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PART I

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HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

Rules Going Into Effect June 24, 1973

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Rules and Regulations

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) (26) is revoked.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954–58 Comp. p. 218.)

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
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 and one position of staff assistant to the Assistant to the Secretary for Programs for the Elderly and the Handicapped are excepted under schedule C.

Effective on June 22, 1973, § 213.3384 (a) (8) is amended and § 213.3384 (a) (51) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(8) Two staff assistants to the Secretary.

* * * * *

(51) One staff assistant to the Assistant to the 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. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12616 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 two additional positions of staff assistant and one position of administrative aide to the Special Assistant to the Secretary are 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.

* * * * *

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

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12615 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 A: Chief, Public Studies Division; Chief, Public Service Division; Chief, Historical Division; one Special Assistant to the Chief, News Division; and one Special Assistant to the Deputy Assistant Secretary (Domestic Affairs).

Effective on June 22, 1973; § 213.3104 (e) is revoked.

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954–58 Comp. p. 218.)

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–12617 Filed 6–21–73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

Freeze Group Questions and Answers Nos. 1 and 2

These questions and answers, which are issued by the Cost of Living Council's Freeze Group, are designed to provide immediate guidance in understanding and applying the new freeze regulations (part 140 of title 6 of the Code of Federal Regulations). To achieve the broadest publication, these are hereby added to part 140 in a new appendix A. Since they provide guidance of general applicability and are subject to clarification, revision, or revocation, they do not constitute legal rulings with respect to specific fact situations.

(Economic Stabilization Act of 1970, as amended, Public Law 92–210, 85 Stat. 743; Public Law 93–28, 87 Stat. 27; Executive Order 11723, 38 FR 15765; Cost of Living Council Order No. 30.)

Issued in Washington, D.C., on June 19, 1973.

JAMES W. MCLANE,
Director, Freeze Group.

A new appendix A is added to part 140 which reads as follows:

APPENDIX A

FREEZE GROUP

QUESTIONS AND ANSWERS NO. 1

1. Q. Does the freeze cover just retail or consumer prices?

A. No. Prices at all levels of production and distribution are covered by the freeze.

2. Q. Are public utility rates covered by the freeze?

A. Yes.

3. Q. Will mail rate increases scheduled for implementation during the freeze be permitted to go into effect?

A. No.

4. Q. May rates and charges established by the Interstate Commerce Commission and other Government regulatory agencies be increased during the freeze?

A. No. All rates, fees and charges set by regulatory agencies are considered prices and are subject to the freeze.

5. Q. Is the freeze base period the first 7 days in June or the first 8 days in June?

A. The freeze base period is the first 8 days, in June, 1973; June 1 through 8. If no transaction occurred during that period, the nearest preceding 7-day period in which a transaction occurred is used as the freeze base period.

6. Q. If a freeze price was below the following prices, may it be increased up to the applicable price without regard to the freeze rules? (a) Phase II base price; (b) the price authorized or lawfully in effect on January 10, 1973; (c) the price in effect on May 25, 1970.

A. (a) No. (b) No. (c) No. The freeze rules, except in the case of red meat sales subject to special meat ceiling rules, take precedence over prior rules with respect to permissible price levels.

7. Q. During phase 2, special provision was made for contracts entered into prior to the August 15, 1971, freeze. Will the same be true for the present freeze?

A. No.

8. Q. Do different rules apply to determining the freeze price for new homes as opposed to used homes?

A. No. The freeze price for the sale of any interest in real property is determined according to the provisions of section 140.11 of the freeze regulations. The freeze price is: (a) The sale price specified in a sales contract

signed by both parties on or before June 12, 1973; or (b) when there is no such sales contract, the fair market value of the property as of the freeze base period based on sales of like or similar property under similar circumstances.

9. Q. Are all sellers, regardless of size, subject to the requirement to maintain lists of freeze prices for the commodities and services applies to each seller.

A. Yes. The Executive order which establishes the freeze states that this requirement applies to each seller.

10. Q. Will there be general relief (that is, other than by individual exception) for loss/low profit firms during the freeze?

A. No.

11. Q. May a contract for goods entered into during the freeze base period establish the freeze base price for the goods covered by the contract, even though shipment was not to occur until later?

A. No. Freeze base prices are determined in accordance with transactions made during the freeze base period. The freeze regulations state that a transaction "is considered to occur at the time of shipment in the case of commodities, and the time of performance in the case of services." The only exception in the regulations applies to a sales contract of real property signed by both parties on or before June 12, 1973.

12. Q. May a payment (or partial payment) received during the freeze base period establish the freeze base price, even though shipment was not to occur until later?

A. No. Payment is not considered to establish a transaction under the freeze regulations.

13. Q. Does the freeze apply to long-term purchase contracts that call for delivery after the freeze?

A. No. However, lawful prices during the post-freeze period will be determined in accordance with the phase 4 regulations.

14. Q. What is the status of volatile pricing orders during the freeze?

A. Volatile pricing orders remain in effect during the freeze but are subject to the freeze. Prices cannot be increased above freeze prices under authority of a volatile pricing order. Prices which have been increased pursuant to volatile pricing authority must be reduced in accordance with that authorization if volatile input costs decline.

15. Q. When must sellers have price lists available?

A. Price lists must be available not later than 11:59 p.m., Sunday, June 24.

16. Q. Does the small firm exemption (60 employees or less) apply during the freeze?

A. No.

FREEZE GROUP

QUESTIONS AND ANSWERS NO. 2

1. Q. Are college tuitions and room and board fees covered by the freeze?

A. Yes.

2. Q. Are antiques, rare coins, rare stamps, art items and other similar items subject to the freeze?

A. There is no exemption for these types of items.

3. Q. Does the seasonality rule apply to prices charged for raw agricultural products?

A. Yes, if the person selling the product can establish that the product has shown a distinct fluctuation at a specified, identifiable point in time during each of the 3 years prior to the contemplated change. A variation caused exclusively by weather or other factors affecting the size of the current crop will not be considered a seasonal variation. If the seasonality rule is used, the freeze price cannot exceed the average prices actually charged during the last season.

4. Q. A wholesaler/jobber purchases agricultural produce of the same grade and quality from a different growing region and at a higher price than he did during or before the first 8 days of June. May the wholesaler/jobber charge a price higher than he charged from June 1 through June 8 when he resells the produce?

A. No. Tomatoes, watermelons, potatoes, and other perishable raw agricultural products which are destined for human consumption in their original physical form are exempt only to the point of the first sale by the producer or grower of those agricultural products. Wholesaler/jobbers are subject to the freeze price rules and, except for seasonal patterns, are limited to the freeze price for items of the same grade and quality as defined by the U.S. Department of Agriculture. Geographic origin does not necessarily determine grade and quality.

5. Q. May a person contract during the freeze period for a price higher than the freeze base price with shipment due after the freeze?

A. Yes. But such person should be aware that prices for goods and services to be delivered after the freeze are subject to phase 4 regulations.

6. Q. Are prices charged by Federal, State, local, or municipal governments frozen?

A. Yes.

[FR Doc.73-12654 Filed 6-20-73;9:16 am]

Title 7—Agriculture

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

[Lemon Regulation 591]

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 quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.891 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 available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues strong, although the weather is somewhat cooler in major consuming centers. Temperatures generally are high enough to keep demand about 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 283 cars were up 69 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public 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 cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such 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.

(b) *Order.*—(1) The quantity of lemons growns in California and Arizona which may be handled during the period June 24, 1973, through June 30, 1973, is hereby fixed at 360,000 cartons.

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

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

Dated June 21, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.73–12807 Filed 6–21–73;2:08 pm]

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 $29,750, 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 amounts and 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). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 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 $29,750.

(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 (1) 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 such date.

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

Dated June 18, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–12531 Filed 6–21–73;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, 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 requiring 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 will provide the committee with operating funds earlier in the season. The procedure governing the handling of money obtained from the sale of reserve pool cherries advises equity holders of the costs that should be deducted from such funds and the disposition of the remainder thereof.

Notice was published in the FEDERAL REGISTER issue of May 23, 1973 (38 FR 13565), that the Department was giving consideration to proposed amendment to the rules and regulations (Subpart—Rules and Regulations, 7 CFR 930.101 through 930.161), pursuant to the applicable provisions of marketing order No. 930 (7 CFR, pt. 930) regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, hereinafter referred to collectively as the "order." This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The aforesaid amendment to the rules and regulations as proposed by the Cherry Administrative Board, the agency established under said order to administer the provisions thereof. No written data, views, or arguments were filed with respect to said proposal during the period specified therefor in the notice.

After consideration of all relevant matter presented, including that in the notice, it is hereby found that amendment, as hereinafter set forth, of said rules and regulations is in accordance with said marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) funds have been collected from the sale of reserve pool cherries and timely distribution of such should be made in accordance with the procedure specified in this amendment, (2) notice was given of the proposed amendment through publicity in the production area and by publication in the May 23, 1973, issue of the FEDERAL REGISTER, and (3) compliance with this amendment will not require any preparation that cannot be completed by the effective time hereof.

Order.—The amendment will provide as follows:

1. Section 930.106, Pack report is revised 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, Mich., or such other location as may be specified by the Board, within 60 days after the date of pack completion, a written report of the total amount of cherries received for processing, showing separately the amount 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 deducted from the proceeds from the sale of such cherries prior to any distribution of such funds to equity holders.

(c) In accordance with § 930.60 all reserve pool funds, after deductions, 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.

Dated June 18, 1973, to become effective on June 22, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-12532 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. Paragraph (b) also provides that one copy of the form shall be surrendered to the U.S. Customs Service at the border crossing station. Section 987.164 prescribes, in part, that if the lot of dates was certified as products dates and was exported into 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 truckers 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 the dates are exported into 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. Most dates shipped to Mexico usually are of this quality, generally for manufacture into date products such as chocolate-covered date candy. Although the quantity of domestic dates exported to Mexico is relatively small, it is important 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 re-enter the dates into the United States or ship them to Canada. Pursuant to the amendment, the truck-driver delivering the dates to Mexico would not complete any certification. He 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 fifth and sixth sentences 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 and the U.S. Department of Agriculture, 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 987.101–987.168; 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 (5 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) handlers are aware of this action and need no additional time to comply therewith; and (3) no useful purpose would be served by postponing the effective time.

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

Dated June 18, 1973, to become effective June 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc.73-12528 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 are hereby ratified and affirmed, except insofar as such 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, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the 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

(4) 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.

(b) *Determinations.*—It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) 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 as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative 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:

Subpart—Order Regulating Handling

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1125.1 General provisions.

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1125.95 Miscellaneous base rules.
1125.96 Hardship provisions.

AUTHORITY: The provisions of this part 1125 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

GENERAL PROVISIONS

§ 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.
Island.
King.
Lewis (except the town of Vader).
Pacific (all territory north of township 11 N except Long Island and the North Beach Peninsula).
Pierce (except Fox, McNeil, and Anderson Islands and the peninsulas adjacent to Kitsap County).
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, Pacific, 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 § 1125.42(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, including 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 engaging 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; and

(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, unless the following conditions are met, in which case such products may be classified on the basis of disposition from such distribution point:

(i) Such distribution point is located west of the Cascade Mountain Range;

(ii) Fluid milk products are not received during the month at such distribution point from more than one plant; and

(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 consumption, or 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 consumption, or filled milk, is transferred during the month to a pool distributing plant.

§ 1125.7 Pool plant.

Except as provided in paragraph (c) 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 excluded from such computation.

(a) A distributing plant with route disposition in the marketing area during the month that averages more than 110 pounds daily and is also not less than 10 percent of receipts of Grade A milk at such plant. For purposes of this paragraph, route disposition shall not include receipts from a transferor-plant pursuant to the proviso of § 1125.3(a); or

(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 § 1125.13:

Months	Applicable percentage
January, February, or September	40
March through August	30
October through December	50

Any such plant that has transferred the applicable percentage of its receipts during the entire September through February period shall be a pool plant for the months of March through August immediately following. Any plant which otherwise meets the requirements of this paragraph may withdraw from pool supply plant 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 another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(3) A plant qualified pursuant to paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis 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; or

(4) A plant pursuant to paragraph (b) of this section which also meets the pool plant requirements of another Federal order 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 order.

§ 1125.8 Nonpool plant.

"Nonpool plant" means any plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant nor a producer-handler plant, from which during the month an average of more than 110 pounds daily of fluid milk products is disposed of as route disposition in the marketing area.

