds.); Surface heaters & planer; Tractor-compressor-drill combination; Tractor; (Bulldozer, Tamper, Scraper & Push Tractor, single engine); Trenching machine (over 6' depth cap.); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, up to & incl. 1 cu. yd. MRC) (long boom pay applicable)

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
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<tr>
<td>$7.91</td>
<td>.75</td>
<td>1.20</td>
<td>.30</td>
<td>.02</td>
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#### GROUP VII (Cont'd)
- Crane (over 25 tons up to & incl. 100 ton MRC) (long boom pay applicable); Derrick barges; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton cap.); Giller (or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Honova locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid & similar type, except Quad 9 cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar & similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler & wheel type over 6 1/2 yds.); Tower crane (2 ops. required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC)

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<th>Basic Hourly Rates</th>
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### GROUP VIII
- Auto grader; Automatic slip form Crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy Derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem equipment (2 units only); Tandem tractor (Quad. 9 or similar type) (Art. XV-V.10.); Tunnel mole boring machine

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### GROUP IX
- Canal liner op.; Canal Trimmer op.; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment (51.00 p/h additional to base rate); Wheel excavator op. (over 250 cy.)

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Bricklayers; Stonemasons
Ironworkers;
Fence erectors
Reinforcing
Ornamental; Structural
DECISION APR-256 (Mod. #3)
(SD 1972 - December 29, 1972)
San Diego County, California

Change

POWER EQUIPMENT OPERATORS

GROUP I
Drumless; Compressor Engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

GROUP II
Concrete mixer, skip type; conveyor; Fireman; Generator, pump or compressor, 2-5 inclusive, Hydrostatic pump; Plant driver, generator, pump or compressor; Skiploader - Wheel type up to 3/4 yd., w/o attachments, Soils field technician; Tug boat fireman; Temporary heating plant; Trenching machine oiler; Welding machine.

GROUP III
Elevator (inside); Ford Ferguson w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine op.; Power concrete saw; Power-driven Jumbo form setter; Stationary pipe wrapping & cleaning machine; Truck crane oiler

GROUP IV
Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorcar (10 ton); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Scraper; Rodman & chairman; Trenching machine (up to 6')

GROUP V
A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spraybar & similar); Bit sharpeners; Boxman or mixerman (Asphalt or concrete); Concrete Joint machine (Cement & similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile & grease rack); Ford Ferguson or similar type (w/drag type attachments); Forklift (under 5 ton capacity); Hydro-hammer-Aero

GROUP VI
Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paver machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima road pactor, Wagner Pactor or similar; Bridge Crane; Bridge type unloader & turntable; Cast-in-place pipe laying machine; Combination mixer & compressor (gunnite work); Concrete mixer-paving; Crane (up to & incl. 25 ton cap. - long boom pay applicable); Crocking plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Grader; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist - Chicago boom & similar type); Hoist (2 or 3 drum); Kolman belt loader & similar type; Lafourneau block compactor or similar type; Lift mobile; Lift slab machine (Vagtborg & similar types); Material hoist (4 drum); Mason machine (1/4 yd., rubber-tired, rail or track type); Pile driver; Pneumatic concrete placing machine.

Basic
Hourly Rates

Fringe Benefits Payments

Vacation
App. Tr.

$7.00
$.75
1.20
.20
.02

$7.27
$.75
1.20
.30
.02

$7.51
$.75
1.20
.30
.02

$7.81
$.75
1.20
.30
.02

Vacation
App. Tr.

.75
1.20
.30
.02

.75
1.20
.30
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.75
1.20
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.02
### DECISION PAP-256 (Cont'd)

#### POWER EQUIPMENT OPERATORS (Cont'd)

**GROUP VI (Cont'd)**

- Hackley-Presswell or similar type; Pneumatic heading shield (Tunnel); pump track gun; Rotary drill (excav., Caisson type); Rubber-tired earth moving equipment (single engine); Caterpillar, Euclid, Athey wagon; Water Psals & similar types with any & all attachments up to 50 cu. yds. struck; Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 & similar single unit); Skip-loader (wheel or track type, over 1 1/2 yds. up to & incl. 5 cu. yds.); Surface heaters & planer; Tractor-compressor drill combination; Tractor, (Bulldozer, Tamper, Scraper & Push Tractor, single engine); Trenching machine (over 4' depth cap., manufacturers' rating); Tunnel locomotive (over 6' depth cap., manufacturers' rating); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, up to & incl. 1 cu. yd. MRC) (long boom pay applicable).

**GROUP VII (Cont'd)**

- Crane (over 25 tons up to & incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy Derrick or similar type up to 100 ton cap. - Girder or long boom pay applicable); Loader (Athey, Euclid, Sierrav & similar type); Honoroll locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid & similar type, except Quad 9 cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar & similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler & wheel type over 6 1/2 yds.); Tower crane (2 ops. required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd.

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<td>H &amp; V</td>
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**GROUP VIII (Cont'd)**

- Auto grader; Automatic slip form; Crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy Derrick or similar type capable of hoisting over 100 tons - long boom pay applicable); Man excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine) Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - 5.30 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tunnel mode boring machine

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<th>Fringe Benefits Payments</th>
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**GROUP IX (Cont'd)**

- Canal liner op.; Canal Trimmer op.; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Man excavator op. (over 250 cu. yd.)

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**GROUP X (Cont'd)**

- Bricklayers; Stonemasons

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<td>Millwrights</td>
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<td>Piledrivermen</td>
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<tr>
<td>Stationary saw operator</td>
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<td>Soft floor layers</td>
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<th>DECISION #AP-149 - Mod. #5</th>
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<td>(38 FR 1453 - January 12, 1973)</td>
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<tr>
<td>Fulton, Cobb, DeKalb Counties, Georgia</td>
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<td><strong>Change:</strong></td>
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<tr>
<td>Basic Hourly Rates</td>
<td>Fringe Benefits Payments</td>
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<tr>
<td>Glaziers</td>
<td>$6.80</td>
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<tr>
<td>Painters</td>
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<tr>
<td>Brush</td>
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<td>Paperhanging</td>
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<tr>
<td>Sheet metal workers</td>
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<tr>
<td>(36 FR 16796 - August 25, 1971)</td>
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<tr>
<td>Cerro Gordo County (Mason City), Iowa</td>
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<td><strong>Change:</strong></td>
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<tr>
<td>Building Construction:</td>
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<tr>
<td>Asbestos workers</td>
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<tr>
<td>Boilermakers</td>
<td>8.25</td>
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<tr>
<td>Bricklayers-Stonemasons</td>
<td>6.65</td>
</tr>
<tr>
<td>Carpenters:</td>
<td></td>
</tr>
<tr>
<td>Carpenters</td>
<td>6.75</td>
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<tr>
<td>Bricklayers-Stonemasons</td>
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</tr>
<tr>
<td>Cement masons</td>
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<td>Electricians:</td>
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<td>Electricians</td>
<td>7.45</td>
</tr>
<tr>
<td>Cable splicers</td>
<td>7.90</td>
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<tr>
<td>Ironworkers:</td>
<td></td>
</tr>
<tr>
<td>Fencing &amp; Ornamental; Reinforcing Structural</td>
<td>6.975</td>
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<tr>
<td>Laborers:</td>
<td></td>
</tr>
<tr>
<td>Common Laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter</td>
<td>4.95</td>
</tr>
<tr>
<td>Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Commission mattresses; Backup man; Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over</td>
<td>5.20</td>
</tr>
<tr>
<td>All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over</td>
<td>5.45</td>
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<tr>
<td>Painters:</td>
<td></td>
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<tr>
<td>Brush</td>
<td>5.10</td>
</tr>
<tr>
<td>Tapers</td>
<td>5.20</td>
</tr>
<tr>
<td>Spray</td>
<td>5.60</td>
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<tr>
<td>Plumbers-Steamfitters</td>
<td>7.50</td>
</tr>
<tr>
<td>Roofers</td>
<td>5.10</td>
</tr>
<tr>
<td>Soft floor layers</td>
<td>6.75</td>
</tr>
<tr>
<td>Sprinkler fitters</td>
<td>6.75</td>
</tr>
<tr>
<td>Classification</td>
<td>Power Equipment Operators</td>
</tr>
<tr>
<td>-----------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>1</td>
<td>Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes &amp; cherry pickers over 15 ton rated capacity; Derrick; File drivers and extractors; Caisson rigs; Side boom and winch truck; used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoists; Welders; Mechanics; Locomotive; Dredge (bailer)</td>
</tr>
<tr>
<td>2</td>
<td>1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scribers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes &amp; cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Bitting machine (8&quot; and over); Pock lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Desilting pump; Temporary hoist cage operated; Second man on Locomotive</td>
</tr>
<tr>
<td>3</td>
<td>Tractors (under 35 h.p.) with or without attachments; End loaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3&quot; or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kW and over); Port Lifts (other than above Classification #1); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above) Classification 4: Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Classification</th>
<th>Power Equipment Operators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes &amp; cherry pickers over 15 ton rated capacity; Derrick; File drivers and extractors; Caisson rigs; Side boom and winch truck; used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoists; Welders; Mechanics; Locomotive; Dredge (bailer)</td>
</tr>
<tr>
<td>2</td>
<td>1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Farm type tractors (with loaders, backhoe attachments, etc.); Scribers (tournapull, etc.); End loaders; Dredge (engineer); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes &amp; cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Bitting machine (8&quot; and over); Pock lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Desilting pump; Temporary hoist cage operated; Second man on Locomotive</td>
</tr>
<tr>
<td>3</td>
<td>Tractors (under 35 h.p.) with or without attachments; End loaders (under 35 h.p.) with or without attachments; Air compressors (over 125 cfm); Pumps 3&quot; or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 kW and over); Port Lifts (other than above Classification #1); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above) Classification 4: Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators</td>
</tr>
</tbody>
</table>

**Building Construction (Cont'd):**

**Plasterers**

Welders receive rate prescribed for craft performing operation to which welding is incidental.
**DECISION D-AM-2.449 - Mod. #2**

*Clinton County (City of Clinton and abutting municipalities), Iowa*

**Change:**

<table>
<thead>
<tr>
<th>Building Construction:</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos workers</td>
<td>88.05, .25, .25, .10</td>
</tr>
<tr>
<td>Boilermakers</td>
<td>8.25, .30, 1.00, .02</td>
</tr>
<tr>
<td>Bricklayers-Stonemasons</td>
<td>7.40, .40</td>
</tr>
<tr>
<td>Carpenters; Soft floor layers</td>
<td>6.55, .30, .20</td>
</tr>
<tr>
<td>Pile drivers</td>
<td>6.95, .30, .20</td>
</tr>
<tr>
<td>Millwrights</td>
<td>7.55, .40, .20</td>
</tr>
<tr>
<td>Cement masons</td>
<td>6.90, .20</td>
</tr>
<tr>
<td>Electricians</td>
<td>7.90, .25, .25, .03</td>
</tr>
<tr>
<td>Cable splicers</td>
<td>8.15, .25, .25, .03</td>
</tr>
<tr>
<td>Glaziers</td>
<td>6.8548, .35, .35</td>
</tr>
<tr>
<td>Ironworkers</td>
<td>8.20, .40, .375</td>
</tr>
<tr>
<td>Laborers:</td>
<td></td>
</tr>
<tr>
<td>Common Laborers</td>
<td>5.40, .20, .15</td>
</tr>
<tr>
<td>Operator on air or power tools:</td>
<td>5.63, .20, .15</td>
</tr>
<tr>
<td>Hoisting mixer man; Work 35' high or over; Cement dampers; Puddlers; Vibrator man; Ditch work 6' below ground level</td>
<td>5.55, .20, .15</td>
</tr>
<tr>
<td>Plaster tender</td>
<td>5.55, .20, .15</td>
</tr>
<tr>
<td>Mason tender</td>
<td>5.55, .20, .15</td>
</tr>
<tr>
<td>Painters:</td>
<td></td>
</tr>
<tr>
<td>Brush</td>
<td>6.67, .25, .20, .05</td>
</tr>
<tr>
<td>Spray; Structural steel</td>
<td>6.65, .25, .20, .05</td>
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<tr>
<td>plasterers</td>
<td>7.49, .40, .20</td>
</tr>
<tr>
<td>Plumbers-Steamfitters</td>
<td>7.78, .60, .35</td>
</tr>
<tr>
<td>Roofers</td>
<td>8.40, .20</td>
</tr>
<tr>
<td>Sprinkler fitters</td>
<td>8.75, .30, .50</td>
</tr>
</tbody>
</table>

**Power Equipment Operators:**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>48.50</td>
<td>8.05, .30, .25, .10</td>
</tr>
<tr>
<td>55.20</td>
<td>8.25, .30, 1.00, .02</td>
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<tr>
<td>62.90</td>
<td>7.40, .40</td>
</tr>
<tr>
<td>70.60</td>
<td>6.90, .20</td>
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<tr>
<td>78.30</td>
<td>7.90, .25, .25, .03</td>
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<td>86.00</td>
<td>8.15, .25, .25, .03</td>
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<td>93.70</td>
<td>8.30, .25, .25, .03</td>
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<td>101.40</td>
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<td>116.80</td>
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<td>7.78, .20</td>
</tr>
<tr>
<td>132.20</td>
<td>8.40, .20</td>
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</tbody>
</table>

**NOTICES**
Building Construction

Power Equipment Operators (Cont'd):
Asphalt boosters; Firman & pump op.; Compressors (500 cu. ft. & over); Concrete finishing machines; Fm grader w/ rollers on earth; Mixers (6 bag to 16-B); Power operating bulk floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (backs & fronts); Flexplanes; Boat op.; Hydrohammers; Power winch on paving work; Self-propelled earth rollers or compactors (other than paving work); Pump op. (more than 1 well point pump); Portable crusher operator.

Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement, sugar or conveyors); Boiler engineers on Firman; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors.

Oilers; Mechanic helpers; Water pumps (pumping water to power); Mechanical heaters (other than steam boiler)

Other:
Building Construction: Boilermakers' helpers

Add:
Building Construction: Welders - receive rates prescribed for craft performing operation to which welding is incidental.
Building Construction (Cont'd):

Power Equipment Operators:

Classification 1:
- Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes; Truck cranes & cherry pickers over 15 ton rated capacity; Derrick; Pile drivers and extractors; Caisson rigs; Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoists; Welders; Mechanics; Locomotive; Dredge (Levermen)

Classification 2:
- 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Economobiles; Plant mixers; Ram type tractors (with loaders, backhoe attachments, etc.); Scrapers (tournapull, etc.); End loaders; Bridge (engineers); Side boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes & cherry pickers (15 ton and under); Concrete mixers (1 yard and over); Ditching machine (8" and over); Fork lift (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Demolition pumps; Temporary hoist cage operated; Second man on locomotive

Base Hourly Rates

Basic Hourly Rates

Pension Vacation App. To. Others

Add:
Building Construction:
- Welders - receive rate prescribed for craft performing operation to which welding is incidental.

NOTICES

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
<table>
<thead>
<tr>
<th>Modifications P. 21</th>
<th>Fringe Benefits Payments</th>
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<tbody>
<tr>
<td>Basic Hourly Rates</td>
<td>M &amp; W</td>
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<tr>
<td>Changes</td>
<td>Heavy &amp; Highway Construction</td>
</tr>
<tr>
<td>Cass, Clay, Jackson, Platte, &amp; Ray Counties, Missouri and Johnson &amp; Wyandotte Counties, Kansas</td>
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</tr>
<tr>
<td>Carpenter &amp; Piledrivermen (cass County)</td>
<td>$8.17</td>
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<tr>
<td>Johnson &amp; Wyandotte Counties, Kansas</td>
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<tr>
<td>Add:</td>
<td>Line Construction</td>
</tr>
<tr>
<td>Western 3/4 of Johnson County, Kansas</td>
<td></td>
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<tr>
<td>Line Construction</td>
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<tr>
<td>Wyandotte County &amp; remainder of Johnson County, Kansas</td>
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<th>Modifications P. 22</th>
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<td>Changes</td>
<td>Heavy &amp; Highway Construction</td>
</tr>
<tr>
<td>Cass, Clay, Jackson, Platte, &amp; Ray Counties, Missouri and Johnson &amp; Wyandotte Counties, Kansas</td>
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</tr>
<tr>
<td>Carpenter &amp; Piledrivermen (cass County)</td>
<td>$8.17</td>
</tr>
<tr>
<td>Omit:</td>
<td>Line Construction</td>
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<tr>
<td>Johnson &amp; Wyandotte Counties, Kansas</td>
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</tr>
<tr>
<td>Add:</td>
<td>Line Construction</td>
</tr>
<tr>
<td>Western 3/4 of Johnson County, Kansas</td>
<td></td>
</tr>
<tr>
<td>Line Construction</td>
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<tr>
<td>Wyandotte County &amp; remainder of Johnson County, Kansas</td>
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</table>

<table>
<thead>
<tr>
<th>Kansas Line Construction #1</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<tbody>
<tr>
<td></td>
<td>M &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Line Construction:</td>
<td>Lineman</td>
<td>$6.77</td>
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<tr>
<td></td>
<td>Cable splicers</td>
<td>7.14</td>
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<tr>
<td></td>
<td>Groundman, over 1 year</td>
<td>6.36</td>
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<tr>
<td></td>
<td>Groundman, 1st year</td>
<td>3.30</td>
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<tr>
<td></td>
<td>Powderman</td>
<td>5.04</td>
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<tr>
<td></td>
<td>Line truck &amp; equipment operator, 1st year</td>
<td>4.37</td>
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<tr>
<td></td>
<td>Line truck &amp; equipment operator, 2nd year</td>
<td>5.19</td>
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<tr>
<td></td>
<td>Line truck &amp; equipment operator, Over 2 years experience</td>
<td>5.84</td>
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<table>
<thead>
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<th>Kansas Line Construction #2</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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</thead>
<tbody>
<tr>
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<td>M &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td>Line Construction:</td>
<td>Lineman</td>
<td>$7.95</td>
</tr>
<tr>
<td></td>
<td>Lineman operator</td>
<td>7.50</td>
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<tr>
<td></td>
<td>Lineman mechanic</td>
<td>6.37</td>
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<tr>
<td></td>
<td>Groundman, powderman</td>
<td>5.47</td>
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<tr>
<td></td>
<td>Groundman</td>
<td>5.19</td>
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<tr>
<td></td>
<td>Groundman (1st year)</td>
<td>4.79</td>
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</table>

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
### DECISION #AP-842 - Mod. #2

(38 FR 14503 - June 1, 1973)
Anne Arundel County, Maryland

**Basic Hourly Rates**

<table>
<thead>
<tr>
<th>Change:</th>
<th>Vacation</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sheet metal workers</td>
<td>.50</td>
<td>.35</td>
</tr>
<tr>
<td>Truck Drivers: (Excavation Bldgs.)</td>
<td>.50</td>
<td>.30</td>
</tr>
<tr>
<td>Euclid wagon and dumpster</td>
<td>.50</td>
<td>.30</td>
</tr>
<tr>
<td>Drop-frame, goose-neck and trailer</td>
<td>.50</td>
<td>.30</td>
</tr>
<tr>
<td>Pick-up</td>
<td>.50</td>
<td>.30</td>
</tr>
<tr>
<td>Helpers</td>
<td>.50</td>
<td>.30</td>
</tr>
</tbody>
</table>

**Omit:**

| Power Equipment Operator's Schedule Building Construction as originally issued |
| Add: | Power Equipment Operator's Schedule Building Construction |

**Footnotes:**

<table>
<thead>
<tr>
<th>a. Holiday: A through F</th>
</tr>
</thead>
<tbody>
<tr>
<td>b. Employee with 1 year of service 1 week's vacation; 2 years of service, 2 weeks vacation; 10 years of service, 3 weeks vacation, (providing employee has worked 100 days in the contract year).</td>
</tr>
<tr>
<td>m. Holidays A through F plus the employee's birthday, the day after Thanksgiving Day, Good Friday and Christmas Eve, (provided the employee has worked one day and has been available for work during the holiday week).</td>
</tr>
</tbody>
</table>

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### DECISION NO. AP-842 (Cont'd.)

**BUILDING Construction**

**POWER EQUIPMENT OPERATORS:**

Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, excavator, excavating scoop (25 yds. and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Limeco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds. and over), multiple conveyors, Mighty midget with compressor, repair mechanic, motor engine scraper, Gradall

Compressors (2 or more), conveyors (4 or more), space heaters, over 4 welders (more than 6, another man), well point system

Tractor with attachment (2 or more), autopatrol type grader

Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift

Front end tractor loader (under 1 - 3/4 yds.), bulldozer

Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 8), space heaters (up to 6), steam hammer, pile extractor, conveyor

Excavating scoop (under 25 yds.), caterpillar type tractor

Finishing machine, bolt float, sub grader, longitudinal float, spreading machine, concrete spreader, asphalt spreader

Fireman, truck crane operator, grease truck, fuel truck

Wheel tractor

Oiler, deck hand, mechanic's helper

**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 |

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FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
### DECISION #AP-159 - Mod. #2
(38 FR 6393 - February 16, 1973)
Harrison and Pearl River Counties, Mississippi

**Change:** Elevator constructors

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
</tr>
<tr>
<td>Elevator constructors</td>
<td>$6.13</td>
</tr>
<tr>
<td>Elevator constructors' helpers</td>
<td>$5.09</td>
</tr>
<tr>
<td>Elevator constructors' helpers (prob)</td>
<td>.50KB</td>
</tr>
</tbody>
</table>

**Line Constructions:**

- Linemen: $6.65, .25, 20-29, 1/8 of 16
- Cable splicers: $6.50, .25, 20-29, 1/8 of 16
- Groundmen: $3.33, .25, 20-29, 1/8 of 16
- Thereafter: $3.99, .25, 20-29, 1/8 of 16

**Roofers:** $5.80

**Helpers:** $4.05

**Soft floor layers:** $6.30

### DECISION #AP-165 - Mod. #1
(38 FR 5653 - March 9, 1973)
Atoka, Clarke, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, Scott, Smith and Winston Counties, Mississippi

**Change:** Power Equipment Operators: Roller operator (self-propelled) $2.25

**DECISION #AP-272 - Mod. #2**
(38 FR 7741 - March 23, 1973)
Statewide Montana

**Change:** Power Equipment Operators: Gallatin County Crane Oilier

**Remainder Counties:**

- AER DOSTOC: Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers, Concrete bucket dispatchers; Concrete curing machinery; Concrete finishing machine, paving; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batchers; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills and similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant fireman (when in operation); Industrial locomotive; All types; Oilers, rubber-tired, over 1 yd. to & incl. 3 yds.; Oilers, track-type, up to & incl. 3 yds.; Oilers, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 1 yd.; Loaders, track-type, & another; Leaders, rubber-tired & skidder; Leader & Hoe combination, rubber-tired, Loader 1 yd. & under; Leader, skidder, & another; Crawler & Hoe combination, over 1 yd. & under; Mountain logger or similar; Hauling equipment; Pavement breaker, Enaco & similar; Power auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Rollers, steel & self-propelled rubber on blade on hot mix; Paving roller, 20 tons, working weight or over, any type or make; Rollers, Wagner & similar; Boss & similar Type Carriers (on constr. site); Scraper DW 10; Scrapper, DW 15, 20, 21 & similar if power unit is not available.
# DECISION #AP-285 - (cont'd)

Remaining Counties (cont'd).