(d) "Unregulated supply 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;

(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 of another handler to a nonpool plant, or pursuant to § 1125.40(b)(3);

(c) Any cooperative association with respect to produced milk received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, if the cooperative association notified the market administrator and the operator of the pool plant to whom the milk is delivered, in writing prior to the first day of the month of delivery that it elects to be the handler for such milk;

(d) The operator of a partially regulated distribution plant;

(e) A producer-handler; and

(f) The operator of an other order plant from which route disposition is made in the marketing area during the month.

§ 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 of as route disposition within the marketing

area and who has been so designated by 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. All designations shall remain in effect until canceled pursuant to paragraph (c) of this section. The Department of Institutions, State of Washington, shall be a producer-handler exempt from the provisions of this section and §§ 1125.30 and 1125.32 with respect to milk of its own production and receipts from pool plants processed or received for consumption in State institutions and with respect to 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 dairy farmer).

(2) The producer-handler neither receives at his designated milk production resources and facilities nor receives, handles, processes or distributes at or through any of his milk handling, processing or distributing resources and facilities (designated as such pursuant to paragraph (b)(2) of this section) milk products for reconstitution into fluid milk products, or fluid milk products derived from any source other than (i) his designated milk production resources and facilities, (ii) pool plants within the limitation specified in paragraph (c)(2) of this section, or (iii) nonfat milk solids which are used to fortify fluid milk products.

(3) The producer-handler is neither directly nor indirectly associated with the business control or management of, nor has a financial interest in, another handler's operation; nor is any other handler so associated with the producer-handler's operation.

(4) 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 determination and designation of the milk production, handling, processing and distributing resources and facilities, all of which shall be deemed to constitute an integrated operation, as follows:

(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:

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

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

(iii) 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 do 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; and

(2) As 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:

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

(ii) 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 (c) (1) and (2) of this section or upon determination by the market administrator that any of the requirements of paragraph (a) (1), (2), and (3) of this section are not continuing to be met, such cancellation to be effective on the first day of the month following the month in which the requirements were 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 facilities and resources, with the exception of purchases from pool plants 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.

(d) *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 for each. Such announcements shall be controlling with respect to the accounting at plants of other handlers for fluid milk products received from any producer-handler.

(e) *Burden of establishing and maintaining producer-handler status.* The burden rests upon the handler who is designated as a producer-handler to establish through records required pursuant to § 1000.5 of this chapter that the requirements set forth in paragraph (a) of this section have been and are continuing to be met, and that the conditions set forth in paragraph (c) of this section for cancellation of designation do not exist.

§ 1125.11 [Reserved]

§ 1125.12 Producer.

"Producer" means any person engaged in the production of milk of dairy cows:

(a) Who produces such milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency;

(b) Whose milk during the month is received at a pool plant or is diverted from a pool plant to a nonpool plant or a commercial food processing establishment pursuant to § 1125.13 unless such milk is received at a pool plant by diversion from an other order plant and retains status as producer milk under the order by which such plant is regulated;

(c) Who is not a producer-handler as defined in any order (including this part) issued pursuant to the Act;

(d) Who during the month has not disposed of as route disposition or to consumers at the farm an average of more than 110 pounds daily of fluid milk products; and

(e) Whose milk during the month was not received at a nonpool plant or a commercial food processing establishment except by diversion from a pool plant pursuant to § 1125.13.

§ 1125.13 Producer milk.

"Producer milk" or "milk received from producers" means skim milk and butterfat in milk produced by producers which is received for the account of a handler as follows:

(a) With respect to receipts at a pool plant, producer milk shall include:

(1) Milk received at such plant directly from producers;

(2) Milk diverted from such pool plant to a nonpool plant or pursuant to § 1125.40(b)(3) for the account of the operator of the pool plant, subject to the conditions set forth in paragraph (c) of this section; and

(3) Milk received at such pool plant from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), 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:

(i) For purposes of reporting pursuant to §§ 1125.30(c) and 1125.31(a) and making payments to producers pursuant to § 1125.73(a); and

(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 § 1125.9(b) from pool distributing plants to nonpool plants or 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 pool distributing 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 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 milk received at or diverted from such handler's pool distributing plant from producers and for which the operator of such plant is the handler during the month. The milk for which the operator of such plant is the handler during the month, however, shall not duplicate milk diverted pursuant to paragraph (c)(1) of this section. No percentage limit shall apply during the months of May through August;

(4) A handler, other than a cooperative association, operating a pool supply plant may divert therefrom for his account to nonpool plants of pursuant to § 1125.40(b)(3). The total quantity of milk so diverted may not exceed 50 percent of the total milk received at or diverted from such pool plant during the month from producers and for which the operator of such plant is the handler during the month;

(5) Milk diverted in excess of the limits specified shall not be considered producer milk, and the diverting handler shall specify the producers whose milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by the handler during the month;

(6) For purpose of location adjustments pursuant to §§ 1125.52 (a) and (b) and 1125.75, milk diverted to a nonpool plant or pursuant to § 1125.40(b)(3) shall be priced at the location of the plant or commercial food processing establishment to which diverted; and

(d) In the case of any bulk tank load of milk originating at farms and subsequently divided among plants, the proportion of the load received at each plant shall be prorated among the individual producers involved on the basis of their respective percentages of the total load.

§ 1125.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products from any source (including all receipts in fluid form from a producer-handler or the plant of a producer-handler as defined under this or any other Federal order) except:

(1) Producer milk; and

(2) Receipts from other pool plants; and

(b) Nonfluid and residual products (including those processed at the plant) which are reprocessed in connection with, or converted to, a fluid milk product 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 in dry milk solids or condensed 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 nonmilk fat (or oil).

§ 1125.16 [Reserved]

§ 1125.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (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 nonmilk fat (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.

Handler Reports

§ 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(s) 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 pursuant to § 1125.9(c);

(iii) Fluid 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; and

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

(c) Each cooperative association shall report with respect to milk for which it is the handler pursuant to either § 1125.9 (b) or (c):

(1) The quantities of skim milk and butterfat received from producers;

(2) The utilization of skim milk and butterfat for which it is the handler pursuant to § 1125.9(b);

(3) The quantities of skim milk and butterfat delivered to each pool plant pursuant to § 1125.9(c); and

(4) As specified in paragraph (a) (3) and (4) of this section.

(d) Each handler who operates a partially regulated distributing plant shall report as specified in paragraph (a) (1), (2), and (4) of this section except that receipts from dairy farmers in Grade A milk shall be reported in lieu of those in producer milk. Such report shall include separate statements, respectively, showing the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area as Class I milk and the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area.

(e) Each handler who operates an other order plant with route disposition of fluid milk products in the marketing area shall report the quantities of skim milk and butterfat in such disposition.

§ 1125.31 Payroll reports.

On or before the 20th day of each month, handlers shall report to the market administrator as follows:

(a) Each handler with respect to each of his pool plants and each cooperative association which is a handler pursuant to § 1125.9 (b) or (c) shall submit his producer payroll for deliveries (other than his own-farm production) in the preceding month which shall show:

(1) The total pounds of base milk and the total pounds of excess milk received from each producer, the pounds of butterfat contained in such milk, and the number of days on which milk was delivered by such producer in such month;

(2) The amount of payment to each producer and cooperative association; and

(3) The nature and amount of any deductions or charges involved in such payments; and

(b) Each handler operating a partially regulated distributing plant who wishes computations pursuant to § 1125.76(a) to be considered in the computation of his obligation pursuant to § 1125.76 shall submit his payroll for deliveries of Grade A milk by dairy farmers which shall show:

(1) The total pounds of milk and the butterfat content thereof received from each dairy farmer;

(2) The amount of payment to each dairy farmer (or to a cooperative association on behalf of such dairy farmer); and

(3) The nature and amount of any deductions or charges involved in such payments.

§ 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 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:

(1) Disposed of 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 an amount equal only 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;

(2) In packaged fluid milk products in inventory at the end of the month; and

(3) Not specifically accounted for as Class II or Class III utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce ice cream, ice cream mix, frozen desserts, aerated cream products, plastic cream, soured cream dressing, yogurt, eggnog, cottage cheese, pot cheese, bakers cheese, cream cheese, neufchatel cheese, starter or any milk or milk products (including filled milk) sterilized and packaged in hermetically sealed metal or glass containers;

(2) Used to produce condensed milk and condensed skim milk utilized for any purposes other than those specified in paragraph (c)(1) of this section; and

(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 food products that are processed for general distrbution 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 in a pool plant or in a nonpool 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;

(2) In fluid milk products disposed of for livestock feed;

(3) In fluid milk products dumped after such prior notice and opportunity for verification as may be required by the market administrator;

(4) In shrinkage at each pool plant as computed pursuant to § 1125.41(b)(1) but not to exceed the following amount:

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

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

(iii) One and one-half percent of receipts from a cooperative association in its capacity as a handler pursuant to § 1125.9(c), except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II or Class III utilization was requested by the operator of such plant and the handler; plus

(v) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(vi) One and one-half percent of fluid milk products disposed of in bulk to other plants or of milk diverted pursuant to § 1125.40(b)(3), except in the case of milk diverted to a nonpool plant or pursuant to § 1125.40(b)(3), if the operator of the plant or commercial food processing establishment to which the milk is diverted purchases such milk on the basis of farm weights and individual producer tests, the applicable percentage shall be 2 percent;

(5) In shrinkage at each pool plant as computed pursuant to § 1125.41(b)(2);

(6) In shrinkage resulting from milk for which a cooperative association is the handler pursuant to § 1125.9 (b) or (c) not being delivered to pool plants, and nonpool plants or diverted pursuant to § 1125.40(b)(3), but not in excess of one-half percent of such receipts, exclusive of those for which farm weights and individual producer tests are used as the basis of receipt at the plant or commercial food processing establishment to which delivered; and

(7) In inventory of bulk fluid milk products on hand at the end of the month.

§ 1125.41 Shrinkage.

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

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

(b) Prorate the resulting amounts between:

(1) A quantity equal to 50 times the maximum that may be computed pursuant to § 1125.40(c)(4); and

(2) 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 I milk to the extent Class I 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 transferor-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 pool plants located in District 1, and the counties of Pierce and Kitsap, and then in sequence to the pants at which the least location adjustment applies;

(3) If Class I milk is not available in amounts equal to the sum of the quantities to be assigned pursuant to paragraph (a)(2) of this section to plants having the same location adjustments, the transferee-handler may designate to which of such plants the available Class I milk shall be assigned;

(4) Notwithstanding the prior provisions of this paragraph, any such skim milk and butterfat transferred in bulk from a pool plant to a pool distributing plant in which facilities are maintained and used to receive milk or milk products required by a duly constituted regulatory agency to be kept physically separate from Grade A milk shall be classified in accordance with the provisions of paragraph (b) of this section; and

(5) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1125.44(a) (9) and (10) and the corresponding steps of § 1125.44(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee-plant.

(b) To a pool supply plant as Class III milk, subject to the following conditions:

(1) The skim milk or butterfat so assigned to Class III milk shall be limited to the amount thereof remaining in Class III milk in the transferee-plant after computations pursuant to § 1125.44(a)(10) and the corresponding step of § 1125.44(b) for such plant, and any additional amounts of such skim milk or butterfat shall be assigned to Class II milk to the extent such utilization is available. Any additional amounts of such skim milk and butterfat shall be assigned to Class I milk and credited to transfers from transferor-plants in the sequence at which the least location adjustment applies;

(2) If more than one transferor-plant is involved, the available Class III and/or Class II milk shall first be assigned to transferor-plants located outside District 1 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 shall be assigned.

(c) To a nonpool plant:

(1) Except as provided for in paragraph (c) (4) and (5) of this section, as Class I milk, if transferred or diverted to a nonpool plant located outside the marketing area;

(2) As Class I milk, if transferred or diverted to a nonpool plant located in the marketing area, but only to the extent that an equivalent volume transferred from such nonpool plant to a pool distributing plant is allocated to Class I pursuant to § 1125.44(a)(2).

(3) As Class I milk, if transferred or diverted to a producer-handler as defined in any order (including this part) issued pursuant to the Act, or to the plant of such a producer-handler;

(4) As Class II milk to the extent such utilization is available and then to Class III milk, if transferred or diverted to a nonpool plant pursuant to § 1125.13(c) from which fluid milk products are not distributed as route disposition, subject to the following conditions:

(i) The transfer or diversion shall be classified as Class I milk unless the market administrator is permitted to audit the records of the nonpool plant for purposes of verification; and

(ii) If such nonpool plant disposes of fluid milk products to any other nonpool plant distributing fluid milk products as route disposition, the transfer or diversion shall be classified as Class I milk up to the quantity of such disposition to the second nonpool plant; and

(5) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in paragraph (c)(5) (i), (ii), or (iii) of this section:

(i) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(ii) If transferred in bulk form, classification shall be in Class I if allocated as a fluid milk product to Class I under the other order, in Class II if allocated to Class II under an order that provides three classes and in Class III if allocated to Class III under the other order or if allocated to Class II under the order that provides only two classes (including allocation under the conditions set forth in paragraph (c)(5)(iii) of this section;

(iii) If the operators of both the transferor-plant and transferee-plant so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class III and then as Class II to the extent of such class utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee-order;

(iv) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this subparagraph, classification shall be as Class I, subject to adjustment when such information is available; and

(v) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1125.40.

(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 II milk if diverted pursuant to § 1125.40(b)(3).

(2) The diversion shall be classified as Class I milk unless 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) was 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 § 1125.44 and computation of obligation pursuant to § 1125.60 shall be based upon the combined utilization so computed. For purposes of assigning location adjustments 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 § 1125.44(a) (2), (3), (5), (6), (9), and (10) and the corresponding steps of § 1125.44(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 § 1125.44(a) (9) or (10) were received 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, and allocation pursuant to § 1125.44 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 § 1125.13(b) (1) and (2)(ii). The amounts so determined shall be those used for computation pursuant to § 1125.44(c).

§ 1125.44 Classification of producer milk.

After making the computations pursuant to § 1125.43, the market administrator shall 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 series 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 § 1125.40(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 to 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)(5)(v) 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 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;

(ii) Receipts of fluid milk products not qualified for disposition to consumers in fluid form, or which are from unidentified sources;

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal 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 pooling to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant; and

(vi) Receipts of milk from a dairy farmer who did not qualify as a producer pursuant to § 1125.12(e).

(6) Subtract, in the order specified below in sequence beginning with Class III, from the pounds of skim milk remaining in Class II and Class III but not in excess of such quantity:

(i) Receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraphs (a)(2) and (5)(iv) of this section, for which the handler requests Class II or III utilization;

(ii) Remaining receipts of fluid milk products from unregulated supply plants, that were not subtracted pursuant to paragraph (a)(2), (5)(iv), and (6)(i) of this section, which are in excess of the pounds of skim milk determined by multiplying the pounds of skim milk remaining in Class I milk by 1.25 and subtracting the sum of the pounds of skim milk in receipts of producer milk, receipts from pool plants of other handlers (and of the same handler, when § 1125.43(c) applies), and receipts in bulk from other order plants, that were not subtracted pursuant to paragraph (a)(5)(v) of this section; and

(iii) Receipts of fluid milk products in bulk from an other order plant, that were not subtracted pursuant to paragraph (a)(5)(v) of this section, in excess of similar transfers to such plant, if Class II or III utilization was requested by the operator of such plant and the handler;

(7) Except for the first month this subparagraph is effective, subtract from the pounds of skim milk remaining in each class in series beginning with Class III milk the pounds of skim milk in inventory of bulk fluid milk products on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class III milk the pounds subtracted pursuant to paragraph (a)(1) of this section;

(9) Subtract from the pounds of skim milk remaining in each class, pro rata to such quantities, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants which were not subtracted pursuant to paragraph (a)(2), (5)(iv), and (6) (i) and (ii) of this section;

(10) Subtract from the pounds of skim milk remaining in each class, in the following order, the pounds of skim milk in receipts of fluid milk products in bulk from an other order plant(s), in excess in each case of similar transfers to the same plant, which were not subtracted pursuant to paragraph (a)(5)(v) or (6)(iii) of this section:

(i) In series, beginning with Class III, the pounds determined by multiplying the pounds of such receipts by the larger of the percentage of estimated Class II and Class III utilization of skim milk announced for the month by the market administrator pursuant to § 1125.45(a) or the percentage that Class II and Class III utilization remaining is of the total remaining utilization of skim milk of the handler; and

(ii) From Class I, the remaining pounds of such receipts;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from pool plants of other handlers (and of the same handler, when § 1125.43(c) applies) according to the classification assigned pursuant to § 1125.42; and

(12) If the pounds of skim milk remaining in all three classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage".

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

(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 each class.

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

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

(a) Whenever required for the purpose of allocating receipts from other

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 skim 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) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1125.44 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in 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 class utilization 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 in each class.

Class Prices

§ 1125.50 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 8.2 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 from the 26th day of the immediately preceding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under paragraph (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 Department for the 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 price) of Grade A (92-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 $4.33.

§ 1125.52 Plant location adjustments for handlers.

(a) The price of Class I and Class II milk at each plant shall be, regardless of 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:

Plant location	Adjustment (cents/cwt)	
	Class I	Class II
District 1 or Kitsap or Pierce Counties	0	0
District 2 or Mason County	10	5.0
District 3 (including the entire counties of Lewis and Pacific)	15	7.5
District 4 or Clallam or Jefferson Counties	40	20.0

(b) For other locations 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 5th 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 § 1125.43(c) applies) during each month 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 § 1125.44(c), by the applicable class prices (adjusted pursuant to § 1125.52(a) and (b)) and add together the resulting amounts;

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1125.44(a)(12) and the corresponding step of § 1125.44(b), by the applicable class prices. In case overage occurs 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 in 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;

(c) 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 for which payment has not been made;

(d) 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) (iv) and (v) and the corresponding step of § 1125.44(b) the Class I price shall be adjusted to the location of the transferor-plant;

(e) Add the amount obtained from multiplying the difference between the Class III price and the Class I price or the Class II price adjusted pursuant to § 1125.52 (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

(f) Add an amount equal to the value at the Class I price, adjusted for location of the nearest nonpool plant(s) 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

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 used as an offset on any payment 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 the 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 § 1125.75(a);

(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 (f); and

(6) Subtract not less than 4 cents but less than 5 cents from the price computed pursuant to paragraph (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)(ii) of this section by the weighted average price for all milk;

(ii) The amount obtained by multiplying by 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; and

(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 greater than an amount computed by multiplying the hundredweight of base milk by the Class I price plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(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; and

(3) Divide the amount obtained in paragraph (b)(1)(iii) of this section plus any amount subtracted pursuant to the proviso of paragraph (b)(1)(iii) 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.

PAYMENTS FOR MILK

§ 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 1125.76 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 each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a)(1) of this section exceeds the total amount specified in paragraph (a)(2) of this section:

(1) The sum of:

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

(ii) For a cooperative association handler, the amount due from other handlers pursuant to § 1125.73(d) but without adjustment for butterfat;

(2) The sum of:

(i) The value of milk received by such handler from producers at the applicable uniform prices pursuant to § 1125.73(a) (2) but without adjustment for butterfat;

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

(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(f); and

(b) On or before the 25th day after the end of the month, each handler operating a plant specified in § 1125.7(c) (2) and (3), if 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 area which was allocated 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 two or more market pool orders, 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 (b)(1) of this section to Class I disposition in this area, at the Class I price 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 the market administrator pursuant to §§ 1125.71(a), 1125.77, 1125.85, and 1125.86: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1125.73 Payments to producers and to cooperative associations.

(a) Each handler shall make payments to each producer from milk received from such producer during the month:

(1) On or before the 25th 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 19th day after the end of each month for milk received from such producers during such month:

(i) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.74 and by any location adjustments applicable under § 1125.75;

(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 described in § 1125.93 (c) and (d) for whom no base milk has been computed;

(iii) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.74; and

(iv) Minus payments made pursuant to paragraph (a)(1) of this section: *Provided*, That, if by such date such 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 such 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 a cooperative association qualified under § 1125.18, or its duly authorized agent, with respect to milk received from each producer who has given such 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 23d day of each month for skim milk and butterfat 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, an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class (pursuant to § 1125.42(a) or § 1125.42(b)) by the class price adjusted by the butterfat differential and taking into account any location adjustment as provided by § 1125.52 applicable at the pool plant of the cooperative association or its agent, minus payments made pursuant to paragraph (c)(1) of this section.

(d) Each handler who receives milk for which a cooperative association is the handler pursuant to § 1125.9(c) shall pay such cooperative association for such milk received:

(1) On or before the 23d day of each month for such 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 each month, for the milk received 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 (d)(1) of this section.

(e) None of the provisions of this section shall be construed to restrict any cooperative association qualified under section 8c(5)(F) of the Act from making payment for milk to its producers in accordance with such provision of the Act.

(f) In making payments to producers pursuant to this section, each handler, on or before the 19th day of each month shall furnish each producer with a supporting statement in such form that it may be retained by the producer, which shall show for the preceding month:

(1) The identity of the handler and the producer;

(2) The total pounds of milk delivered by the producer and the average butterfat test thereof, the pounds of base and excess milk, and the pounds per shipment if such information is not furnished to the producer each day of delivery;

(3) The minimum rate(s) at which payment to the producer is required under the provisions of this section;

(4) The rate per hundredweight and amount of any premiums or payments above the minimum prices provided by the order;

(5) The amount or rate per hundredweight of each deduction claimed by the handler, together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

(g) In making payment to a cooperative association in aggregate pursuant to this section, each handler upon request shall furnish to the cooperative association, with respect to each producer for whom such payment is made, any or all of the above information specified in paragraph (f) 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 A (92-score) bulk butter per pound at Chicago as reported by the Department for the month.

§ 1125.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payment to producers pursuant to § 1125.73(a) subject to the application of § 1125.13(c)(6) deduction may be made per hundredweight of 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(a) 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 §§ 1126.71(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 election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1125.30(d) and 1125.31(b) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1)(i) The obligation that would have been computed pursuant to § 1125.60 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such 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 transfers from such nonpool plant to a pool 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 of the 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. No obligation shall apply to Class I milk transferred to a pool 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(f) and a credit in the amount specified in § 1125.71(a)(2)(iii) with respect to receipts from an unregulated supply plant, except that the credit for receipts of reconstituted skim milk in filled milk shall be at the Class III price, unless an obligation with respect to such plant is computed as specified in paragraph (a)(1)(ii) of this section; and

(ii) 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

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, there will be added 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 (i) the gross payments made by such handler for Grade A milk received during the month from dairy farmers 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 a supply plant(s) included in the computations pursuant to paragraph (a)(1) of this section and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition of Class I milk within the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received at the plant:

(i) As Class I milk from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act; and

(ii) From a nonpool plant that is not an other order plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such nonpool plant by handlers fully regulated under 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) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

(4) [Reserved]

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the weighted average price applicable at such location (not to be less than the Class III price), and add for the quantity of reconstituted skim milk specified in paragraph (b)(3) of this section its value computed at the Class I price applicable at the location of the nonpool plant (but not to be less than the Class III price) less the value of such skim milk at the Class III price.

§ 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 thereof shall be made on or before the next 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 on 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) (5) and (9) 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) Route disposition in the marketing area from a partially regulated distributing plant that exceeds the Class I milk;

(1) Received during the month at such plant from pool plants and other order plants that is not used as an offset under a similar provision of another order issued pursuant to the Act; and

(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;

(2) [Reserved]

(3) All milk received at a plant operated by a cooperative association from producers for whom the marketing services 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 on or before the 15th day after the end of the month. Such moneys shall be expended by the market administrator for the verification of weights, sampling and testing of milk received from producers, and in providing for market information to producers; such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer:

(1) Who is a member of, or who has given written authorization for the rendering of marketing service and the taking of deduction therefor to, a cooperative association.

(2) Whose milk is received at a plant not operated by such association, and

(3) For whom the market administrator determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 1125.73(a)(2) the amount per hundredweight on milk authorized by such producer and shall pay, on or before the 15th day after the end of the month, such deduction to the association entitled to receive it under this paragraph.

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:

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

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

(c) "Average daily producer milk deliveries" 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 if 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; and

(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).

(b) "Excess milk" means milk in excess of base milk received 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 of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period without interruption sufficient to cause forfeiture of base pursuant to § 1125.95(a); during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer; and during no year of his production history period were his average daily producer milk deliveries subject to negative adjustments pursuant to paragraph (c)(1) of this section resulting in a zero quantity. If such adjustment results in a zero quantity of average daily deliveries, the producer shall have a 1-year production history period and a corresponding production history base, not subject, however, to the 20 percent reduction provided in paragraph (c)(3) of this section.