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Used; Self-propelled sheepsfoot and similar; Shovels, incl. all attachments, under 1 yd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing and screening plant</td>
<td>$7.02</td>
<td>.45</td>
</tr>
</tbody>
</table>

# DECISION #AP-288 - Mod. #3

(38 FR 8908 - April 6, 1973)

Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud and Yellowstone Counties, Montana

Changes:

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Horn, Custer, Rosebud and Yellowstone Counties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power Equipment Operators:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crane Oiler-Driver, rubber tire</td>
<td>6.57</td>
<td>.45</td>
</tr>
<tr>
<td>Dawson, Richland, and Roosevelt Cos.</td>
<td>6.59</td>
<td>.45</td>
</tr>
</tbody>
</table>

# DECISION #AP-290 - Mod. #2

(38 FR 8856 - April 6, 1973)

Silver Bow County, Montana

Changes:

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power Equipment Operators:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ATB DOCTOR; Asphalt paving machine, or screed; Bit grinders; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 &amp; 2 mixers; Concrete bucket dispenser; Concrete curing machine; Concrete finishing machine, paving; Concrete float and spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grade;</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Decision AP-522 - Mod. #2

**Lancaster County, Nebraska**

**Change:**
- **Carpenters:** 6.50, 20, 10
- **Pile drivers:** 6.75, 20, 10
- **Roofers:** slate & tile, 5.75
- **Composition:** slate & tile, 6.00

---

### Decision AP-524 - Mod. #3

**Douglas & Sarpy Counties, Nebraska**

**Omits:**
- Laborers: $4.95, 125, 10
- Change:
  - **Glaziers:** 6.75, 35, 20, 0.01
  - **Common laborers:** 5.62, 25, 25
  - **Mortar mixers:** 5.75, 25, 25, 0.02
  - **Pipe layers:** 5.90, 25, 25, 0.02
  - **Plasterers:** 6.75, 25, 20
  - **Truck drivers:** single axle

**Power Equipment Operators:**
- **Oilers, greasers, mechanics helpers:** 6.33, 25, 25
- **Oiler drivers (motor truck crane):** 6.34, 25, 25
- **Spread oilers:** 6.95, 25, 25
- **Conveyors and heaters: tractors over 35:** 6.68, 25, 25
- **Bulldozer and fork lifts:** 7.27, 25, 25
- **Blades, end loaders, self-propelled scrapers:** 7.38, 25, 25
- **Concrete pumps and tractors over 35:** 7.12, 25, 25
- **Two drum hoists; street cleaner:** 7.27, 25, 25
- **Two drum hoists; trenching machines:** 7.62, 25, 25
- **Two drum hoists; trenches:** 7.62, 25, 25
- **Two drum hoists; trenching machines, pipe drives, dredgers:** 7.62, 25, 25

---

### Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Pensions</th>
<th>Vacations</th>
<th>App. Tk.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Carpenters:</strong> 6.50</td>
<td>.20</td>
<td>.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pile drivers:</strong> 6.75</td>
<td>.20</td>
<td>.10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Roofers:</strong> slate &amp; tile</td>
<td>5.75</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Composition:</strong> slate &amp; tile</td>
<td>6.00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

### Federal Register, Vol. 38, No. 130 — Friday, June 22, 1973
### Fringe Benefits Payments

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Machine and air tool operators</td>
<td>$4.95</td>
<td>.125</td>
<td>.20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Building Construction

**Douglas & Sarpy Counties, Nebraska**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Common laborers</td>
<td>5.62</td>
<td>.25</td>
<td>.25</td>
<td>.02</td>
<td></td>
</tr>
<tr>
<td>Buggymobile, Mortar mixers, Mason tenders</td>
<td>5.763</td>
<td>.25</td>
<td>.25</td>
<td>.02</td>
<td></td>
</tr>
<tr>
<td>Pipe layers</td>
<td>5.815</td>
<td>.25</td>
<td>.25</td>
<td>.02</td>
<td></td>
</tr>
<tr>
<td>Plasterers tenders</td>
<td>5.90</td>
<td>.25</td>
<td>.25</td>
<td>.02</td>
<td></td>
</tr>
<tr>
<td>Plasterers</td>
<td>7.15</td>
<td>.25</td>
<td>.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truck Drivers:</td>
<td>Hourly Rates</td>
<td>H &amp; V</td>
<td>Pensions</td>
<td>Vacation</td>
<td>App. Tr.</td>
</tr>
<tr>
<td>Single axle</td>
<td>5.875</td>
<td>.25</td>
<td>.20</td>
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</tr>
<tr>
<td>Tandem axle</td>
<td>6.075</td>
<td>.25</td>
<td>.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lowboy, trailer</td>
<td>6.25</td>
<td>.25</td>
<td>.20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lumber carrier</td>
<td>6.25</td>
<td>.25</td>
<td>.20</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Power Equipment Operators:

**Douglas & Sarpy Counties, Nebraska**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Oilers, greasers, mechanics helpers</td>
<td>6.33</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oilers drivers (motor truck crane)</td>
<td>6.34</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spread oiler</td>
<td>6.83</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conveyor and beaters; tractors 35 H.P. or under; air compressors, pumps and welding machine operators</td>
<td>6.83</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bulldozers and fork lifts</td>
<td>7.27</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blades, and loaders, self-propelled scrapers</td>
<td>7.37</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete pumps and tractors over 35 H.P.; one drum hoist; straddle truck</td>
<td>7.27</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Two drum hoist; trenching machines, pile drivers, dredges, heavy duty mechanics; shovels, draglines, clamshells, orange peel; derricks, cranes; backhoes, winch truck and side boom or cat boom; locomotives; firemen used on high pressure boilers in construction work; economobile; and electric hammers and extractors</td>
<td>7.62</td>
<td>.25</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NOTICES

TRUCK DRIVERS
BUILDING CONSTRUCTION

Basic Hourly Rates Fringe Benefits Payments

<table>
<thead>
<tr>
<th></th>
<th>H &amp; W</th>
<th>Fringe</th>
<th>Vacation</th>
<th>App. Tr.</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>56.18</td>
<td>.23</td>
<td>.23</td>
<td>a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.38</td>
<td>.23</td>
<td>.23</td>
<td>a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.60</td>
<td>.23</td>
<td>.23</td>
<td>a</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

PAST HOLIDAYS:
- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

FOOTNOTES:

a. Holidays: A through F, Plus Washington's Birthday, Veterans' Day, and Columbus Day; (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).
### Truck Drivers, Residential

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two Axle Equipment</td>
<td>$4.36</td>
<td>.25</td>
</tr>
<tr>
<td>Three Axle Equipment including low beds</td>
<td>4.38</td>
<td>.25</td>
</tr>
<tr>
<td>Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps</td>
<td>4.60</td>
<td>.25</td>
</tr>
</tbody>
</table>

**Paid Holidays:**
- A-New Year's Day
- B-Memorial Day
- C-Independence Day
- D-Labor Day
- E-Thanksgiving Day
- F-Christmas Day

**Footnote:**
- Holidays: A through F, plus Washington's Birthday, Veterans' Day, and Columbus Day (provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday).

---

### Building Construction

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenters, Salem</td>
<td>$7.93</td>
<td>.50</td>
</tr>
<tr>
<td>Carpenters and soft floor layers</td>
<td>8.83</td>
<td>.50</td>
</tr>
<tr>
<td>Carpenters and soft floor layers</td>
<td>6.66</td>
<td>.20</td>
</tr>
<tr>
<td>Carpenters and soft floor builders</td>
<td>7.51</td>
<td>.20</td>
</tr>
</tbody>
</table>

---

### Truck Drivers (See Attached Matrix)
### Truck Drivers

#### Basic and Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Two Axle Equipment</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Vacation</td>
</tr>
<tr>
<td></td>
<td>$4.16</td>
<td>.25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Three Axle Equipment including low beds</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.23</td>
<td>.25</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special earth hauling equipment other than conventional type on the road trucks and semitrailers, trailer dumps</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.40</td>
<td>.25</td>
</tr>
</tbody>
</table>

#### Paid Holidays:

- New Year's Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

#### Footnote:

Holidays: A through F, Plus Washington's Birthday, Veterans' Day and Columbus Day; provided employee works two days in the calendar week in which the holiday falls; reports for work the last day assigned prior to the holiday and the first day assigned following the holiday.

---

### General Building and Heavy Engineering Construction

#### Electricians

<table>
<thead>
<tr>
<th>Zone</th>
<th>Electricians</th>
<th>Cable Splicers</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>7.35</td>
<td>8.09</td>
</tr>
<tr>
<td>(b)</td>
<td>7.81</td>
<td>8.60</td>
</tr>
<tr>
<td>(c)</td>
<td>8.51</td>
<td>8.82</td>
</tr>
<tr>
<td>(d)</td>
<td>8.82</td>
<td>9.56</td>
</tr>
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</table>

#### Roofers

<table>
<thead>
<tr>
<th>Soft Floor Layers (Remainder of State)</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>5.50</td>
<td>.25</td>
</tr>
</tbody>
</table>
DECISION #AP-730 - Mod. #4 (cont'd)

CARPENTERS (STATEWIDE):
From nearest basing points of the following cities or towns:
Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis,
Deming, Edinburg, Española, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Lovington, Portales, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Tucumcari:

Zone (1) - 0 to 15 road miles from nearest basing point:
- Carpenters: $6.50
- Millwrights - Piledrivermen: $6.50

Zone (2) - 15 to 35 road miles from nearest basing point:
- Carpenters: $7.25
- Millwrights - Piledrivermen: $7.25

Zone (3) - Over 35 road miles from nearest basing point:
- Carpenters: $7.75
- Millwrights - Piledrivermen: $7.75

DECISION #AP-277 - Mod. #3

Multnomah County, Oregon

Changes:
- Electricians: $6.05
- Plumbers: 7.68

Pensions Vacation
- 38 FR 7692 - March 23, 1973
## Basic Daily Rates

<table>
<thead>
<tr>
<th>Position</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laborers:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blasters, shield drivers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Miners</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brakemen, trackmen, miners' helpers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Groutmen, lock tenders' helpers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laborers and other men</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mucking machines</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laborers (surface) per hour</td>
<td>48.29</td>
<td>.10</td>
<td>.10</td>
<td>.10</td>
</tr>
</tbody>
</table>

Between Locks

<table>
<thead>
<tr>
<th>Position</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lock tenders, motor men</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All other men</td>
<td>46.74</td>
<td>.10</td>
<td>.10</td>
<td>.10</td>
</tr>
</tbody>
</table>

Outside of Locks

<table>
<thead>
<tr>
<th>Position</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside lock tenders, gauge tenders</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Outside lock tenders' helpers</td>
<td>44.74</td>
<td>.10</td>
<td>.10</td>
<td>.10</td>
</tr>
</tbody>
</table>

### Air Pressure

<table>
<thead>
<tr>
<th>Pressure (pounds)</th>
<th>Working Hours</th>
<th>Amount in Addition to Base Rate (Not Cumulative)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 and up to 26</td>
<td>6 hours</td>
<td>$1.00</td>
</tr>
<tr>
<td>26</td>
<td>4 hours</td>
<td>$1.50</td>
</tr>
<tr>
<td>30</td>
<td>3 hours</td>
<td>$2.00</td>
</tr>
<tr>
<td>42</td>
<td>2 hours</td>
<td>$2.50</td>
</tr>
<tr>
<td>50</td>
<td>1 hour</td>
<td>$3.00</td>
</tr>
</tbody>
</table>

---

**NOTES**

- Schedule originally issued for Tunnel Compressed Air
- Schedule for Tunnel Compressed Air

DECISION #AP-817 - Mod. #1
(L38 FR. 13279 - May 18, 1973)

Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania

Omit:
- Schedule Originally Issued for Tunnel Compressed Air

Add:
- Schedule for Tunnel Compressed Air

---

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
<table>
<thead>
<tr>
<th>Decision #</th>
<th>MOD. #</th>
<th>Effective Date</th>
<th>Location</th>
<th>Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>#AP-190</td>
<td>1</td>
<td>May 25, 1973</td>
<td>Anderson and Roane Counties, Tennessee</td>
<td>Added: Label to schedule to read: Oak Ridge Atomic Energy Commission only.</td>
</tr>
<tr>
<td>#AP-396</td>
<td>1</td>
<td>January 26, 1973</td>
<td>Cameron, Hidalgo, Starr &amp; Willacy Counties, Texas</td>
<td>Change: Lineman - 1/2% Groundman - 1/2% Groundman, 1st 6 mos. - 1/2%</td>
</tr>
<tr>
<td>#AP-723</td>
<td>2</td>
<td>April 27, 1973</td>
<td>Travis County, Texas</td>
<td>Change: Building Construction: Bricklayers-Stonemasons, Carpenters, Millwrights.</td>
</tr>
</tbody>
</table>

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
### Decision No. AP-823 (Cont'd.)