(a) "Production history period" means the period to be used for the computation of production history base for a producer. Production history periods for this purpose are as follows:

(1) The production history period for a producer who has been on the market during the 3 years (January-December) preceding the determination of his production history base shall be the 4 months of each such year during which the average daily receipts of total producer milk in the market were lowest for the year. The period described in this subparagraph shall be known as a 3-year production history period.

(2) The production history period for a producer who has been on the market for a lesser period than specified in paragraph (a)(1) of this section but beginning on a date not later than September 1 of one of the three preceding years (January–December) shall be:

(i) In the first year, the months specified in paragraph (a)(1) of this section if the producer were on the market during the first full month so specified, otherwise the months of September through December, of such year; and

(ii) In any other years preceding the determination of his production history base, the 4 months of each year specified in paragraph (a)(1) of this section;

(iii) Periods described in this subparagraph shall be known as 1-year, 2-year or 3-year production history periods depending on whether deliveries began in the first, second, or third year, respectively, preceding determination of production history base;

(3) The production history period for a producer who has been on the market during a period beginning after September 1, 1970, and who delivered producer milk in each of the 7 months preceding the effective date of this provision shall be the first 4 full months of delivery on the market. Such period shall be known as a 1-year production history period. For any such producer, the milk deliveries of the same 4 months shall be used in subsequent updating of production history bases to represent the milk deliveries of such producer in 1970. When a producer has acquired the herd and farm of a member of his immediate family (either before or after the effective date of this provision) and has continued to operate that farm and herd as a continuous operation, the deliveries made by the previous producer during the base earning period shall be assumed to have been delivered by the current producer for use in computing a production history base.

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

(1) If the production history period of any producer includes in any year months 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 history period shall be adjusted as follows: Multiply the producer's average daily producer milk deliveries by the ratio of average daily total producer milk in the market in the 4 months of the year 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)(3) of this section, the 4-month period specified in paragraph (a)(1) of this section shall be the applicable months in 1970.

(2) For a producer who was issued a Class I base pursuant to the provisions which became effective on September 1, 1967, and thus had a "production history base" which he had earned pursuant to the provisions then effective, and who has continued on the market as a producer since the issuance of such base, the production history base pursuant to this subparagraph shall be the larger of (i) the "production history base" assigned pursuant to the provisions effective September 1, 1967, reduced by the amount specified in the provision made effective September 1, 1967, in § 1125.123(f) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base determined pursuant to paragraph (b)(3) of this section. This provision shall apply also to the production history base of a Class I 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 producer milk deliveries 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 applicable) divided by the number of years in the production history period and multiplied by 60 percent for a 1-year production history period or 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), (e), and (f) of this section.

(c) The production history base for each producer who has not disposed of his entire base by transfer, or who after disposing of his entire base by transfer has met the delivery requirements described in § 1125.93(d), shall be determined by the market administrator on February 1 of each year as follows:

(1) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(i) If a producer's average daily producer milk deliveries in the combined period of the four production history months of the preceding year is less than the average of such producer's Class I base effective on the first day of each such month, the amount of such difference shall represent a reduction in Class I base. Such reduction shall not apply, however, in the updating of bases on February 1, 1972.

(ii) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer, adjustment of Class I base for hardship, or because of underdelivery of Class I base. The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January (after any adjustment pursuant to paragraph (c)(1)(i) of this section), by the amount of Class I base issued on the preceding February 1 or effective date of this provision.

(iii) The average daily producer milk deliveries for which a producer will receive credit in his production history in the current-year and in years prior to any 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 issued on the previous February 1 (or effective date of this provision) less the net amount of Class I base disposed of by transfer since such date and the amount of reduction of Class I base pursuant to paragraph (c)(1)(i) of this section, divided by the amount of Class I base issued on the pre-

ceding February 1 (or effective date of this provision).

(iv) If the combined effect of such adjustments is a reduction greater than the respective production history base or average daily producer milk deliveries subject to such adjustments, then the resulting amount after adjustment shall be zero and any year for which a zero amount is determined shall not be regarded as a production history period.

(2) For a producer with a 3-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to paragraph (c)(2) (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)(iii) of this section;

(iii) His average daily producer milk deliveries in the specified months for production history in the most recent year of his production history period reduced by any adjustments pursuant to paragraph (c)(1)(iii) of this section which are applicable to a 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 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 type of reductions as described in paragraph (c)(2)(i) of this section) divided by the number of years in his production history period and multiplied by 60 percent if the producer has a 1-year production history period or 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 on the February 1 following a 1-year production history period of such producer 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 his 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 assigned 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 and who since such assignment has acquired Class I base by transfer from another producer, the production history base of such producer on February 1 following such acquisition of Class I base shall be the production history base last assigned to such producer on the effective date of this provision or on the latest preceding 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.

(d) For each producer not subject to § 1125.93(d) who became a producer for this market after January 1, 1968, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible, pursuant to paragraph (b) or (c) of this section based on his deliveries of milk as if the nonpool plant to which he delivered were a pool plant during the 3 preceding years.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant or who delivered manufacturing grade milk to a pool plant prior to becoming a producer, and who is not subject to the provisions of § 1125.93(d), shall have a production history base effective on the first day of the third month after the month in which he began deliveries of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (b) or (c) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the 3 preceding years.

(f) For a producer who held producer-handler status during any part of the production history periods specified in paragraph (a) of this section, a production history base shall be calculated as prescribed in paragraph (b) or (c) of this section as though the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to computation of production history bases pursuant to this section the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified production period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period, except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.10(b)(1).

(2) Only one production history base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned, or operated.

§ 1125.93 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in paragraphs (d), (e), and (f) of § 1125.92 when they are issued production history bases. Class I bases shall be computed as follows:

(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 § 1125.44(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 his production history base by the "Class I base percentage."

(c) A producer, other than a producer pursuant to paragraph (d) 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 4 months described in § 1125.92(a) (1) used in the computation of 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 month of the year preceding this calculation which corresponds to the current month for which Class I base assignment is being computed.

(2) Multiply the quantity resulting from the computation pursuant to paragraph (c) (1) of this section by 40 percent and by the Class I base percentage, and if such producer began production after the effective date of this provision, or is a producer described in paragraph (d) of this section, subtract from the resulting quantity 20 percent of such quantity, rounding in either event to the nearest whole number.

(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) (1) and (2) of this section, such assignment to be effective on the later of the following dates: the first day of the third month after 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 a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. The production history period of such producer shall begin on the later of the following dates: the date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1125.92(a). In the application of this provision, use of the same production facilities by another person (or the same person under a different name) to produce milk after the above described forfeiture or transfer of base shall be considered as a continuation of the operation by the previous operator if the new operator is a member of the immediate family of the previous operator. It shall be applied also to any production facility to which a Class I base has not been assigned, wherever located, operated by a person in which the producer who forfeited or transferred his base has a financial interest if such facility commences production on or after the effective date of the transfer or forfeiture, or such producer acquired his financial interest in such person later than 3 months prior to the effective date of the base transfer or forfeiture.

§ 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 both the production history base and the Class I base associated with it 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 if less than the entire Class I base held by the transferor.

(c) It must be established to the satisfaction of the market administrator that the conveyance 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 (a person 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 Class I base disposed of by the transferor producer.

(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 a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held 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 transferred, provided in either case that a base transfer request was made to the market administrator before the first day of the month of transfer.

(h) An intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) will not be subject to a one-third lapse of base, provided that the transfer implements a continuous operation on the same farm with the same herd. All restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(i) A producer who receives a base pursuant to § 1125.92 (d) or (e) may not transfer such base, other than pursuant to paragraph (h) of this section, for 1 year from the date of receipt or such later date as provided in paragraph (k) of this section.

(j) A producer-handler who becomes a producer and receives a base may not 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 base which has been computed from a less than 3-year production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (h) of this section.

(l) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules therein.

§ 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, together with any Class I base and production history base held pursuant to the provisions of this order, except that a person entering the military service may retain them until 1 year after being released from active military service.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant

(c) As a condition for designation as a producer-handler pursuant to § 1125.10, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forfeit the maximum amount of Class I and production history base held at any time during such 12-month period.

§ 1125.96 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1125.92 through 1125.95 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.95(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1125.92(c)(1);

(5) Inability to transfer base due to the provisions of § 1125.94 (i), (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 § 1125.95(b) with respect to requests pursuant to paragraph (a)(1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases and average daily producer milk deliveries for prior years where it appears appropriate, delay forfeiture of Class I base, restore forfeited base or reduced average daily producer milk deliveries where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base and average daily producer milk deliveries for prior years where it appears appropriate and the effective date thereof of such adjustment. In considering such requests, the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(a) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(b) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, be final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division, within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.85 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) 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 the regular office hours of the market administrator.

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

Effective date.—August 1, 1973.

Signed at Washington, D.C., on June 18, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-12527 Filed 6-21-73;8:45 am]

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 Packagings

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 "1.00 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 banking business." This 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 of funds, the sale and repurchase of United States Government and Federal agency securities, the issuance of qualified capital debt securities, and short-term borrowings from securities dealers. The Board of Directors of the Federal Deposit Insurance Corporation has determined that loans made to minority-owned insured nonmember banks by 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 it might thus qualify as a "bank subsidiary" of the type covered by the first exception in paragraph (b) (12 CFR 329.10(b)(1)), the following amendment makes it clear that subordinated loans made by Minbanc will not be subject to the limitations in part 329 regardless of the distribution of ownership of Minbanc stock at the present time or in the future.

2. Part 329 is amended by revising paragraph (b) of § 329.10 to read as follows:

§ 329.10 Obligations other than deposits.

* * * * *

(b) *Exceptions.*—The provisions of this part 329 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,[1] (ii) any organization the time deposits of which are exempt from § 329.6 pursuant to the provisions of § 329.3(g), (iii) an agency of the United States or the Government Development

[1] The term "bank" includes a member bank, a nonmember commercial bank, a savings bank (mutual or stock), a building or savings and loan association or cooperative bank, the Export-Import Bank of the United States, or a foreign bank. It also includes 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) Minbanc 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);

* * * * *

(Sec. 9, 18(g), 64 Stat. 881-82, 83 Stat. 371; 12 U.S.C. 1819, 1828(g).)

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 deferred 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 Minbanc to minority-owned insured nonmember banks are in the public interest and that deferral of final action on the amendment would delay the time when Minbanc can 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.73-12506 Filed 6-21-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12907; Amendment 39-1676]

PART 39—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 bolts 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 continued to comply with the repetitive pivot bolt and pivot pin replacement provisions of the applicable HSA service bulletins, they will not encounter any difficulty in phasing their airplanes into the repetitive inspection and replacement requirements of this AD. However, if an operator has only complied with the initial inspection and replacement provisions of the 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 amendment is made 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. 1655(c)).

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

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, accomplish 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 FAR § 21.197 to a base where the work can be performed—

(1) Remove the flap outer hinge assembly, including the fittings, part Nos. 25WF89A and either 25WF87-8A or 25WF187-8A, and extract the pivot bolt, part No. 25WF91, or the pivot pin, part No. 25WF/Z47/1, as applicable;

(2) Inspect the pivot bolt or pivot pin, as applicable, for cracks, using dye penetrant or an FAA-approved equivalent process; and

(3) If cracks are found during an inspection performed in accordance with paragraph (a)(2), before further flight, as applicable:

(i) Replace cracked pivot bolts, Part No. 25WF91, with new parts of the same part number, or with pivot pins, Part No. 25WF/Z47/1, of HSA modification No. 25/2300, part B, or an FAA-approved equivalent, and thereafter comply with paragraph (e)(5).

(ii) Replace cracked pivot pins with new parts of the same part number or an FAA-approved equivalent, and thereafter comply with paragraph (e)(5).

NOTE.—When inspecting a bolt, particular attention should be paid to the bolt shoulder, adjacent to the threaded end.

(b) 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 FAR § 21.197 to a base where the work can be performed, and thereafter at intervals not to exceed 3 months from the last inspection—

(1) Remove all dirt, grease, paint, and other substances from the external surface of the lugs on the outer flap hinge assembly fittings, Part Nos. 25WF89A and either 25WF87-8A or 25WF187-8A.

(2) Using a magnifying glass of not less than 10X, inspect the external surface of the lugs on the fittings for cracks; and

(3) If cracks are found during an inspection performed in accordance with paragraph (b)(2), before further flight, except that a cracked fitting may be retained in service provided the requirements of paragraph (c) are met, replace the cracked part with a serviceable part of the same part number or an FAA-approved equivalent.

NOTE.—During inspection, particular attention should be paid to the crown of the lugs.

(c) A cracked fitting may be retained in service, if—

(1) For lower fittings, Part Nos. 25WF87-8A and 25WF187-8A—

(i) The fitting is one of a pair incorporating fail-safe links of HSA modification No. 25/2300, part A, or an FAA-approved equivalent;

(ii) The mating lugs of the fitting are not cracked;

(iii) The forward lug of the fitting is not cracked; and

(iv) Any cracks in the aft lug of the fitting are in a single plane, parallel to the plane of the fitting.

(2) For upper fittings, Part No. 25WF89A, that are installed as one of a pair incorporating fail-safe links of HSA modification No. 25/2300, part A, or an FAA-approved equivalent—

(i) The mating lugs of the fitting are not cracked;

(ii) No more than one lug of the forward pair of lugs and no more than one lug of the aft pair of lugs is cracked; and

(iii) Any cracks in a forward or aft lug of the fitting are in a single plane, parallel to the plane of the fitting.

(3) For upper fittings, Part No. 25WF89A, that are not installed as one of a pair incorporating fail-safe links—

(i) The mating lugs of the fitting are not cracked;

(ii) No more than one lug of the forward pair of lugs of the fitting is cracked; and

(iii) Any cracks in a forward lug of the fitting are in a single plane, parallel to the plane of the fitting.

(d) On all Hawker Siddeley model DH-125 and BH-125 airplanes, other than those five airplanes covered by paragraph (b), within the next 6 weeks after the effective date of this AD, unless already accomplished within the last 6 weeks, and thereafter at intervals not to exceed 3 months from the last inspection, comply with paragraphs (b) (1), (2), and (3).

(e) Replace pivot bolts, Part Nos. 25WF91, and pivot pins, Part Nos. 25WF/Z47/1 in accordance with the following:

(1) For pivot bolts which are in place on airplanes, serial Nos. 25014, 25074, 25104, 256002, and 256004, on the effective date of this AD and are subsequently found to be uncracked at the initial inspection required by this AD, and refitted, before the accumulation of 200 flights or within 3 months after refitting, whichever occurs sooner.

(2) For pivot bolts on Hawker Siddeley model DH-125 and BH-125 airplanes, other than those five airplanes covered by paragraph (e)(1) which were found to be uncracked at the initial inspection voluntarily conducted in accordance with the applicable HSA service bulletins, and refitted, before the accumulation of 200 flights or within

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 or within 3 months after such replacement, whichever occurs sooner, except that such service life limit may be extended to 1,200 flights, without time limit, if fail-safe links of HSA modification No. 25/2300, part A, are installed, or if prior to the accumulation of 200 flights or within 3 months after such replacement, whichever occurs sooner, the fail-safe links of HSA modification No. 25/2300, part A are incorporated.

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

This amendment becomes effective June 27, 1973.

Issued in Washington, D.C., on June 12, 1973.

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

[FR Doc.73-12521 Filed 6-21-73;8:45 am]

[Docket No. 73-EA-46; Amdt. 39-1675]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of part 39 of the Federal Aviation Regulations so as to amend AD 72-26-2 applicable to Piper PA-31P type aircraft.

The amendment will restrict the applicability of the airworthiness directive to aircraft which had been operating at the time of the issuance of the AD and exclude those which have been manufactured by Piper since that time. It will also permit a fix at least equivalent to the inspections and thus do away with a need for further compliance with the AD. Therefore, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of part 39 of the Federal Aviation Regulations is amended so as to amend AD 72-26-2 as follows:

1. In the applicability statement add the phrase "serial numbers 31P-1 through 31P-7300132".

2. Add an additional paragraph number 6 as follows:

(6) When the nose gear steering and right forward rudder cables and attaching clamps are replaced with a one-piece rudder and nose gear steering cable assembly contained in Piper kit No. 760 724 or an equivalent replacement approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, further compliance with this AD is no longer required.

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

This amendment is effective June 29, 1973.

Issued in Jamaica, N.Y., on June 15, 1973.

ROBERT H. STANTON,
Acting Director,
Eastern Region.

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

[Airspace Docket No. 73-EA-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 9029) 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 0901 G.m.t., August 16, 1973, as hereinafter set forth.

In § 71.123 (38 FR 307) V-469 is amended to read:

From Danville, Va., via Lynchburg, Va.; INT Lynchburg 347° and Elkins, W. Va. 142° radials; to Elkins.

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

Issued in Washington, D.C., on June 14, 1973.

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

[FR Doc.73-12524 Filed 6-21-73;8:45 am]

[Airspace Docket No. 73-GL-8]

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

Designation of Federal Airways

On May 7, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 11354) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would designate VOR Federal airways from Bemidji, Minn., to Roseau, Minn., and also from Grand Forks, N. Dak., to Roseau, Minn.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307, 10440) is amended as follows:

1. In V-171 "Grand Forks." is deleted and "Grand Forks; Roseau, Minn." is substituted therefor.

2. V-254 is added to read:

V-254 From Bemidji, Minn., to Roseau, Minn.

(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. 19655(c).)

Issued in Washington, D.C., on June 14, 1973.

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

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

[Airspace Docket No. 73-GL-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 realine 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 0901 G.m.t., August 16, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307 and 8133) is amended as follows:

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

2. In V-221 "From Fort Wayne, Ind., via Litchfield, Mich.;" is deleted and "From Bible Grove, Ill., via INT Bible Grove 087° and Bloomington, Ind. 253° radials; Bloomington; Shelbyville, Ind.; Muncie, Ind.; Fort Wayne, Ind.; Litchfield, Mich.;" is substituted therefor.

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. 1655(c).)

Issued in Washington, D.C., on June 15, 1973.

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

[FR Doc.73–12526 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 25, 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 northwest by V–536, on the northeast by V–253, on the south by V–520." 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. 1655(c).)

Effective date.—July 19, 1973.

Issued in Seattle, Wash., on June 13, 1973.

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

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

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION

[Regulation OR–75; Amendment 385–35]

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,[1] which includes the Board's statement of organization and sets forth the titles and functions of various officers, was recently amended.[2] 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:

Sec.
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. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR. 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.73–12625 Filed 6–21–73;8:45 am]

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[1] Statement of Organization, Delegation of Authority, and Availability of Records and Information.

[2] OR–74 adopted and effective June 15, 1973.

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., Customs 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, ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Revision 8 (37 FR 18572), 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.

(Sec. 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.

JUNE 18, 1973.

[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 "instillations".

Title 25—Indians

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

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 162—ROADS OF THE BUREAU OF INDIAN AFFAIRS

Public Hearings on Road Projects

Correction

In FR Doc. 73–9894, 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.

Title 39—Postal Service

CHAPTER I—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 post office (ordinarily the place where the publication may have been originally published and where it has its home office or editorial office) copies of a publication, addressed for delivery by 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 from places other than the original entry post office copies addressed for delivery by the original entry post office within the county.

In addition to making the above change, 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) (4) of § 132.3 is amended to read as follows: "(4) A publisher may apply for permission to mail at additional entry post offices."

2. The fourth sentence of paragraph (c) (5) of § 142.3 is amended by deleting the phrase "Regional Postmaster General" and substituting "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, U.S. Postal Service, Washington, D.C."

4. The third and fifth sentences of paragraph (f) of § 132.3 are amended by deleting the word "Director" and substituting "Manager."

(39 U.S.C. 401, 3621.)

ROGER P. CRAIG,
Deputy General Counsel.

JUNE 19, 1973.

[FR Doc.73-12608 Filed 6-21-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act 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 failure to submit an acceptable date for attainment of either the primary or secondary particulate standard in the Metropolitan Providence interstate region (Rhode Island's single air quality control region). The Administrator, therefore, proposed on May 31, 1972 (37 FR 10891) an attainment date of July 31, 1975, for both standards. Subsequently, Rhode Island requested that its plan be revised to reflect March 1975, as the appropriate attainment date. On July 27, 1972 (37 FR 15088) the Administrator approved the revision.

Rhode Island now proposes (1) that the above attainment date be revised, and (2) that the compliance schedule designed for the control of particulates emitted from incinerators also be revised. This publication contains the Administrator's approval of both proposed revisions.

Rhode Island's proposal to revise the compliance schedule portion of its air pollution control regulations No. 12.2.2 and No. 12.2.3, pertaining to existing incinerators, is hereby approved for the following reasons: The proposed revision was adopted by the State after adequate notice and public hearing; it satisfies the substantive requirements of 40 CFR part 51 that pertain to compliance schedules; and it has been determined to be consistent with the approved control strategy for Rhode Island.

The former compliance schedule required that all existing incinerators comply with an applicable emission limitation no later than February 28, 1975. As revised, incinerators with less than 2,000 lb/h input capacity must be in compliance by January 31, 1974, and incinerators with more than 2,000 lb/h input capacity must be in compliance by May 31, 1975. The revised dates reflect the earliest practicable time by which each category as a whole can achieve compliance.

In satisfaction of the requirements of 40 CFR 51.15, regulation No. 12.2.3, as revised, requires the owner or operator of an existing incinerator in the category of larger sources to submit to the director of the Rhode Island Department of Health no later than February 15, 1973, a compliance schedule containing such increments of progress toward compliance as may be necessary to permit close and effective supervision of progress toward compliance. If a source should fail to submit an approvable compliance schedule, the director is empowered to establish one for that source. Individual compliance schedules for Rhode Island's four large incinerators subject to regulation 12 were submitted and approved by the director. They were then submitted to the Environmental Protection Agency pursuant to 40 CFR 51.15(a)(2). On June 20, 1973, the Administrator disapproved these individual schedules and proposed individual schedules in their place.

The approval below is an approval only of the revision to the final compliance date; it does not relieve a larger incinerator from the requirements of 40 CFR 51.15, particularly the requirement that for some sources the schedule include enforceable increments of progress, and the requirement that compliance be as expeditiously as practicable.

Rhode Island's proposal to revise its date for attaining primary and secondary particulate standards is also approved. Prior to this revision the attainment date was March 31, 1975. As revised, it is May 31, 1975. This 2 months delay is necessary to accommodate the revised compliance schedule in regulation No. 12. Because of the necessity for that revision (as noted above), May 31, 1975, is the earliest practicable date by which the primary and secondary standards for particulates may be attained. May 31, 1975, is also within the time prescribed for attainment of those standards by section 110(a)(2)(A) of the Clean Air Act, and is therefore consistent with the control strategy requirements of 40 CFR 51.13(a). Hearing and notice requirements are also satisfied.

The Agency finds that good cause exist for making these actions effective immediately upon publication for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to

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

(42 U.S.C. 1857c-5.)

Dated June 18, 1973.

ROBERT W. FRI,
Acting Administrator.

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

Subpart OO—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.

Air quality control region	Pollutants: Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Metropolitan Providence Interstate.	May 1975..	May 1975..	March 1975.	March 1975.	(*).....	(*).....	(*).

NOTE: Dates or footnotes which are in italic are prescribed by the Administrator because the plan did not provide a specific date or 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.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
All sources subject to Regulation No. 12.2.2 (a) and (b).	Rhode Island...	12.2.2(a)..... 12.2.2(b)	Feb. 25, 1973	Immediately..	Jan. 31, 1974
All sources subject to Regulation No. 12.2.2(c).[1]	...do.....	12.2.2(c).....	...do.....	...do.....	May 31, 1975

[1] 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 51.15 (b) and (c) that may be applicable.

[FR Doc.73-12424 Filed 6-21-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Endosulfan

In response to a petition (PP 3E1300) submitted by Dr. C. C. Compton, coordinator, Interregional Research project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of California, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 20, 1973 (38 FR 9832), proposing establishment of tolerances for total residues of the insecticide endosulfan and its metabolite endosulfan sulfate in or on the raw agricultural commodities mustard seed and rape seed at 0.2 part per million. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred 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), § 180.182 is amended by revising the paragraph "0.2 part per million (negligible residue) * * *" to read as follows:

§ 180.182 Endosulfan; tolerances for residues.

* * * * * *

0.2 part per million (negligible residue) in or on almonds; filberts; macadamia nuts; mustard seed; pecans; potatoes; rape seed; safflower seed; straw of barley, oats, rye, and wheat; and walnuts.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 23, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on June 22, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e).)