#### Highway Construction

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<th>Basic Hourly Rates</th>
<th>fringe Beneftis Payments</th>
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<td>LABORERS</td>
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<td><strong>GROUP A</strong></td>
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<td>Air or electric tool operators</td>
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<td><strong>GROUP B</strong></td>
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<td>Vibrator operators, chain saw ops., of mechanical equipment which replaces wheelbarrows or buggies, power mowers, mortar mixers, pipe layers, conc. &amp; clay</td>
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<td><strong>GROUP C</strong></td>
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<td><strong>GROUP D</strong></td>
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<td>Movers or demolition, wagon drill operators</td>
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**POWER EQUIPMENT OPERATORS**

- **Group A**
  - Asphalt plant, boom tractor, bulldozer, cableways, core drill, compressors (2 or more), crane-derrick-dragline, dink locomotive, dredges, fork lift, front end loader, grader, heavy duty mechanic, hoist (1 drum or more), mixer, push tractor, quarry master, scrapers, shovels, trenching machine (and all similar equipment), winch trucks

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<th></th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
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<td>Asphalt spreader, blade graders (pull type), boat operators, conveyor (2 or more up to 4), crawler tractor distributors (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, sizers, welding machines (4 or more)</td>
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<td>Air compressor (125 &amp; under), apprentice engineer (oilers-firemen), conveyor (3 or under), conveyor (3 or under), mechanic helpers, pumps (under 4 in.), welding machines (3 or under)</td>
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<td>Gas or diesel welding machine (up to 4 tended by oiler), apprentice engineer (oilers-firemen)</td>
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<td></td>
</tr>
<tr>
<td>Piledrivers helper</td>
<td>$3.18</td>
<td></td>
</tr>
<tr>
<td>Truck Drivers</td>
<td>$2.30</td>
<td></td>
</tr>
<tr>
<td>Under 1/2 ton capacity</td>
<td>$2.30</td>
<td></td>
</tr>
<tr>
<td>Single-rear axle</td>
<td>$2.55</td>
<td></td>
</tr>
<tr>
<td>Multi-rear axle or heavy duty</td>
<td>$2.85</td>
<td></td>
</tr>
<tr>
<td>Welders - receive rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Welders - receive rate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Receives rate prescribed for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>craft performing operation to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>which welding is incidental.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**POWER EQUIPMENT OPERATORS**

<table>
<thead>
<tr>
<th>Power Equipment Operators</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air compressors</td>
<td>$2.85</td>
<td></td>
</tr>
<tr>
<td>Aggregate spreader</td>
<td>$3.00</td>
<td></td>
</tr>
<tr>
<td>Asphalt distributors</td>
<td>$3.60</td>
<td></td>
</tr>
<tr>
<td>Asphalt mixer &amp; pig mills &amp;</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>batch plants</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Asphalt paving machines</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Asphalt plant driers</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Asphalt sprayers</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Bulldozers</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Bull floats</td>
<td>$3.15</td>
<td></td>
</tr>
<tr>
<td>Concrete mixer (3 bags &amp; over)</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Concrete mixers (over 3 bags)</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Concrete paving machines</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Concrete paving finishing</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Concrete paving spreaders</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Crawler, forklifts, backhoes,</td>
<td>$3.60</td>
<td></td>
</tr>
<tr>
<td>dozers, draglines or shovels</td>
<td>$3.60</td>
<td></td>
</tr>
<tr>
<td>Conveyors</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Crush &amp; screening plants</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Drilling machines</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Drilling machines helpers</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Elevating graders, gradalls,</td>
<td>$3.60</td>
<td></td>
</tr>
<tr>
<td>or trenching machine</td>
<td>$3.60</td>
<td></td>
</tr>
<tr>
<td>Firemen</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Form Graders</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Boats (2-drum or 2-cages or</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>more)</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Boats (1-drum)</td>
<td>$3.15</td>
<td></td>
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<tr>
<td>Mechanics</td>
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<tr>
<td>Mechanic helpers</td>
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<tr>
<td>Motor patrols</td>
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<td></td>
</tr>
<tr>
<td>Oiler &amp; greasemen</td>
<td>$3.00</td>
<td></td>
</tr>
<tr>
<td>Paving subgraders</td>
<td>$3.15</td>
<td></td>
</tr>
<tr>
<td>Piledrivers</td>
<td>$3.66</td>
<td></td>
</tr>
<tr>
<td>Pumps</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Pumps</td>
<td>$3.15</td>
<td></td>
</tr>
<tr>
<td>Routers, Self-Propelled</td>
<td>$2.82</td>
<td></td>
</tr>
<tr>
<td>Routers, Self-propelled (on</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>asphalt bases &amp; pavements)</td>
<td>$3.30</td>
<td></td>
</tr>
<tr>
<td>Scale operators</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Scalemen</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Scrapers</td>
<td>$3.50</td>
<td></td>
</tr>
<tr>
<td>Seeding &amp; marking machines</td>
<td>$2.70</td>
<td></td>
</tr>
<tr>
<td>Tractors &amp; loaders;</td>
<td>$2.74</td>
<td></td>
</tr>
<tr>
<td>Farm rubber tires</td>
<td>$2.74</td>
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<tr>
<td>Over 35 M.P.H.</td>
<td>$3.30</td>
<td></td>
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<tr>
<td>Over 80 M.P.H.</td>
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<tr>
<td>Windshield truck &amp; &quot;A&quot; frame</td>
<td>$3.15</td>
<td></td>
</tr>
<tr>
<td>Stripping machines (paint)</td>
<td>$2.70</td>
<td></td>
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</tbody>
</table>

**HIGHWAY CONSTRUCTION**

<table>
<thead>
<tr>
<th>Alabama - 3 - Zone #1 N</th>
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FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
<table>
<thead>
<tr>
<th>Occupation</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
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<tbody>
<tr>
<td>Asbestos workers</td>
<td>$7.70</td>
<td>M.L.W</td>
</tr>
<tr>
<td>Boilermakers</td>
<td>7.13</td>
<td>.10</td>
</tr>
<tr>
<td>Bricklayers, stonemasons, masons</td>
<td>6.60</td>
<td>.20</td>
</tr>
<tr>
<td>Carpenters on creosote material, power saw operator</td>
<td>7.90</td>
<td>.20</td>
</tr>
<tr>
<td>Millwright</td>
<td>7.02</td>
<td></td>
</tr>
<tr>
<td>Piledriver</td>
<td>7.25</td>
<td></td>
</tr>
<tr>
<td>Cement masons</td>
<td>6.62</td>
<td>.20</td>
</tr>
<tr>
<td>Electricians</td>
<td>7.20</td>
<td>.10</td>
</tr>
<tr>
<td>Elevator constructors</td>
<td>7.82</td>
<td>.10</td>
</tr>
<tr>
<td>Elevator constructors' helpers</td>
<td>7.82</td>
<td>.10</td>
</tr>
<tr>
<td>Elevator constructors' helpers (prob.)</td>
<td>7.82</td>
<td>.10</td>
</tr>
<tr>
<td>Glaziers</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td>Ironworkers; Structural, ornamental and reinforcing</td>
<td>7.13</td>
<td>.20</td>
</tr>
<tr>
<td>Lathers</td>
<td>7.13</td>
<td></td>
</tr>
<tr>
<td>Line Construction</td>
<td>7.90</td>
<td>.10</td>
</tr>
<tr>
<td>Lineman</td>
<td>7.13</td>
<td></td>
</tr>
<tr>
<td>Gable splicers</td>
<td>8.15</td>
<td></td>
</tr>
<tr>
<td>Marble Setters</td>
<td>7.39</td>
<td></td>
</tr>
<tr>
<td>Painters</td>
<td>7.13</td>
<td></td>
</tr>
<tr>
<td>Brush</td>
<td>6.88</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>7.13</td>
<td></td>
</tr>
<tr>
<td>Hazardous</td>
<td>7.30</td>
<td></td>
</tr>
<tr>
<td>Spraying bituminous coatings</td>
<td>7.84</td>
<td></td>
</tr>
<tr>
<td>Plasterers</td>
<td>7.20</td>
<td></td>
</tr>
<tr>
<td>Plumbers and steamfitters</td>
<td>8.25</td>
<td></td>
</tr>
<tr>
<td>Roofers</td>
<td>6.15</td>
<td></td>
</tr>
<tr>
<td>Kettleman</td>
<td>5.45</td>
<td></td>
</tr>
<tr>
<td>Sheet metal workers</td>
<td>7.25</td>
<td>.10</td>
</tr>
<tr>
<td>Sprinkler fitters</td>
<td>8.05</td>
<td></td>
</tr>
<tr>
<td>Terrazzo workers</td>
<td>7.39</td>
<td></td>
</tr>
<tr>
<td>Terrazzo: base grinder; machine op.</td>
<td>7.39</td>
<td></td>
</tr>
<tr>
<td>Welders - Rate for Craft.</td>
<td>7.39</td>
<td></td>
</tr>
</tbody>
</table>

**NOTES:**

- **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 6% basic hourly rate to Vacation Pay Credit for employees who have worked in business more than 5 years. Employer contributes 3% basic hourly rate to Vacation Pay Credit for employees who have worked in business less than 5 years.
  - d. Holidays: A, C, D, E and F.
  - e. Holiday: F
  - f. 40 hours paid vacation after 1 year of employment.
  - g. Holidays: D and Mardi Gras Day, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day of the paid holiday.
<table>
<thead>
<tr>
<th>General Building Construction Laborers</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Pensions</th>
<th>Vacation</th>
<th>APP. TR.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortar makers (any method), Hod Carriers, Paving Brochures - Breaking &amp; Chipping Concrete (any method), Air operating tools (Elec. or Gas), Mason and plaster tenders, Tile cutter &amp; Terrazzo helpers, Handling Cretocote or Copperman Materials, Glass Wool and all types insulation, Male filter men, Asphalt rakers &amp; tampers, Drills and Vibrators, Concrete Dump Bucketmen, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners &amp; pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main &amp; side sewers and drainage only), Pipe vipers (inside and out)</td>
<td>$4.40</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General or Pressure Concrete Workers, Hoistmen, Omar, Redman, Power Driven Buggy Operators, Height: All work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)</td>
<td>$4.58</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cofferdam or Tunnel workers (underground)</td>
<td>$5.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blasting (Powderman)</td>
<td>$5.72</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Concrete Sawman</td>
<td>$5.28</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Form setters; Roadways, Runways, Highways</td>
<td>$5.00</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Track Laborers</td>
<td>$6.26</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brick Washers (laborers)</td>
<td>$6.55</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burners on dismantling (anything not to be reused)</td>
<td>$5.38</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stack Laborers</td>
<td>$4.97</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stock Laborers (over 40 ft.)</td>
<td>$3.28</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank Cleaners (Corrosive chemicals)</td>
<td>$4.89</td>
<td>.28</td>
<td>.25</td>
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</tr>
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</table>

**BUILDING CONSTRUCTION:**

**POWERS EQUIPMENT OPERATORS:**

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
<th>Pensions</th>
<th>Vacation</th>
<th>APP. TR.</th>
<th>OTHER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heavy Duty Mechanic, Crane, Shevel, Derrick Operator (2 or More Drums), Dragline Pile Driver Operator, Hoist Operator (2 or More Drums), Trenching Machine, Cableway, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Saverman, Welders, Mounted Rotary Drill Machine, Cherry Pickers, Side Boom Tractors, Paving Machine, Motor Patrol, Pumper Machines, Graders, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammer on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains</td>
<td>$7.16</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Doser Scraper, Turnspull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Operators with Power Control Attachments.</td>
<td>$6.90</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winch Truck, Log Boat Mixers, Asphalt Spreaders, Drilling Machines, Paving Machines, Form Graders, Asphalt Distributors, Forklift, wall-point Systems, Subgraders, Finishing Machines, Motorized Compactors, Wagmobiles and Push Carts</td>
<td>$6.90</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIGHT EQUIPMENT:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyor, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)</td>
<td>$6.41</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oilers and Mechanic Helpers</td>
<td>$5.26</td>
<td>.28</td>
<td>.25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oilers (Crawler), Deck Hand and Oilier Cherry Picker</td>
<td>$5.50</td>
<td>.28</td>
<td>.25</td>
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</tbody>
</table>
### Building Construction

#### Truck Drivers:

<table>
<thead>
<tr>
<th>Hourly</th>
<th>M.W.</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cyclcles, Bicycles, Trucker Spotters, Teamsters, Team Drivers</td>
<td>85.04</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and &quot;A&quot; Frame Trucks</td>
<td>5.51</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss., or corner wagons, dumpsters, semi-shaper, agitators, toll carriers, dumper, dump trucks, euclid trucks, fork-lift track in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers, hauling equipment</td>
<td>6.55</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Truck and Auto Mechanics</td>
<td>7.12</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Truck Drivers Helpers, Unloaders, Unloading and handling creosote or copper series material</td>
<td>3.04</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Truck Drivers Helper</td>
<td>4.41</td>
<td>.28</td>
<td>.25</td>
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</table>