Dated June 13, 1973.

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

[FR Doc.73-12640 Filed 6-21-73;8:45 am]

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

Subpart D—Exemptions From Tolerances

Xylene

In response to a petition (PP 1E1133) submitted by the U.S. Department of Interior a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of April 20, 1973 (38 FR 9832), proposing establishment of an exemption from the requirement of a tolerance for residues of xylene in water resulting from its use as an aquatic herbicide in irrigation conveyance systems Because of its toxicity to fish and other aquatic life, it is not to be used in natural streams and rivers, but only in manmade irrigation conveyance systems and under conditions where beneficial aquatic life will not be harmed. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred 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), part 180 is amended by adding the following new section to subpart D:

§ 180.1025 Xylene; exemption from the requirement of a tolerance.

Xylene is exempted from the requirement of a tolerance when used as an aquatic herbicide applied to irrigation conveyance systems in accordance with the following conditions:

(a) It is to be used only in programs of the Bureau of Reclamation, U.S. Department of Interior, and cooperating water user organizations.

(b) It is to be applied as an emulsion at an initial concentration not to exceed 750 parts per million.

(c) It is not to be applied when there is any likelihood that the irrigation water will be used as a source of raw water for a potable water system or where return flows of such treated irrigation water into receiving rivers and streams would contain residues of xylene in excess of 10 parts per million.

(d) Xylene to be used as an aquatic herbicide shall meet the requirement limiting the presence of a polynuclear aromatic hydrocarbons as listed in § 121.1203(b)(3) of title 21, Code of Federal Regulations.

Any person who will be adversely affected by the foregoing order may at any time on or before July 23, 1973 file with the Hearing Clerk, Environmental Protection Agency, room 3902A, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on June 22, 1973.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e).)

Dated June 13, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-12639 Filed 6-21-73;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Submission of Autopsy Reports

Section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(d)) provides that upon the death of any active or inactive coal miner, the Secretary of Health, Education, and Welfare, after obtaining proper consent, is authorized to pay for an autopsy to be performed on such a miner. On May 14, 1971, the Secretary prescribed the conditions under which qualified pathologists would be paid for such autopsies (36 FR 8869).

On February 12, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4268) to amend the subpart of part 37 of title 42, Code of Federal Regulations, entitled Autopsies by establishing, as a condition for payment, a 120-day time limit within which the report of autopsy must be submitted to the Department's Appalachian laboratory for occupational respiratory diseases.

Interested persons were afforded the opportunity to participate in the rulemaking through the submission of comments. Although no written comments were received, objections that the proposed time limit was unrealistically short were received by telephone from a number of physicians who participate in the autopsy program.

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.

Dated June 4, 1973.

HAROLD O. BUZZELL,
Administrator, Health Services and Mental Health Administration.

Approved June 18, 1973.

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 the findings and other materials to ALFORD in accordance with this subpart within 180 calendar days after having performed the autopsy; and

* * * * *

(Sec. 508, 83 Stat. 803; 30 U.S.C. 957.)

[FR Doc.73-12508 Filed 6-21-73;8:45 am]

PART 53—GRANTS, LOANS, AND LOAN GUARANTEES FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND MEDICAL FACILITIES

Community Service; Services for Persons Unable To Pay; Nondiscrimination

On July 22, 1972, a notice of interim rulemaking revising § 53.111 of title 42 Code of Federal Regulations, entitled "Services for persons unable to pay" was published in the FEDERAL REGISTER (37 FR 14719). The revision was effective 15 days from the date of publication of the notice of interim rulemaking and was to remain in effect until superseded by subsequent amendment or revision. The notice stated that the Secretary of Health, Education, and Welfare would submit a proposal for further revision of § 53.111 to the Federal Hospital Council for its approval within 90 days. Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the revision promulgated by the notice of interim rulemaking in order that they might participate in the formulation of the subsequent proposal to be submitted to the Federal Hospital Council by the Secretary of Health, Education, and Welfare.

After considering the written comments which were received, the Secretary of Health, Education, and Welfare prepared a proposal for further revision of § 53.111 which was submitted to a fully constituted Federal Hospital Council of 12 members at its public meeting of October 20, 1972. The changes proposed by the Secretary were:

(1) Deletion of the provision (§ 53.111 (h)(1)) which barred State agencies from setting the volume of uncompensated services which must be provided by individual facilities at a level higher than the presumptive compliance guideline;

(2) Deletion of the limitation (§ 53.111 (a)) providing that a facility's obligation to provide a reasonable volume of uncompensated services would extend only for 20 years following completion of construction in the case of a grant and, in the case of a loan or loan guarantee, for the period during which any amount of the loan remained unpaid; and

(3) Deletion of an inappropriate definition of net income (§ 53.111(b)(5)). 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 who certify that they will not deny admission to persons unable to pay for services in accordance 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, this requirement is applicable only 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

amendments and the need for the establishment 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 therefor, and by members of the public seeking such services.

The following amendments shall become effective on June 22, 1973.

Dated April 23, 1973.

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

Approved June 13, 1973.

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 renumbered as, respectively, subparagraphs (5), (6), and (7) of paragraph (b).

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

3. Subparagraphs (4) and (5) of paragraph (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 of its adopted budget for the current fiscal year relating to the support of uncompensated 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 pursuant to paragraph (d) (2) of this section, if the budget statement does not conform to the presumptive compliance guideline, the applicant shall submit with its statement

(i) A justification therefor, showing that such lower level of uncompensated services is reasonable under the circumstances, and

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

* * * * *

(h) * * *

(4) The State agency shall notify the applicant in writing of the level of uncompensated services which it has established for the applicant for the fiscal year. At the time of notifying the applicant, the State agency shall also publish as a public notice in a newspaper 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 determination are available for public inspection at a location and time prescribed. 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 persons wishing to object to the rate established may do so by writing to the State agency within 20 days after publication of the notice: *Provided*, That the applicant may object to any level established 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 or any person or persons residing or located within the area served by the applicant, or any organization on behalf of such person or persons, may submit to the State agency within 20 days of the publication and sending of the notice objections to the rate established by the State agency for the applicant. Such objections may be supported in writing by factual information and argument. The State agency shall give public notice of receipt of the objections and shall make the objections and their supporting documents available for public inspection and comment. It may, if it believes that determination of the objections will be assisted by oral evidence or by oral argument, set a public hearing on the objections and shall give notice of such hearing to all interested parties and to the public. The State agency shall within 60 days of the expiration of the period within which objections may be filed, rule upon the objections in writing, stating its reason for sustaining or overruling them, in whole or in part, and establishing finally the rate of uncompensated services either the same as, above, or below the rate previously established, as may best accord with all of the evidence on file with or heard by the State agency. Notice of the final determination shall be mailed to all parties who filed objections or who participated in the proceedings leading to the redetermination.

* * * * *

[FR Doc.73-12507 Filed 6-21-73;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 116, Rev. Amendment 5]

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

Filing of Profit or Loss Statements

The rules in this section establish requirements for the filing of a statement of profit or loss on the carriage of bulk raw and processed agricultural commodities from the United States to U.S.S.R. to provide the Maritime Subsidy Board with a basis upon which to review operating-differential subsidy contracts subject to renegotiation. This section also establishes minimum standards below which such filing will not be required.

The data contained in the operator's Federal income tax return will serve as the basis for calculating profits for purposes of renegotiation. The operator's statement will be made on Maritime Administration Form MA-782 which is an appendix to this regulation.[1] Questions concerning these rules or MA-782 may be addressed to the Secretary, Maritime Subsidy Board, Washington, D.C. 20235.

The operating-differential subsidy program is exempt from the requirement of 60 Stat. 238, section 4, as amended (5 U.S.C. sec. 553). A new § 294.14 is added to part 294, title 46, chapter II, Code of Federal Regulations, to read as follows:

§ 294.14 Renegotiation.

(a) *In general.*—Section 294.3 provides that operating-differential subsidy contracts for the carriage of bulk raw and processed agricultural commodities between the United States and the U.S.S.R. shall be subject to renegotiation. This section provides rules for the filing of a statement of profit or loss on such carriage to provide the Maritime Subsidy Board (Board) with a basis on which to review operating-differential subsidy contracts subject to renegotiation.

(b) *Requirement for filing.*—Every operator receiving subsidy under a contract pursuant to this part must file a statement with the Board when its total gross receipts for operation under this part, including subsidy payments received or accrued and revenues earned from the carriage of backhaul cargoes, are in excess of $1 million for any taxable year. In the event of a short taxable year, the $1 million minimum gross receipts shall be prorated on a daily basis. Only contracts of operators having receipts in excess of the minimum requirement for filing purposes may be subject to renegotiation under this section.

(c) *Filing of statements.*—Operators with contracts subject to renegotiation must file Maritime Administration Form MA-782 or an equivalent statement with the Secretary, Maritime Subsidy Board, Washington, D.C. 20235 (Secretary, MSB) within 120 days following the close of the operator's taxable year. Form MA-782 is attached to this regulation and copies may be obtained from the Secretary, MSB.

(d) *Extension of filing date.*—(1) *In general.*—All requests for extension of time for filing the required statement must be made in writing to the Secretary, MSB prior to the date for filing. Extensions will be granted when the operator has been granted an extension for filing its Federal income tax return or upon presentation of other valid reason.

(2) *Length of extension.*—Extensions will be granted for a reasonable length of

[1] Filed 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 must be filed within 15 days from the date of filing the Federal income tax form.

(e) *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 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 subsidized pursuant to this part (renegotiable voyages) and terminated during the taxable year.

(2) *Consolidated renegotiations.*—Neither filing of consolidated statements nor consolidated 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 operating-differential subsidy contract, B and C must file separately for renegotiation whether or not a consolidated tax return is filed.

(g) *Preparation 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 (renegotiable operations) and all other operations (nonrenegotiable operations). When completed, the form will show the portion of net profit which is attributable to renegotiable operations and which may be reviewed as to reasonableness.

(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 according to this system are 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 is contained in § 294.5(c). However, for the purpose of determining profits subject to renegotiation, the following additional expenses may be allocated entirely to the renegotiable operations:

(i) Vessel cleaning expenses and reasonable costs of storing and supplying the vessel incurred before a renegotiable voyage;

(ii) Operating expenses of the vessel on the ballast voyage from last port of call or port of layup to port of loading for a renegotiable voyage.

(iii) Operating expenses incurred on a route deviation to engage in U.S. import commerce, notwithstanding the limitation contained in § 294.5(c)(4)(i);

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

(4) *Method of allocation.*—All allocations between renegotiable and nonrenegotiable operations are to be direct, except for the following:

(i) "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.

(ii) "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.

(iii) "Agency fees, commissions and brokerage earned, administrative and general expenses, management commissions, advertising, taxes other than income taxes, bad debt expenses and amortization of deferred charges, debt discount and expense, organization and preoperating expense." These accounts are to be allocated between renegotiable and nonrenegotiable operations in the same proportion as the vessel operating and maintenance expense attributable to each operation bear to the total operations. Vessel operating and maintenance expense consists of those expenses proper for inclusion in account 700—"Operating expenses; terminated voyages," excepting account 760—"Charter hire," and in account 800—"inactive vessel expense," excepting account 826—"Charter hire," as prescribed in part 282 of this chapter.

(iv) "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 section are to be charged to renegotiable 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. 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 are to be allocated between renegotiable and nonrenegotiable operations on the basis of the vessel operating and maintenance expense formula prescribed in paragraph (g)(4)(iii) of this section.

(v) Any other reasonable method of allocation for the expenses included in this subparagraph may be utilized by the operator. If an alternate method of allocation is elected, an explanation of such method must be attached to the statement filed. The reasonableness of such alternate method of allocation will be subject to review by the Board.

(5) *Other income and deductions allocable to renegotiable service.*—A schedule shall be attached detailing all other income, deductions, expenses, and credits whether or not allocable in whole or in part to renegotiable operations in the amounts shown on the operator's Federal income tax return. An explanation of the method used for the allocations shall be included. These amounts shall be shown net of tax adjustments.

(6) *Non-Federal taxes.*—Non-Federal taxes based on income shall be allocated directly to nonrenegotiable operations.

(7) *Net income in the case of a corporation.*—This amount ordinarily will be that shown in the Federal income tax return before net operating loss deduction and special deductions. If the amount differs from that reported for tax purposes, a reconciling schedule and explanation shall be attached.

Effective date.—This regulation shall be effective on June 22, 1973.