### Highway, Road, Street & Paving Construction (Excluding Airports)

<table>
<thead>
<tr>
<th>Hourly</th>
<th>M.W.</th>
<th>Pensions</th>
<th>Vacation</th>
<th>App. Tr.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bricklayers</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
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</tr>
<tr>
<td>Carpenters</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Carpenter helper</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Concrete finisher</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Concrete finisher helper</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Concrete saw operator</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Ironworker, structural</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Ironworker helper, structural</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Ironworker reinforcing</td>
<td>3.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Ironworker helper, reinforcing</td>
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<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Laborers:</td>
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<tr>
<td>Air tool operator</td>
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<tr>
<td>Asphalt raker</td>
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<td>.25</td>
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<tr>
<td>Concrete laborer</td>
<td>2.79</td>
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<td>.25</td>
<td></td>
</tr>
<tr>
<td>Pipe layer</td>
<td>2.65</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Powderman and blaster</td>
<td>3.05</td>
<td>.28</td>
<td>.25</td>
<td></td>
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<tr>
<td>Powderman and blaster helper</td>
<td>2.70</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Saw operator</td>
<td>2.65</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Side rail or form setter</td>
<td>2.75</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Unskilled</td>
<td>2.25</td>
<td>.28</td>
<td>.25</td>
<td></td>
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<tr>
<td>Wagon drill operator</td>
<td>2.55</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Painters</td>
<td>4.75</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Painter helpers</td>
<td>3.00</td>
<td>.28</td>
<td>.25</td>
<td></td>
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<tr>
<td>Pile driversen</td>
<td>4.00</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Pile driversen helper</td>
<td>3.18</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Truck drivers:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multi-rear axle or heavy duty, off road, single axle</td>
<td>3.15</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Single-rear axle</td>
<td>2.50</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Under 1½ tons actual capacity</td>
<td>2.20</td>
<td>.28</td>
<td>.25</td>
<td></td>
</tr>
</tbody>
</table>

Welders - receive rates prescribed for craft performing operation to which welding is incidental.
## Highway Construction

### Power Equipment Operators:

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Weekly Rate</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air compressors</td>
<td>$3.15</td>
<td></td>
</tr>
<tr>
<td>Aggregate spreaders</td>
<td>3.00</td>
<td></td>
</tr>
<tr>
<td>Asphalt distributors</td>
<td>3.49</td>
<td></td>
</tr>
<tr>
<td>Asphalt mixers &amp; plants</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Asphalt paving machines</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Asphalt plant dryers</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Asphalt spreaders</td>
<td>3.47</td>
<td></td>
</tr>
<tr>
<td>Ballasts</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Cranes, cranes, backhoes, derricks, draglines, shovels</td>
<td>4.00</td>
<td></td>
</tr>
<tr>
<td>Concrete mixers</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Concrete mixers (over 3 bags)</td>
<td>3.60</td>
<td></td>
</tr>
<tr>
<td>Concrete paving machines</td>
<td>3.50</td>
<td></td>
</tr>
<tr>
<td>Concrete paving finishing machines</td>
<td>3.60</td>
<td></td>
</tr>
<tr>
<td>Concrete paving spreaders</td>
<td>3.60</td>
<td></td>
</tr>
<tr>
<td>Crane, cranes, backhoes, derricks, draglines, shovels</td>
<td>4.00</td>
<td></td>
</tr>
<tr>
<td>Drillers</td>
<td>3.44</td>
<td></td>
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<tr>
<td>Drilling machines</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Drilling machine helpers</td>
<td>2.55</td>
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<tr>
<td>Elevating graders, gradalls or trenching machine</td>
<td>3.625</td>
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<tr>
<td>Firemen</td>
<td>3.15</td>
<td></td>
</tr>
<tr>
<td>Form graders</td>
<td>2.70</td>
<td></td>
</tr>
<tr>
<td>Hoists (2-drum or 2 cages or more)</td>
<td>3.60</td>
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</tr>
<tr>
<td>Hoists (4-drum)</td>
<td>3.60</td>
<td></td>
</tr>
<tr>
<td>Mechanics</td>
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<tr>
<td>Mechanics helpers</td>
<td>2.77</td>
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</tr>
<tr>
<td>Motor patrol</td>
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<tr>
<td>Paving subgraders</td>
<td>3.15</td>
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</tr>
<tr>
<td>Pile drivers</td>
<td>3.15</td>
<td></td>
</tr>
<tr>
<td>Pile drivers</td>
<td>3.15</td>
<td></td>
</tr>
<tr>
<td>Rollers - self-propelled</td>
<td>3.13</td>
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</tr>
<tr>
<td>Rollers - self-propelled (on asphalt bases &amp; pavements)</td>
<td>3.35</td>
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<tr>
<td>Scale operators</td>
<td>2.70</td>
<td></td>
</tr>
<tr>
<td>Scalemen</td>
<td>2.70</td>
<td></td>
</tr>
<tr>
<td>Scrapers</td>
<td>3.44</td>
<td></td>
</tr>
<tr>
<td>Seeding &amp; mulching machines</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Stripping machines (paint)</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Tractors &amp; loaders</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Tractors &amp; loaders</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Farm rubber tires</td>
<td>3.35</td>
<td></td>
</tr>
<tr>
<td>Over 15 H.P. or less-commercial capacity</td>
<td>3.395</td>
<td></td>
</tr>
<tr>
<td>Over 50 H.P.</td>
<td>3.50</td>
<td></td>
</tr>
<tr>
<td>Winch truck &amp; -im-frame</td>
<td>3.13</td>
<td></td>
</tr>
<tr>
<td>Welders</td>
<td>5.75</td>
<td></td>
</tr>
<tr>
<td>Structural steel</td>
<td>4.60</td>
<td></td>
</tr>
</tbody>
</table>

### Hourly Rate:

- $3.15
- $3.00
- $3.47
- $3.44
SUPERSEDES DECISION

STATE: Colorado
COUNTIES: Adams; Arapahoe; Boulder; Clear Creek; Denver; Douglas; Elbert; Gilpin; Jefferson; Larimer; Summit; and Weld

DECISION NUMBER: AP-911

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and highway construction.

<table>
<thead>
<tr>
<th>Rates</th>
<th>Hours</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>H &amp; W</td>
<td>Pensions</td>
</tr>
<tr>
<td></td>
<td>25</td>
<td>72</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>1.00</td>
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<tr>
<td></td>
<td>30</td>
<td>2.75</td>
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<tr>
<td></td>
<td>30</td>
<td>0.25</td>
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<tr>
<td></td>
<td>30</td>
<td>0.25</td>
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<tr>
<td></td>
<td>30</td>
<td>0.25</td>
</tr>
<tr>
<td></td>
<td>30</td>
<td>0.25</td>
</tr>
</tbody>
</table>

FOOTNOTE:
- Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacations Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FEDERAL REGISTER, VOL. 38, NO. 120——FRIDAY, JUNE 22, 1973
### HEAVY AND HIGHWAY CONSTRUCTION

<table>
<thead>
<tr>
<th>Description</th>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground Carpenters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; pile driving; sawmen continuously assigned to 1 1/2 HP saws at job site</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement Masons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction (Outside Denver Metropolitan Area)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cement Masons</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Construction (Denver Metropolitan Area)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### AREA A

- Area A: Adams, Arapahoe, Boulder, Denver, Larimer & Weld Counties. That part of Douglas and Jefferson Counties lying North of the South line of Township 7 South; That part of Elbert County lying West of the East line of Range 65 West and North of the South line of Township 7 South.

- **ZONE 1** - 0 to 30 miles from nearest basing point
  - General laborers; Underpinning and shoring: 0 to 6' below working surface
  - Underpinning and shoring: 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunite mositmen and sandblasters
  - Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels
  - Pipelayers
    - Jackhammer operator; Underpinning and shoring: over 12' below working surface
  - Mason tenders, brick and plaster

- **ZONE 2** - 30 to 70 miles from nearest basing point
  - General laborers; Underpinning and shoring: 0 to 6' below working surface
  - Underpinning and shoring: 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunite mositmen and sandblasters
  - Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels
  - Pipelayers
    - Jackhammer operator; Underpinning and shoring: over 12' below working surface
  - Mason tenders, brick and plaster

### NOTICES

- **FRIDAY, JUNE 22, 1973**

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**FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973**
### LABORERS (cont'd)

**ZONE 3 - 20 miles and over from nearest basing point**

<table>
<thead>
<tr>
<th>Laborer Description</th>
<th>Basic Hourly Rates (1$)</th>
<th>H &amp; V</th>
<th>Pensions</th>
<th>Vacations</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>General laborers; Underpinning and shoring 0' to 8' below working surface</td>
<td>$6.20</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters; Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels</td>
<td>$5.95</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Pipelayers</td>
<td>$5.73</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Jackhammer operator; Underpinning and shoring over 12' below working surface</td>
<td>$5.73</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Mason tenders, brick and plaster</td>
<td>$5.73</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
</tbody>
</table>

**ZONE 2 - 30 to 70 miles from nearest basing point**

<table>
<thead>
<tr>
<th>Laborer Description</th>
<th>Basic Hourly Rates (1$)</th>
<th>H &amp; V</th>
<th>Pensions</th>
<th>Vacations</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>General laborers; Underpinning and shoring 0' to 8' below working surface</td>
<td>$5.95</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters; Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels</td>
<td>$5.65</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Pipelayers</td>
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<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
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<tr>
<td>Mason tenders, brick and plaster</td>
<td>$5.60</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
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</tbody>
</table>

**ZONE 3 - 70 miles and over from nearest basing point**

<table>
<thead>
<tr>
<th>Laborer Description</th>
<th>Basic Hourly Rates (1$)</th>
<th>H &amp; V</th>
<th>Pensions</th>
<th>Vacations</th>
<th>App. Tr.</th>
<th>Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>General laborers; Underpinning and shoring 0' to 8' below working surface</td>
<td>$6.20</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
<tr>
<td>Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters; Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels</td>
<td>$6.15</td>
<td>.37</td>
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<td>Pipelayers</td>
<td>$5.87</td>
<td>.37</td>
<td>.40</td>
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<tr>
<td>Mason tenders, brick and plaster</td>
<td>$5.87</td>
<td>.37</td>
<td>.40</td>
<td>.05</td>
<td>.05</td>
<td>.05</td>
</tr>
</tbody>
</table>
### LABORERS: (cont'd)

<table>
<thead>
<tr>
<th>GROUP V</th>
<th>Any laborers performing bridge work over 40 ft above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.72 .37 .40 .05</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP VI</th>
<th>Gunite and shotcrete helpers; Caissons over 12'; Cofferdams; Timber; Underslung and air; Percussors and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of loading mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.83 .37 .40 .05</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP VII</th>
<th>Powdermen and blasters; Gunite nozzle-men; Shotcrete operator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$4.93 .37 .40 .05</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP VIII</th>
<th>Pipelayer on truck pipe lines in connection with highway work</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5.00 .37 .40 .05</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP IX</th>
<th>Wagon drillers and air trucking; Jackhammer operators in caissons over 12'; Bellers and stemming; Licensed powdermen; Diamond and core drills powered by air</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$5.13 .37 .40 .05</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP X</th>
<th>Any work, other than on bridges, performed by laborers working from a bos'n chair, swing stage, life belt or block and tackle as a safety requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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### Fringe Benefits Payments

<table>
<thead>
<tr>
<th>GROUP</th>
<th>Hourly Rates</th>
<th>Fringe Benefits Points</th>
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<td>H &amp; W</td>
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<tr>
<td>GROUP</td>
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<td>I</td>
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<tr>
<td>IX</td>
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<tr>
<td>X</td>
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</tbody>
</table>

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
### PIPELINES

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

**GROUP I**
Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

**GROUP II**
Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

**GROUP III**
Laborers working in trenches on all pipelines; Sewer, water, gas, oil, drainage lines, caulkers, yarners, fine graders, silk, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

**GROUP IV**
Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamellers of pipe, inside and out

**GROUP V** (Relining Pipe)
Selting pipe
Mixer man

**GROUP VI**
Pipe layer

### TUNNELS

**GROUP I**
Outside laborers

**GROUP II**
Minimum tunnel labor, dry house man

**GROUP III**
Cable or hose tenders, chuck tenders, concrete laborers, dumpmen, whisley pump operators

**GROUP III**
Helpers on shotcrete, gunning and sandblasting; Helpers, core and diamond drilling; Pot tender

**GROUP IV**
Cement finisher helper, applying of concrete processing materials

**GROUP V**
Collapsible form movers and setters, miners, mechanican and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunite workers; Sandblasting pump concrete placement men

**GROUP VI**
Laborers, Topmen, Bottommen, and Cagers

**GROUP VII**
Chucktenders, Concrete laborers, Whisley pump operators
LABORERS (TUNNEL) (cont'd)

**GROUP III**
Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing materials

<table>
<thead>
<tr>
<th></th>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>$5.50</td>
<td>.37</td>
<td>.40</td>
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</tbody>
</table>