NOTE.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C., sections 3501–11.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114.)

Dated June 18, 1973.

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.73-12631 Filed 6-21-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 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 (§ 30.2) is limited to sale on the open market of live animals or butchered animals, or donation 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) limits by "gift or loan to public or private institutions for exhibition or propagation * * *."

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 from § 30.1 and (2) permitting: Donation (§§ 30.2 and 30.12) to public agencies or institutions that are entirely tax supported or charitable institutions, for

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—when to the advantage of 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 outmoded 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 30 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 15, 1935 (49 Stat. 383, 16 U.S.C. 715s).

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, sec. 5, 45 Stat. 449, sec. 10, 45 Stat. 1224, sec. 4, 48 Stat. 402 as amended, sec. 2, 48 Stat. 1270; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 43 U.S.C. 315a; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

Part 31 is revised by amending § 31.11 to read as follows:

§ 31.11 Donation and loan of wildlife specimens.

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.

(Sec. 2, 33 Stat. 614, as amended, sec. 5, 43 Stat. 651, secs. 5, 10, 45 Stat. 449, 1224, secs. 4, 2, 48 Stat. 402, as amended, 451, as amended, 1270, sec. 4, 76 Stat. 654; 5 U.S.C. 301, 16 U.S.C 685, 725, 690d, 715i, 664, 718(b), 43 U.S.C. 315a, 16 U.S.C. 460k; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb.)

These amendments facilitate disposal of surplus animals, reduce the cost of administering the management program, and will not impose any new or additional requirements or restrictions. Accordingly, the opportunity for public comment and a delayed effective date required by 5 U.S.C. 533 are found to be unnecessary and contrary to the public interest.

Effective date.—These amendments shall become effective on June 30, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JUNE 15, 1973.

[FR Doc.73-12543 Filed 6-21-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 7279]

PART 45—MISCELLANEOUS STAMP TAXES

Conforming Amendments

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Wednesday, March 7, 1973 (38 FR 6181), amendments to the Miscellaneous Stamp Tax Regulations (26 CFR, pt. 45) were proposed in order to conform such regulations to the provisions of title II of Public Law 88-36 (77 Stat. 54) (repealing the tax on transfers of silver bullion); sections 402 through 405 of the Excise Tax Reduction Act of 1965 (79 Stat. 148) (repealing the excise tax on playing cards, coin-operated amusement devices, certain vending machines dispensing prizes, bowling alleys, and billiard and pool tables); and section 402 of the Revenue Act of 1971 (85 Stat. 534) (allowing a credit against the Federal tax on coin-operated gaming devices for State taxes imposed on such devices).

The excise tax on silver bullion, which imposed a 50-percent tax on profits on transfers of silver bullion, was enacted as a part of the Government's silver purchase program to prevent speculative sales of silver in connection with such program. The tax was repealed effective June 4, 1963, by the act terminating the silver purchase program.

The excise taxes on playing cards, coin-operated amusement devices, certain vending machines dispensing prizes, bowling alleys, and billiard and pool tables were repealed, effective June 22, 1965, for playing cards and July 1, 1965, for the others, to simplify administration of the tax laws, remove discriminatory tax burdens on consumers and producers, and eliminate arbitrary and undesirable distortions in the allocation of resources in competitive markets.

The credit for State taxes against the Federal tax 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 is 80 percent 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 parimutuel wagering licensed under State law and State conducted sweepstakes. The Federal tax on wagering is not applied to parimutuel 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) to reflect the provisions of title II of Public Law 88-36 (77 Stat. 54) (repealing the tax on transfers of silver bullion); sections 402 through 405 of the Excise Tax Reduction Act of 1965 (79 Stat. 148) (repealing the excise tax on playing cards, coin-operated amusement devices, certain vending machines dispensing prizes, bowling alleys, and billiard and pool tables); and section 402 of the Revenue Act of 1971 (85 Stat. 534) (allowing a credit against the Federal tax on coin-operated gaming devices for State taxes imposed on such devices) was published in the FEDERAL REGISTER (38 FR 6181). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted.

(Secs. 4464(c), 7805, Internal Revenue Code of 1954, 85 Stat. 535, 68A Stat. 917; 26 U.S.C. 4464(c) and 7805.)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved June 19, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury

In order to conform the Miscellaneous Stamp Tax Regulations (26 CFR Part 45) to the provisions of title II of Public Law 88-36 (77 Stat. 54), and to sections 402 through 405 of the Excise Tax Reduction Act of 1965 (79 Stat. 148), and to reflect the addition of section 4464 to the Internal Revenue Code of 1954 by section 402 of the Revenue Act of 1971 (85 Stat. 534), such regulations are amended as follows:

PARAGRAPH 1. Section 45.0-1 is amended by revising the second sentence of paragraph (a), by revising paragraph (b), and by revising the first sentence of paragraph (c). The revised provisions read as follows:

§ 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 Internal Revenue 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 and process 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 pargaraphs (a), (b), (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 of this part relate to coin-operated gaming devices maintained for use by any person on or after July 1, 1965.

(c) *Subpart D.* [Deleted]

* * * * *

(i) *Subpart J.* [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 regulations as prescribed and made applicable to the Internal Revenue Code by Treasury Decision 6091, signed August 16, 1954 (19 FR 5167, August 17, 1954):

Special taxes with respect to coin-operated gaming devices.	Regulations 59 (1941 edition), 26 CFR (1939), Part 323.
Tax on white phosphorus matches.	Regulations 32, 26 CFR (1939), Part 300.
Taxes on oleomargarine, adulterated butter, and process or renovated butter.	Regulations 9, (Revised April 1936), 26 CFR (1939), Part 310.
Tax on filled cheese	Regulations 22, (Revised August 1926), 26 CFR (1939), Part 301.
Tax on contracts of sale of cotton for future delivery.	Regulations 36 (1916 edition), 26 CFR (1939), Part 110.
Withdrawal of filled cheese from factories, free of tax, for use of the United States.	Regulations 34, 26 CFR (1939), Part 450.
Exportation without payment of tax on tobacco manufacturers, oleomargarine, and adulterated butter; shipments to possessions of the United States, and drawback on tobacco manufacturers and stills exported, or shipped to Puerto Rico or Philippine Islands.	Regulations 73, 26 CFR (1939), Part 451.
Removals of alcoholic liquors, tobacco products, and other articles of domestic manufacturer to foreign-trade zones.	Regulations 31, 26 CFR (1939), Part 199 §§ 199.425 to 199.436, incl.

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 by every person who maintains for use or permits the use of, on 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) *Exception.* No tax shall be imposed on a device which is commonly known as a claw, crane, or digger machine if—

(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 merchandise dipensed by such machine,

(3) Such device is actuated by a crank and operates solely by means of 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.

[Sec. 4461 as amended and in effect, July 1, 1965]

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" and inserting in lieu thereof "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 if (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 crank and operates solely by means of 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 term "coin-operated gaming device" means any machine which is—

(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 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.

[Sec. 4462 as amended and in effect July 1, 1965]

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 or operating the machine to receive cash, premiums, merchandise, or tokens, or

(ii) A machine which is similar to machines described in subdivision (i) 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 4461(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.

(v) A coin-operated machine that displays a poker hand or delivers a ticket with a poker hand symbolized on it that entitles the player to a prize if the poker hand displayed by the machine or symbolized on the ticket constitutes a winning hand.

(b) *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 recording machine which, upon insertion of a coin, records a person's voice, plays the record back, and then delivers the record to the purchaser.

(2) *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. 4464. *Credit for State-imposed taxes*—(a) *In general.* 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 an amount equal to the amount of State tax paid 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 such device).

(b) *Limitations*—(1) *Devices must be legal under State law.* Credit shall be allowed under subsection (a) for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 on the place or premises occupied by him does not violate any law of such State.

(2) *Credit not to exceed 80 percent of tax.* The credit under subsection (a) with respect to any coin-operated gaming device shall not exceed 80 percent of the tax imposed by section 4461 with respect to such device.

(c) *Special provisions for payment of tax.* Under regulations prescribed by the Secretary or his delegate, a person who believes he will be entitled to a credit under subsection (a) with respect to any coin-operated gaming device for any year shall, for purposes of this subtitle and Subtitle F, satisfy his liability for the tax imposed by section 4461 with respect to such device for such year if—

(1) On or before the date prescribed by law for payment of the tax imposed by section 4461 with respect to such device for such year, he has paid the amount of such tax reduced by the amount of the credit which he estimates will be allowable under subsection (a) with respect to such device for such year, and

(2) On or before the last day of such year, pays the amount (if any) by which the credit for such year is less than the credit estimated under paragraph (1).

[Sec. 4464 as originally enacted and in effect July 1, 1972]

§ 45.4464–1 Credit for State-imposed taxes.

(a) *In general.* A person liable for the tax imposed by section 4461 with respect to any coin-operated gaming device for any year is allowed as a credit against such tax an amount equal to the State tax he has paid for such year with respect to such device, 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 such device).

(b) *Limitations*—(1) *Device must be legal under State law.* A credit is allowed under paragraph (a) of this section for a tax imposed by a State only if the maintenance of the coin-operated gaming device by the person liable for the tax imposed by section 4461 does not violate any law of such State.

(2) *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 with respect to any gaming device for any year may satisfy his liability for 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, the 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, and by paying, on or before the last day of such year, the amount (if any) by which the credit based on the estimated State tax for such year exceeds the credit based on the State tax actually paid for such year. Any such excess shall be paid to the Director of the Internal Revenue Service Center where the original Form 11–B was filed. This payment shall be accompanied by a corrected Form 11–B (with the words "Amended Return" written clearly across the top of the return). No interest shall be due on such amount if paid before the end of such taxable year provided that the estimate was made in good faith and on the basis of reasonable cause. However, if not paid before the end of such year, such amount shall be accompanied by interest, as determined under section 6601, computed from the date prescribed for payment of the tax imposed by section 4461.

(d) *Proof of payment of State tax.* Persons claiming the credit allowed under paragraph (a) of this section 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 a tax of $250 under 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 calendar 1973, of which $125 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 $250

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 4461 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 1973. Thus, X is entitled to a credit of only $125 (the amount attributable to the last 6 months of 1972) with respect to such device. Accordingly, in order to satisfy his liability under section 4461 with respect to such device for the period beginning July 1, 1972, and ending June 30, 1973, X must file, on or before June 30, 1973, an amended Form 11-B accompanied by a payment of $75 (i.e., liability under section 4461 of $250 reduced by the sum of the credit of $125 allowable under section 4464 plus the payment of $50 made on or before July 1, 1972). If X fails to pay this $75 on or before June 30, 1973, he will become liable for interest on such amount, computed under section 6601 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 (l):

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

* * * * *

(e) *Definition of exportation.* Exportation to a foreign country means the severance 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 exportation of adulterated butter.* Responsibility for compliance with the provisions of this section with respect to the removal of adulterated butter, without payment of tax, for export to a foreign country, and for the proper exportation of such adulterated butter shall rest upon the manufacturer thereof.

(g) *Liability for tax on adulterated butter.* The manufacturer of adulterated butter shall be liable for the tax imposed thereon by section 4811 if the provisions of this section are not complied with.

(h) *Removal for export.* (1) To exempt from tax a removal of adulterated butter from the place of manufacture for export to a foreign country both of the following conditions must me met: (i) The adulterated butter so removed must be identified as having been removed from the place of manufacture by the manufacturer for export to a foreign country, and (ii) the adulterated butter so removed must be exported to a foreign country in due course.

(2) Adulterated butter will be regarded as having been removed from the place of manufacture by the manufacturer for export to a foreign country if the manufacturer has in his possession at the time of removal from the place of manufacture a written order or contract of sale showing that the manufacturer is to ship the adulterated butter to a foreign destination.

(3) The written order or contract of sale referred to in subparagraph (2) of this paragraph suspends liability for payment of the tax by the manufacturer for such removal from the place of manufacture for export to a foreign country for a period of 6 months from the date of removal of such adulterated butter.