**GROUP IV**
Collapsible form movers and setters, miners, machinemen and bit graders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (wood or wood tunnel support, incl. the placement of shotting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men (internal and external)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>$5.60</td>
<td>.37</td>
<td>.40</td>
<td></td>
<td>.05</td>
<td></td>
</tr>
</tbody>
</table>

**GROUP V**
Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
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</tbody>
</table>

**GROUP VI**
Any employee performing work underground from a bos'n chair, swinging stage, life boat or block and tackle

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<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
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<td>.40</td>
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<td>.05</td>
<td></td>
</tr>
</tbody>
</table>

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Stages)

**GROUP I**
Asphalt screed; Brickmover; Drill operator, smaller than William M F and similar; Helper in heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oilier

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<tbody>
<tr>
<td>$5.60</td>
<td>.37</td>
<td>.40</td>
<td></td>
<td>.05</td>
<td></td>
</tr>
</tbody>
</table>

**GROUP II**
Air compressor; Ditch Witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage waterman (brickmover); Operators of five or more light plants, welding machines, compressors 360 C.F.M or less, pumps, generators; Pugmill operator; Pugmill, Pumps; Portable screening plant with or without a spray bar; Screening plants with classifier; Self-propelled rollers – 5 tons and under; Vacuum well point system

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<thead>
<tr>
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</tr>
</thead>
<tbody>
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<td>.37</td>
<td>.40</td>
<td></td>
<td>.05</td>
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</tr>
</tbody>
</table>

**GROUP III**
Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William M F, similar and larger); C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or coal); Drill rig (electric, steam or cable tool); Elevating graders; Engineers (fireman, Fireman or tank hoist); Grader; Groove machine; Gunnite machine; Seeders (1 drum); Loader (Packers, etc.); Loader (up to and including 6 cu. yds.); Machine doctor machinery; Motor grader (blade); Road stabilization machine; Rollers-self-propelled—all types over 3 tons; Sandblasting machine; Scrapers-Single Wheel under 60 cu. yd., Single unit portable crushers-with or without washers; Tile smoker, Winch; Scraper, Tractor (70 lb., & over) (with or without attachments); Trenching machine; Welder; Wire op. on truck; Concrete batching plants

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</table>
### POWER EQUIPMENT OPERATORS (cont'd)

**GROUP IV**
- Concrete mixer (over 1 cu. yd.); Concrete placement pumps (6 in. and over);
- Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yd.;
- Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher;
- Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable-operated power shovels, dragline, clamshell, and backhoes (15 cu. yd. and over); Special utility operators; Scooper; Scraper-single bowl including pups 40 cu. yd. and over; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane.

**GROUP V**
- Crane operator - over 50 tons; Derrick;
- Electric rail type tower crane; hoist (2 drum or more); Cable-operated power shovels, dragline, clamshell, and backhoes (over 5 cu. yd.); Quad nine and similar push unit.

**GROUP VI**
- Cableway; Crane or truck mounted tower crane; Wheel excavator; Climbing tower crane.

### Table: Basic Hourly Rates and Fringe Benefits Payments

<table>
<thead>
<tr>
<th>Basic Hourly Rates</th>
<th>Fringe Benefits Payments</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>M &amp; W</td>
</tr>
<tr>
<td><strong>GROUP IV</strong></td>
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<tr>
<td>Concrete mixer</td>
<td>6.45</td>
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<tr>
<td>Concrete placement pumps</td>
<td>6.10</td>
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<tr>
<td>Crane (50 tons and under)</td>
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<tr>
<td><strong>GROUP V</strong></td>
<td></td>
</tr>
<tr>
<td>Crane operator</td>
<td>6.80</td>
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<td><strong>GROUP VI</strong></td>
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<tr>
<td>Cableway</td>
<td>6.75</td>
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</table>

### Table: Hourly Rates for Line Construction - Colorado

<table>
<thead>
<tr>
<th>Line Construction - Colorado</th>
</tr>
</thead>
<tbody>
<tr>
<td>Line equipment maintenance man</td>
</tr>
<tr>
<td>Groundman</td>
</tr>
</tbody>
</table>

### Table: Hourly Rates for Tunnels, Shafts, and Raises

<table>
<thead>
<tr>
<th>Line Construction - Colorado</th>
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</thead>
<tbody>
<tr>
<td>Cable splicers</td>
</tr>
<tr>
<td>Lineman</td>
</tr>
<tr>
<td>Equipment operator</td>
</tr>
<tr>
<td>Line equipment maintenance man</td>
</tr>
</tbody>
</table>

**BASIC HOURLY RATES**

- **Line Construction - Colorado**

- **Cable splicers**
  - Hourly Rate: 8.44
  - Fringe Benefits Payments:
    - M & W: .25
    - Pension: .12
    - Vacation: .12
    - App. Tr.: 3/4

- **Lineman**
  - Hourly Rate: 7.67
  - Fringe Benefits Payments:
    - M & W: .25
    - Pension: .12
    - Vacation: .12
    - App. Tr.: 3/4

- **Equipment operator**
  - Hourly Rate: 6.71
  - Fringe Benefits Payments:
    - M & W: .25
    - Pension: .12
    - Vacation: .12
    - App. Tr.: 3/4

- **Line equipment maintenance man**
  - Hourly Rate: 5.55
  - Fringe Benefits Payments:
    - M & W: .25
    - Pension: .12
    - Vacation: .12
    - App. Tr.: 3/4

**FEDERAL REGISTER, VOL. 36, NO. 120—FRIDAY, JUNE 22, 1973**
| Pickup; Helpers; Scalemen; Checkers; Spotters; Dumpmen | $5.10 |
| Dump Trucks, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers; single axle; Warehousemen; Washers; Greasemen; Service men; Ambulance drivers, if used | $5.20 |
| Dump Trucks, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic Helpers; Material checkers; Card men; Expenditures; Man haul shuttle truck or bus | $5.30 |
| STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle | $5.35 |
| Fork Lift; Fuel truck; Grease truck; Combination fuel & grease; Tiremen | $5.40 |
| Dump Trucks, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck & INCL. 19 CU. YDS.; Liquid & bulk tankers, semi or combination | $5.45 |
| MULTI-PURPOSE TRUCK - Specialty & Hoisting | $5.50 |
| HIGH Boy; Lowboy; Floaters; Sand; Cab operated distributor-sand; Liquid & bulk tankers, soild, electric or similar; Dumptruck, Boombuggy, Jumbo & similar type equipment | $5.55 |
| Mechanics | $5.60 |

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| Cement Mixer, Agitator over 10 cu. yds., to & incl. 15 cu. yds. | $5.70 |
| Dump Trucks, OVER 20 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; body men; Welders or combination men | $5.80 |
| Cement Mixer, Agitator over 15 cu. yds. | $5.95 |
| Dump Trucks, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS. | $6.00 |

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| Dump Trucks, OVER 54 CU. YDS. | $6.10 |
SUPERSEDES DECISION

AP-856 P. 2

DESCRIPTION OF WORK: Building Construction (excluding single-family houses and garden type apartments up to and including 4-stories), heavy construction (excluding sewer and water line construction), and highway construction.

| Asbestos workers | $7.60 | .30 | .40 | .02 |
| Boilermakers-Blacksmiths | 7.63 | .30 | .70 | .01 |
| Bricklayers | 8.55 | .40 | .40 | .02 |
| Carpenters | 7.49 | .40 | .40 | .05 |
| Cement masons | 7.79 | .125 | .20 | .05 |
| Electricians | 8.30 | .40 | .125 | .20 |
| Elevator constructors | 7.92 | .193 | .20 | .005 |
| Elevator constructors' helpers | 5.54 | .193 | .20 | .005 |
| Elevator constructors' helpers (Prob.) | 3.96 | |
| Glaziers | 6.83 | .45 | .18 | .03 |
| Glaziers' scaffolding | 7.03 | .45 | .18 | .03 |
| Ironworkers | 7.95 | .60 | 1.05 | .03 |
| Ironworkers & finishers | 7.95 | .60 | 1.05 | .03 |
| Ironworkers & finishers (Prob.) | 7.95 | .60 | 1.05 | .03 |
| Laborers | 5.40 | .30 | .725 | .025 |
| Rod carriers | 5.90 | .20 | .725 | .025 |
| Plasterers' laborers | 5.55 | .20 | .725 | .025 |
| Power tool operator | 5.90 | .20 | .725 | .025 |
| Pipe layers (concrete and clay) | 5.60 | .20 | .725 | .025 |
| Wagon drill operator | 5.40 | .35 | .09 | .01 |
| Laborers | 6.49 | .35 | .09 | .01 |
| Arc welders | 8.23 | .30 | .09 | .01 |
| Line constructions | 8.30 | .20 | 15 | .35 |
| Linemen, cable splicer | 8.30 | .20 | 15 | .35 |
| Groundman (experienced) | 5.40 | .20 | 15 | .35 |
| Millwrights | 7.49 | .44 | .40 | .05 |
| Millwrights | 8.55 | .40 | .40 | .12 |
| Painters: | | | | |
| Painters | 6.09 | .65 | .30 | .20 |
| Structural Steel, spray (steel), steam cleaning | 6.00 | .65 | .30 | .20 |
| Structural Steel, spray (steel), steam cleaning | 6.00 | .65 | .30 | .20 |
| Sheet metal workers | 6.17 | .35 | .35 | .05 |
| Sheet metal workers | 6.17 | .35 | .35 | .05 |
| Sprinkler fitters | 8.74 | .44 | .40 | .05 |
| Sprinkler fitters | 8.74 | .44 | .40 | .05 |
| Tile and Terrazzo workers | 6.96 | .125 | .40 | .04 |
| Truck drivers (Excavation): | | | | |
| Dump truck | 5.31 | .35 | .30 | .05 |
| Flatbed truck | 5.31 | .35 | .30 | .05 |
| Flatbed truck | 5.31 | .35 | .30 | .05 |
| Flatbed truck | 5.31 | .35 | .30 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |
| Mixer trucks with agitation of 12 yds. capacity | 5.40 | .30 | .35 | .05 |

Welders - receive rates prescribed for craft performing operation to which welding is incidental.

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
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% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve. Provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Employer contributes $.25 per hour not to exceed 40 hours per week.

e. Employer contributes $.20 per hour not to exceed 40 hours per week.

f. One week paid vacation after employee has worked 125 days in the contract year.

g. Holidays: A through F; plus the employee's birthday, Day after Thanksgiving Day and Christmas Eve, provided the employee has worked one day and has been available for work during holiday week.

h. Employee with 1 year of service - 1 week's vacation; 2 years of service - 2 weeks' vacation; 10 years of service - 3 weeks' vacation (Providing employee has worked 100 days in the contract year).

i. Holidays A through F; plus the employee's birthday, the day after Thanksgiving Day, Good Friday, and Christmas Eve. Provided the employee has worked one day and has been available for work during the holiday week.

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FEDERAL REGISTER, VOL. 38, NO. 129—FRIDAY, JUNE 22, 1973

BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS:
Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds. and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Eimco type overhead loader, Whirley rig, welder, concrete paver, double concrete pump, front end loader (1 - 3/4 yds., and over), multiple conveyer, Heavy weight with compressor, repair mechanic, twin engine scraper, Gradall, Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system, Tractor with attachment (2 or more), autopatrol type grader, concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift, Front end tractor loader (under 1-3/4 yds.), bulldozer, Single compressor, grout pump, power roller, pumps, well drill, engine, Gravel welders (up to 4), space heaters (up to 4), steam hammer, pipe extractor, conveyor, Excavating scoop (under 25 yds.), caterpillar type tractor, Finishing machine, bull float, sub grades, longitudinal fills, screeding machine, concrete spreader, asphalt spreader, Fireman, truck crane oiler, grease truck, fuel truck, Wheel tractor, Oiler, deck hand, mechanic's helper, HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F.
<table>
<thead>
<tr>
<th>Craft</th>
<th>Wage Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bricklayers</td>
<td>8.2500</td>
</tr>
<tr>
<td>Carpenters</td>
<td>8.2500</td>
</tr>
<tr>
<td>Cement masons</td>
<td>8.2500</td>
</tr>
<tr>
<td>Electricians</td>
<td>8.2500</td>
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<tr>
<td>Korn setters</td>
<td>8.2500</td>
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<tr>
<td>Ironworkers, structural</td>
<td>8.2500</td>
</tr>
<tr>
<td>Ironworkers, reinforcing</td>
<td>8.2500</td>
</tr>
<tr>
<td>Linemen</td>
<td>8.2500</td>
</tr>
<tr>
<td>Groundmen</td>
<td>8.2500</td>
</tr>
<tr>
<td>Laborers: Mason tenders</td>
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<tr>
<td>Air tool</td>
<td>8.2500</td>
</tr>
<tr>
<td>Asphalt raker spreader</td>
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</tr>
<tr>
<td>Concrete saw</td>
<td>8.2500</td>
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<tr>
<td>Concrete mixer</td>
<td>8.2500</td>
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<tr>
<td>Unskilled</td>
<td>8.2500</td>
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<tr>
<td>Painters, structural steel and bridge</td>
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</tr>
<tr>
<td>Mechanics</td>
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<tr>
<td>Mechanics helpers</td>
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<tr>
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<tr>
<td>Rollers, finish</td>
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<tr>
<td>Scrapers, pans, scoops</td>
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<td>Shovels</td>
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<tr>
<td>Subgraders</td>
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<tr>
<td>Tractors, wheel with attachments</td>
<td>8.2500</td>
</tr>
<tr>
<td>Trenching machines</td>
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</tr>
</tbody>
</table>

*Wages are prescribed for craft performing operation for which welding is incidental.*
**DECISION NUMBER:** AP-910  **DATE:** Date of Publication

Supersedes Decision Numbers: AP-279 dated March 30, 1973 in 38 FR 8383

**DESCRIPTION OF WORK:** Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

<table>
<thead>
<tr>
<th><strong>ASBESTOS WORKERS</strong></th>
<th><strong>BOILERMAKERS</strong></th>
<th><strong>BRICKLAYERS</strong></th>
<th><strong>CARTERISTS:</strong> Blaine and Hill Counties</th>
<th><strong>CARTERISTS:</strong> Broadwater, Lewis &amp; Clark and Meagher Counties</th>
<th><strong>CARTERISTS:</strong> Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties</th>
<th><strong>CARTERISTS:</strong> Valley and Phillips Counties</th>
<th><strong>CARTERISTS:</strong> Remaining Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Carpenters</strong></td>
<td><strong>Carpenters</strong></td>
<td><strong>Carpenters</strong></td>
<td><strong>Carpenters</strong></td>
<td><strong>Carpenters</strong></td>
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<tr>
<td>H &amp; W Pensions</td>
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<td>Fringe Benefits Payments</td>
<td>Vacation</td>
<td>Other</td>
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<td>Vacation</td>
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<td></td>
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<td>.37</td>
<td>.30</td>
<td>.37</td>
</tr>
</tbody>
</table>

**Wages and Fringe Benefits Payments:**

- **Electricians:**
  - Basic Hourly Rate: $7.83
  - H & W Pensions: .25
  - Vacation: .30
  - Other: .02

- **Boilermakers:**
  - Basic Hourly Rate: 8.25
  - H & W Pensions: .30
  - Vacation: 1.00
  - Other: .02

- **Bricklayers:**
  - Basic Hourly Rate: 6.65
  - H & W Pensions: .25
  - Vacation: .30
  - Other: .10

- **Carpenters:**
  - Basic Hourly Rate: 6.25
  - H & W Pensions: .30
  - Vacation: .45
  - Other: .02

- **Millwrights:**
  - Basic Hourly Rate: 7.10
  - H & W Pensions: .40
  - Vacation: .65
  - Other: .05

- **Cement Masons:**
  - Basic Hourly Rate: 6.91
  - H & W Pensions: .35
  - Vacation: .50
  - Other: .04

- **Painters:**
  - Basic Hourly Rate: 6.80
  - H & W Pensions: .30
  - Vacation: .30
  - Other: .02

- **Plasterers:**
  - Basic Hourly Rate: 6.40
  - H & W Pensions: .25
  - Vacation: .15
  - Other: .05

- **Cement Masons:**
  - Basic Hourly Rate: 6.05
  - H & W Pensions: .20
  - Vacation: .20
  - Other: .05

- **Electricians:**
  - Basic Hourly Rate: 7.00
  - H & W Pensions: .15
  - Vacation: .15
  - Other: .01

- **Boilermakers:**
  - Basic Hourly Rate: 8.00
  - H & W Pensions: .20
  - Vacation: .20
  - Other: .01

- **Bricklayers:**
  - Basic Hourly Rate: 6.60
  - H & W Pensions: .15
  - Vacation: .15
  - Other: .01

- **Carpenters:**
  - Basic Hourly Rate: 6.40
  - H & W Pensions: .15
  - Vacation: .15
  - Other: .01

**FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973**
<table>
<thead>
<tr>
<th>Laborers</th>
<th>Basic Hourly Rate</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cascade, Chouteau, Pergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Laborers:</td>
<td>General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors &amp; installer; Scalemen</td>
<td>$5.72</td>
</tr>
<tr>
<td></td>
<td>Brick tenders; Dumpman (grade); Small concrete mixers</td>
<td>$5.62</td>
</tr>
<tr>
<td></td>
<td>Air-track; Asphalt raker &amp; tampers; Bacco tampers; Concrete nozzleman; High scaler; Hod carriers; Plaster tenders</td>
<td>$5.72</td>
</tr>
<tr>
<td></td>
<td>Car or truck mounted air operated drills &amp; other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drills; Pipelayers (non-metallic); Power driven wheelbarrow; Power saw (fouling &amp; falling)</td>
<td>$5.47</td>
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<tr>
<td>Blaine, Bill &amp; Liberty Counties</td>
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<tr>
<td>Laborers:</td>
<td>Car and truck loaders; Carpenter tender and form strippers; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo sticks; Fence erectors and installers</td>
<td>$4.12</td>
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<tr>
<td></td>
<td>Dumpman (Grade)</td>
<td>$4.74</td>
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<tr>
<td>Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barre Tamper; Jackhammer; Pavement breaker; Flaco operator; Pipe layers (non-metallic); Power driven concrete buggies or wheelbarrows; Nozzlemen; Sand-lasters; Pot tenders; Tar pot tenders; Tail hose man; Vibrator (over 2'); Vibrator turtle; Bull gangs; Chuck Tender; Muckers &amp; nippers pot tenders; Primerousman</td>
<td>$4.37</td>
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<tr>
<td>Brick tenders (handling bricks &amp; blocks only)</td>
<td>$4.52</td>
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<tr>
<td>Concrete nozzleman; Miner</td>
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<tr>
<td>Laborers &amp; equipment: Powderman</td>
<td>$4.87</td>
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</table>

**Footnotes:**

1. Employee contributes 4% of basic hourly rate for over 3 years' service and 2% of basic hourly rate for 6 months to 3 years' service as Vacation Pay Credit. 4 Paid Holidays: A through E.

**Paid Holidays:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.
### Basic Fringe Benefits Payments

#### Laborers (cont’d)

<table>
<thead>
<tr>
<th>Area</th>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broadwater (Northern Area), Lewis &amp; Clark and Blanch, Broadwater, Fergus, Hill, Judith-Basin, Lewis &amp; Clark, Meagher, Phillips, Valley and Wheaton Counties</td>
<td></td>
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</tr>
<tr>
<td>General Laborer; Car &amp; Truck Loader; Concrete Handler; Form Strippers; Fence Erector &amp; Installer</td>
<td>$4.57</td>
<td>.30</td>
<td>.20</td>
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<tr>
<td>Concrete Buggy; Vibrator; Jackhammer; Wagon Driller; Barco Tamper; Pavement Breaker; Powderman Helper; All Power Tools; Rodder &amp; Spreader; Non-Metallic Pipe Layers; Pipe Wrappers; Sandblasters; Pot Tenders; Curb Form Setter; Concrete Tenders; Concrete Mixer; Powderman</td>
<td>$4.62</td>
<td>.35</td>
<td>.25</td>
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<tr>
<td>General Laborer</td>
<td>$4.62</td>
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<td>.25</td>
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<tr>
<td>Air Tool Op, Jackhammer-Vibrator, Pipelayers (Non-Metallic)</td>
<td>$5.07</td>
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<tr>
<td>Hod Carriers &amp; Plaster Tenders (Men Carrying Mortar Either by Hod, Pail or Barrow)</td>
<td>$5.32</td>
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<tr>
<td>Powderman</td>
<td>$5.57</td>
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<tr>
<td>Common Laborers</td>
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<td>.35</td>
<td>.25</td>
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<tr>
<td>Semi-Skilled: Hod Carriers; Jackhammer Op.; Vibrator; Mixer Op.; Concrete Pump Tender; Pestleman; Concrete Mixer; Curb Form Setter</td>
<td>$5.08</td>
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#### Power Equipment Operators

<table>
<thead>
<tr>
<th>Area</th>
<th>Basic Hourly Rates</th>
<th>H &amp; W</th>
<th>Fringe Benefits Payments</th>
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<tbody>
<tr>
<td>Broadwater, Fergus, Hill, Judith-Basin, Lewis &amp; Clark, Meagher, Phillips, Valley and Wheaton Counties</td>
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<tr>
<td>A-Frame Truck Crane, Winch Truck and similar</td>
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<td>Air Compressor, Single</td>
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<td>Air Compressor, Two or More</td>
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<td>Air Doctor</td>
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<tr>
<td>Asphalt Paving Machine</td>
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<td>Asphalt Paving Machine Screed</td>
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<td>Automatic Feeder, Gutter and other similar</td>
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<tr>
<td>Belt Finish Machine</td>
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<tr>
<td>Hit Grinder</td>
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<td>Humidifier Mixer Paving, Travel-Plant</td>
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<tr>
<td>Boring Machine, (Small), Jeep, Pickup or Farm Tractor Mounted</td>
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<tr>
<td>Boring Machine (Large)</td>
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<td>Broom, Self-Propelled</td>
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<td>Cableway Highline</td>
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<td>Cement Silo</td>
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<td>Central Mixing Plants, Concrete Dam &amp; Stationary</td>
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<td>Chain Bucket Tender</td>
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<tr>
<td>Chip or Gravel Spreader, Self-Propelled</td>
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<tr>
<td>Concrete Batch Plant, One &amp; Two Mixers</td>
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<td>Concrete Batch Plant, Three and Four Mixers</td>
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<td>Concrete Batch Plant, Five Mixers &amp; Over</td>
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<td>Concrete Batch Plant Oiler, Up to &amp; Incl. Two Mixers</td>
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<td>Concrete Batch Plant Oiler, Three Mixers and Over</td>
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<td>Concrete Bucket Tender</td>
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<td>Concrete Drumming Machine</td>
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<td>Concrete Finisher Machine Paving</td>
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<td>Concrete Float-Spreader</td>
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<td>Concrete Mixer, Three Bags &amp; Under</td>
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<td>Concrete Mixer, Four Bags &amp; Over</td>
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<td>Concrete Power Saw, Self-Propelled</td>
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<td>Concrete Travel Batcher</td>
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<td>Conveyor Loader, Up to 42&quot; Belt</td>
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<td>Conveyor Loader, Over 42&quot; Belt</td>
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<td>Crane, 3/4-incl. 80' Boom with Jib</td>
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<tr>
<td>Crane, 8'4&quot;-to-100' Boom</td>
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**Federal Register, Vol. 38, No. 120—Friday, June 22, 1973**
POWER EQUIPMENT OPERATORS (cont'd)

<table>
<thead>
<tr>
<th>Description</th>
<th>Basic Hourly Rates</th>
<th>M &amp; W</th>
<th>Penneine</th>
<th>Vacation</th>
<th>App. Tr.</th>
<th>Others</th>
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<tbody>
<tr>
<td>Crane, 131' to 150' boom</td>
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<td>Crane, 151' &amp; over</td>
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<td>Crane Oiler &amp; Helper</td>
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<td>Crusher, when required</td>
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<td>Distributor</td>
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<td>Electric Overhead Cranes</td>
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<td>Elevating Grader</td>
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<td>Farm Type Grader, up to &amp; incl. 50 HP Engine</td>
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<td>Farm Type Grader, over 50HP Engine</td>
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<td>Field Equipment Serviceman</td>
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<td>Forklift, on construction job site</td>
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<td>Form Grader</td>
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<td>Grade Setter</td>
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<td>Heavy Duty Drill, all types</td>
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<td>Hoist, two or more drums</td>
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<td>Hot Plant Fireman, when in Operation</td>
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<td>Hydra lift and similar types</td>
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<td>Mechanic and/or Welder Helper on job</td>
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<td>Mixture Mobile</td>
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<td>Oiler, other than Shovels &amp; Cranes</td>
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<td>Oiler, hoist house, dams</td>
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<td>Pavement Breaker, Emsco &amp; similar type</td>
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<td>Paving &amp; MIXING Machine</td>
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<td>Power Auger, Large Truck or Tractor</td>
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<td>Power Auger, single or double drum</td>
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<td>Pumpscrew or Crew Machine</td>
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<td>Pumper</td>
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### POWER EQUIPMENT OPERATORS (cont'd)

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Basic Hourly Rates</th>
<th>M.L.W.</th>
<th>Fringe Benefits Payments</th>
<th>Others</th>
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<tbody>
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<td>Track-type front end loaders, over 15 cu. yds.</td>
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<td>Track-type tractor with or without attachments</td>
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<td>Track-type tractor, on Euclid Loader</td>
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<td>Trenching Machine</td>
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<td>Trenchhead Conveyor, or Head Tower on Batch Plant</td>
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<tr>
<td>Wagner Roller &amp; similar type</td>
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<tr>
<td>Whirley Crane</td>
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<td>Whirley Crane Oiler</td>
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<td>Water full when used for compaction</td>
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<tr>
<td>Washing and Screening Plant Oiler</td>
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<tr>
<td>Washing and Screening Plant</td>
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### REMAINING COUNTIES

#### POWER EQUIPMENT OPERATORS:

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<th>Equipment Type</th>
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<th>Fringe Benefits Payments</th>
<th>Others</th>
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<tbody>
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<td>Shovels, incl. all attachments, over 5 yds.</td>
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<td>Stiff-leg derrick &amp; guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane</td>
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<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Scraper, tandem engine; Shovels, incl. all attachments, over 3 yds. to 6 incl. 5 yds.</td>
<td>7.45</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Rubber-tired front-end loaders, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.</td>
<td>7.65</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Rubber-tired front-end loaders, 10 yds. to 6 incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to 6 incl. 15 cu. yds.; Concrete conveyor; Crane, to 6 incl. 80' boom with jib</td>
<td>7.35</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Crane, Electric Overhead, all; Shovels, incl. all attachments, 1 yd. to 6 incl. 3 yds.; Track-type tractor on Euclid loader</td>
<td>7.25</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Hoist, Two or More Drums; Motor patrol; Boss &amp; similar type carriers on construction</td>
<td>7.21</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Automatic Finishing, Carries &amp; other types; Paver; Slip form; Paving &amp; mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 5 yds. to 6 incl. 5 yds.; Scraper, single</td>
<td>7.15</td>
<td>.45</td>
<td>.45</td>
<td>.03</td>
</tr>
<tr>
<td>Power Equipment Operators (Cont'd)</td>
<td>Basic Hourly Rates</td>
<td>Fringe Benefits Payments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>--------------------</td>
<td>-------------------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MIXED/MOBILE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boring Machines; Jeep, pickup or farm tractor mounted; Boring machines, large; Power auger large truck or tractor, mounted &amp; punch</td>
<td>7.05</td>
<td>45</td>
<td>45</td>
<td>03</td>
</tr>
<tr>
<td>Air Doctor; Asphalt paving machines; Asphalt paving machine excess op.; Bit grinders; Bituminous mix paving travel plant; Concrete batch plant op.; Concrete curing machines; Concrete finish machines; paving Concrete float &amp; spreader; Concrete power saw, self-propelled; Concrete travel barker; Crusher; Distributor; Elevating grader; Forklift on constr. job site; Grader; Heavy duty drills, all types; Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Log type, logger or similar type machine; Muck machine; Pavement breaker, Dozer &amp; similar; Power mixer, single or double drum; Pumpscreed or greut machine; Refrigerator plant; Roller, steel &amp; self-propelled rubber on blade or hot mix oil paving; Roller, Wagner &amp; similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to &amp; incl. 3 yd.; Shovels, incl. all attachments, under 1 yd.; Track-type tractor, with or without attachments; Track-type tractor with or without attachments, incl. track-type front-end loaders up to &amp; incl. 5 cu. yds.; Trench machine; Belt finishing machines; Concrete batch plant, 1 &amp; 2 mixers; DM 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Pouch tractor; Scraper, DM 15, 20, 21 &amp; similar types if power unit is not used; Self-propelled sheepsfoot; Treadhead conveyors, or head towers, on batch plant; Wagner roller; Water pull op.</td>
<td>7.02</td>
<td>45</td>
<td>45</td>
<td>03</td>
</tr>
</tbody>
</table>
## POWER EQUIPMENT OPERATORS (CONT'D)

<table>
<thead>
<tr>
<th>Position</th>
<th>Basic Rate Rates</th>
<th>H &amp; W</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHOVEL, OILER, 3 yds. &amp; under</td>
<td>$6.52</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CRUSHER OILER &amp; HELPER; Farmtype</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>tractor, up to &amp; incl, 35 HP engine;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Field equip. service helper; Grade setter;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heavy duty drill helper; Hooters, Herman</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nelson &amp; similar type; Oilers, other than</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>shovels &amp; cranes; Weather &amp; screening plant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CONCRETE BATCH PLANT, 3 &amp; 4 mixers</td>
<td>$7.22</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CONCRETE BATCH PLANT, 5 mixers &amp; over</td>
<td>$7.42</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CONCRETE BATCH PLANT OILER, 3 mixers &amp; over</td>
<td>$6.83</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CONCRETE PUMP</td>
<td>$7.80</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CRANE 81' to 130' BOOM</td>
<td>$7.50</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CRANE 131' to 150' BOOM</td>
<td>$7.55</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>CRANE 151' BOOM &amp; OVER</td>
<td>$7.60</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>MACHINIST AND/or WELDER</td>
<td>$7.12</td>
<td>.45</td>
<td>.45</td>
</tr>
<tr>
<td>ШЕКЕЛЕЙ CRANE OILER</td>
<td>$8.65</td>
<td>.45</td>
<td>.45</td>
</tr>
</tbody>
</table>

## LINE CONSTRUCTION

<table>
<thead>
<tr>
<th>Position</th>
<th>Basic Rate Rates</th>
<th>H &amp; W</th>
<th>Fringe Benefits Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cable splicers</td>
<td>$6.71</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Line equipment operators; Foundermen</td>
<td>$5.96</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Experienced groundmen (2 yrs.); Truck drivers</td>
<td>$4.72</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Groundmen; Pole digger (groundmen)</td>
<td>$4.20</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Linemen</td>
<td>$6.07</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Linemen; Pole sprayer</td>
<td>$6.88</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Linemen; Pole sprayer</td>
<td>$6.33</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Line equipment operators; Foundermen</td>
<td>$6.00</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>Groundmen</td>
<td>$6.66</td>
<td>.25</td>
<td>1%</td>
</tr>
<tr>
<td>TRUCK DRIVERS</td>
<td>Basic Hourly Rates</td>
<td>Fringe Benefits Payment</td>
<td>H &amp; W</td>
</tr>
<tr>
<td>----------------</td>
<td>-------------------</td>
<td>-------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>COMBINATION Truck, Concrete Mixer &amp; Transit Mixer:</td>
<td>$3.60</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>To &amp; incl. 4 cu. yds.</td>
<td>$5.68</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 4 cu. yds. to &amp; incl. 6 cu. yds.</td>
<td>$5.96</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 6 cu. yds. to &amp; incl. 10 cu. yds.</td>
<td>$6.04</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DISTRIBUTOR DRIVER &amp; HELPER</td>
<td>$5.93</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>DRY BATCH TRUCKS:</td>
<td>$5.55</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>3 Batch or under</td>
<td>$5.68</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 3 Batch to &amp; incl. 5 Batch</td>
<td>$5.84</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 5 Batch to &amp; incl. 10 Batch</td>
<td>$6.09</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 10 Batch to &amp; incl. 15 Batch Over 15 Batch - additional $.15 per hour each additional 5 Batch increment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUMP TRUCK, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters &amp; Helpers; Warehousemen, Porters, Cardex men, Warehousemen</td>
<td>$5.55</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>KING TRUCKS &amp; SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBARDS:</td>
<td>$5.55</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>2 cu. yds. or less</td>
<td>$5.68</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 2 cu. yds. to &amp; incl. 10 cu. yds.</td>
<td>$5.84</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 10 cu. yds. to &amp; incl. 15 cu. yds.</td>
<td>$5.98</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 15 cu. yds. to &amp; incl. 20 cu. yds.</td>
<td>$6.04</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 20 cu. yds. to &amp; incl. 25 cu. yds.</td>
<td>$6.10</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 25 cu. yds. to &amp; incl. 30 cu. yds.</td>
<td>$6.16</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 30 cu. yds. to &amp; incl. 35 cu. yds.</td>
<td>$6.22</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 35 cu. yds. to &amp; incl. 40 cu. yds.</td>
<td>$6.28</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 40 cu. yds. to &amp; incl. 45 cu. yds.</td>
<td>$6.34</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Over 45 cu. yds. - additional $.08 per hour each additional 5 cu. yds. increment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DUMBERS</td>
<td>$5.68</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>END TRACTORS, 55 HP, 21 or SIMILAR EQUIPMENT:</td>
<td>$6.04</td>
<td>45</td>
<td>30</td>
</tr>
<tr>
<td>Pulling P. &amp; R 21 or SIMILAR SEED MACHINES:</td>
<td>$6.10</td>
<td>45</td>
<td>30</td>
</tr>
</tbody>
</table>
SUPERSEDES DECISION AP-857-P. 2

STATE: Vermont
COUNTY: Statewide, except Rutland County
DATE: Date of Publication
DESCRIPTION OF WORK: Highway Construction.

CARPENTERS:
The following towns starting from the north and moving south:
The following towns starting from the N/E corner and moving clockwise:
Towns, townships, & cities within the perimeter formed by the following towns starting from the N/E corner and moving clockwise:
Rupert, Forset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington and Sandgate.

Towns, townships, & cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:
Shoreham, Cornwall, Salisbury, Goshen, Hancock, Rochester, Bethel, Barnard, Bridgewater, Reading, Cavendish, Chester, Andover, Westen, Peru, Duxby, Pawlet, Wells, Poultney, Castleton, Fair Haven, W. Fair Haven, Benson and Orwell.

LABORERS:

TRUCK DRIVERS:
Two axle equipment
Three axle equipment
Specialized earth moving equipment

POWER EQUIPMENT OPERATORS:
Shovels, crawler and truck cranes, derricks, backhoes, trenching machines, elevating graders, gradall, pile drivers, concrete pumps on site processing plant (engineer in charge), draglines, clamshell, cableways

FEDERAL REGISTER, VOL. 38, NO. 120—FRIDAY, JUNE 22, 1973
POWER EQUIPMENT OPERATORS (CONT'D):

Rotary drill (with mounted compressor), compressor house (3 to 6 compressors), rock & earth boring machines (excluding McCarthy & similar drills), grade, 4-yd. or over front end loader (used as a loader)

$7.95  .25  .35  b  .05

Bulldozer, push cats, scraper (self-propelled or tractor-drawn), self-powered asphalt paver, 3/4 yd. to 4 yd. front end loader, mechanics, well driller, pumper, cement machine, engineer or fireman on high pressure boiler (on job) self-loading batch plant (on job), well point operators

7.45  .25  .35  b  .05

Hoists, conveyors, self-powered rollers & compactors, power pavement breaker, self-propelled material spreader, self-powered concrete finishing machine, two, bag mixer with skip, front end loader under 3/4 yd., McCarthy & similar drills, batch plant (not self-loading), bulk cement plant, 3 or more welding machines

6.90  .25  .35  b  .05

Compressor (315 cu. ft. or over, one or two), pump 4" or over, tractor w/o blade drawing sheepfoot, rubber tired roller or other type of compactors including machines for pulverizing & aerating soil

6.575  .25  .35  b  .05

Compressor (up to 315 cu. ft.), small mixers with skip, oiler, pumps up to 4", grease truck, power heaters, & frame trucks, fork lift

6.05  .25  .35  b  .05

FOOTNOTES:

a. 2 Paid Holidays: Memorial Day, & Independence Day, provided the employee has been employed for at least 7 days or more prior to the holiday and has worked 2 full days in the calendar week in which the holiday falls.

b. 9 Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day; Washington's Birthday; Columbus Day and Veterans' Day.

[FR Doc.73-12922 Filed 6-21-73; 8:45 am]
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- Contracting with the Federal Government
- Environmental programs
- Small business opportunities
- Federal publications
- Speakers and films available to civic and educational groups

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