(i) *Proof of exportation to a foreign country*—(1) *Other than by parcel post.* Exportation to a foreign country may be evidenced by (i) a copy of the export bill of lading issued by the delivering carrier, or (ii) a certificate by the agent or representative of the export carrier showing actual exportation of the adulterated butter, or (iii) a certificate of landing signed by a customs officer of a foreign country to which the adulterated butter is exported, or (iv) where such foreign country has no customs administration, a statement of the foreign consignee showing receipt of the adulterated butter. If, within a period of 6 months from the date of removal of such adulterated butter, the manufacturer has not received and attached to the order or contract proper "proof of exportation", then the temporary suspension of the liability for the payment of the tax ceases and such liability shall become immediately due and payable. Such tax shall be paid to the district director for the district in which is located the place of manufacture from which the shipment is made, with sufficient information to identify the taxpayer and the nature and purpose of the payment. However, if proof of exportation later becomes available, a claim for refund of any tax paid may be filed on Form 843, but such action must be taken within the 3-year period prescribed by section 6511.

(2) *Exportation by parcel post.* If adulterated butter is exported to a foreign country by parcel post, the manufacturer thereof shall have a statement prepared for use with each package so exported on which shall be shown such information as the destination, order or invoice number, the contents of the package, the name of the vendee, etc. Upon mailing the package described in the statement, the manufacturer shall have the statement stamped by the local postmaster as evidence of said package having been received by him for exportation by parcel post. A waiver of the manufacturer's right to withdraw such package from the mails shall be stamped or written on each package and such waiver shall be signed by the manufacturer making the shipment.

(j) *Bond.* If the district director deems it necessary in order to protect the revenue, a bond may be required of any manufacturer removing adulterated butter from the place of manufacture for export to a foreign country. The penal sum of such bond shall be in an amount specified by the district director in a notice mailed to the manufacturer. For other provisions relating to bonds, see §§ 301.7101 and 301.7101–1 of this chapter (Regulations on Procedure and Administration).

(k) *Miscellaneous*—(1) *Diversion of shipment to another export consignee.* After removal of a shipment of adulterated butter from the place of manufacture for export to a foreign country in accordance with the provisions of paragraph (h)(2) of this section, the manufacturer of such adulterated butter may divert the shipment to another consignee for export to a foreign country provided he has in his possession a written order or contract of sale as provided in paragraph (h)(2) of this section from such other consignee.

(2) *Return of shipment to factory.* In case a consignee, for whom a manufacturer removes adulterated butter from his place of manufacture in accordance with a written order or contract of sale for export to a foreign country, modifies or cancels his written order or contract of sale 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.

(l) *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 shall keep 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 shall be retained 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), * * *" in section 4901(a) and inserting in lieu thereof "4461(a)(1) (coin-operated gaming devices)" and by amending the historical note to read "[Sec. 4901 as amended and in effect May 1, 1971]".

PAR. 15. Section 45.4901–1 is amended as follows:

1. Paragraph (a) is amended by revising the first and last sentences to read as set forth below.

2. Paragraph (b) is amended by deleting "amusement 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".

§ 45.4901–1 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 § 45.4462–1) 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 §§ 45.7011 and 45.7011–1.

* * * * *

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) * * *.

[Sec. 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.

* * * * *

(b) *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 make the necessary change and 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 in his area, correct the address on the stamp, and also 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" after "district directors" 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 "4461(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 coin-operated amusement devices), 4471 (relating to bowling alleys, billiard and pool tables)," and the comman after "butter)" in the first 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).

§ 45.6151 [Amended]

PAR. 29. Section 45.6151 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 4461" in the first sentence and by deleting "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, 1965]".

§ 45.7326 [Amended]

PAR. 33. Section 45.7326(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 7326(a), and by revising the historical note to read "[Sec. 7326(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:

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.73–12636 Filed 6–21–73;8:45 am]

Proposed 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 remainder of the 1973 season. These proposed requirements are designed to provide consumers with an ample supply of acceptable quality peaches. The proposal would require peaches to grade Washington Extra Fancy grade except that peaches packed in the western lug, the standard peach box, or approved experimental containers need only meet the requirements of the Washington Fancy grade. The minimum diameter would be 2⅜ in, except the minimum diameter for Elberta peaches and peaches of any variety when packed in the standard peach box or approved experimental containers would be 2¼ in. 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. This 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 1.27(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 provide orderly 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 handler shall handle any lot of peaches unless such peaches meet the following applicable requirements, or are handled in accordance with paragraph (a)(7) of this section:

(1) *Minimum grade.*—Such peaches shall grade at least Washington Extra Fancy Grade: *Provided*, That peaches which grade Washington Fancy Grade, or better may be handled if they are packed in the western lug box or the standard peach box.

(2) *Minimum size.*—(i) Such peaches of any variety, except peaches of the Elberta varieties, packed in any container except the standard peach box, shall measure not less than 2⅜ inches in diameter;

(ii) Such peaches of any variety when packed in a standard peach box shall measure not less than 2¼ inches in diameter; and

(iii) Such peaches of the Elberta varieties, packed in any container shall measure not less than 2¼ inches in diameter.

(3) *Minimum maturity.* — Such peaches shall be well matured, except that any lot of peaches shall be deemed to have met such minimum maturity requirement if not more than 25 percent, by count, of the peaches in such lot are mature but not well matured.

(4) *Uniform firmness.*—Such peaches in individual containers shall have a reasonably uniform degree of firmness.

(5) *Pack.*—(i) Such peaches in loose or jumble packs shall be in containers of a capacity equal to or greater than that of a western lug box and shall contain not less than 26 lb net weight of peaches: *Provided*, That such containers of peaches having less than 26 lb net weight may be handled if such containers are well filled; and

(ii) Such peaches other than peaches in loose or jumble packs in any container shall meet the standard pack requirements as set forth in the Washington Standards for Peaches (order No. 1203), or the U.S. Standards for Peaches (7 CFR 51.1210 et seq.).

(6) Not withstanding the provisions of paragraph (a) (1) through (5) of this section, shipments of peaches may be handled in such experimental containers as may be approved by the committee: *Provided*, That (i) such shipments are made under the supervision of the committee; (ii) such peaches in such experimental containers grade at least Washington fancy; (iii) such peaches in such experimental containers measure at least 2¼ 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 at an established 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* if:

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

(ii) The shipment does not, in the aggregate, exceed 500 lb., net weight, of peaches; and

(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 (effective Oct. 18, 1971), issued by the State of Washington Department of Agriculture; the term "well matured" shall mean peaches which will yield very slightly to moderate pressure at the suture or blossom end, have shoulders and sutures that are well filled out, and have skin and flesh colored sufficiently that it will show characteristic varietal color when ripe; the term "loose or jumble pack" shall mean that the peaches are not placed in the container in rows, cups, compartments, or otherwise placed in the container in symmetrical order; the term "standard peach box" shall mean a container with inside dimensions of 4¼ to 6 by 11½ by 16 inches; the term "Western lug box" shall mean any container with inside dimensions of 7 by 11½ by 18 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

line running from the stem to the blossom end; and terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in the marketing agreement and order.

Dated June 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-12628 Filed 6-21-73;8:45 am]

[7 CFR, Part 922]

HANDLING OF APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Approval of Expenses and Fixing of Rate of Assessment for the 1973-74 Fiscal Period

This notice contains the rate of assessment and proposed expenses which the Washington Apricot Marketing Committee anticipates incurring during the 1973-74 fiscal period. Such assessment is $2 per ton of apricots and such expenses total $3,311.

Consideration is being given to the following proposals submitted by the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR pt. 922), regulating the handling of apricots grown in designated counties in Washington effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That the expenses that are reasonable and likely to be incurred by the Washington Apricot Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $3,311.

(2) That there be fixed, at $2 per ton of apricots, the rate of assessment payable by each handler in accordance with § 922.41 of the aforesaid marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than July 6, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated June 19, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-12627 Filed 6-21-73;8:45 am]

[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 Wolcott Street, Casper, 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 proceeding to consider a Federal milk marketing order for the proposed Frontier marketing area be terminated. The Wyoming Board of Agriculture declared its opposition to proposals for such an 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 a Federal milk order for the proposed Frontier marketing area.

Signed at Washington, D.C. on June 18, 1973.

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

[FR Doc.73-12530 Filed 6-21-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR, Part 319]

STANDARDS FOR "PIZZA" PRODUCTS

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), proposes to amend section 319.600 of the meat inspection regulations (9 CFR 319.600) to change the standard of composition for products labeled "pizza."

Statement of Considerations.—Pizza products that contain meat or processed meat have been made in volume by federally inspected plants for the past 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 and published as a regulation 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 insure the products have 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 "Pizza with 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 can 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 "pizza" 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 data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by August 31, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

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 person 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(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on June 15, 1973.

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

[FR Doc.73-12529 Filed 6-21-73;8:45 am]

Farmers Home Administration

[7 CFR, Part 1823]

[FHA instruction 442.1]

COMMUNITY FACILITY LOANS

Proposed Rulemaking

Notice is hereby given that the Farmers Home Administration has under consideration the proposed amendment of subpart A of part 1823 of title 7, Code of Federal Regulations by deleting the entire part of subpart A as it appears at 37 FR 12036; 37 FR 20108; and 37 FR 28607, and issuing regulations to facilitate the requirements of community facilities in the area of loanmaking, planning and developing community facilities, and information pertaining to preparation and issuance of evidences of debt by applicants. These regulations will be issued in the form of three groups of sections divided by center heading, as follows: §§ 1823.1–1823.15, community facility loans (referred to in FHA offices as exhibit A); §§ 1823.21–1823.33, community facilities—planning, bidding, contracting, constructing (referred to in FHA offices as exhibit B); and §§ 1823.41–1823.48, information pertaining to preparation of notes or bonds and bond transcript documents for public body applicants (referred to in FHA offices exhibit C).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, South Building, Washington, D.C. 20250. Comments will be received through July 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Deputy Administrator Comptroller during regular business hours: (8:15 a.m.–4:45 p.m.) As proposed, the amended subpart A reads as follows:

COMMUNITY FACILITY LOANS

Sec.

AUTHORITY.—Sec. 339, 75 stat. 318, 7 U.S.C. 1989; order of Secretary of Agriculture, 29 FR 16210; order of Acting Secretary of Agriculture, 36 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

COMMUNITY FACILITY LOANS

§ 1823.1 General.

These §§ 1823.1–1823.15 set forth Farmers Home Administration (FHA) policies and requirements pertaining to loans for community facilities. It provides applicants with guidance for use in proceeding with their applications. Applications shall be processed only after having been approved by the State Governor or other State official designated by him and in accordance with any applicable cooperative arrangements developed by the State and FHA. Barring any technical deficiencies, the applications shall be approved by FHA on the order of priority determined by the Governor. Applicants will find additional requirements and guides in §§ 1823.21–1823.33 and §§ 1923.41–1823.48 of this subpart.

§ 1823.2 Applicant eligibility and priority.

Facilities financed by FHA shall primarily serve rural residents. The terms "rural" and "rural area" shall not include any area in any city or town having a population in excess of 10,000 inhabitants according to the latest decennial census of the United States.

(a) Applicants eligible for loans include but are not limited to municipalities, counties, and other political subdivisions of a State such as districts, and authorities; and cooperatives and corporations operated on a not-for-profit basis, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, which are unable to finance the proposed project from its own resources or through other commercial or cooperative credit at reasonable rates and terms; and have or will have the legal authority necessary for constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan.

(1) Loans shall be available only to public bodies except that loans for facilities providing a utility type service such as water and sewer systems and fire and rescue may be made to not-for-profit type bodies.

(2) Loans shall not be made for:

(i) Schools, except this does not preclude assistance for a project to provide a facility which may be used by schools as well as the general community;

(ii) Privately-owned recreational, cultural, or social facilities;

(iii) Community electric or telephone systems.

(b) In selecting projects, the State Governor shall give priority to:

(1) The application of any municipality or other public agency (including an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group) in a rural community having a population not in excess of 5,500 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, immediate action is needed or in the case of a waste disposal system has a community system which due to unanticipated 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) Those projects which involve the merging of ownership, management, and operation of smaller facilities thereby providing for more efficient management and economical service to more rural communities and residents and more orderly development of the rural area in which the facilities are located.

§ 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 storm waste water disposal facilities.

(b) To construct, 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.

(c) 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 permit, 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 revenue when such installments cannot be deferred until such time as the facility is generating sufficient revenue to be self supporting. Ordinarily, this will be limited to an amount sufficient to pay not more than 3 years' interest after 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.

(4) Construct buildings and works of modest design, size, and cost, essential to the successful operation or protection of authorized community facilities and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(5) Relocate roads, bridges, utilities, fences, and other public or private improvements.

(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) Purchase or rent equipment necessary to install, maintain, extend, protect, operate or utilize facilities.

(8) Initial operating expenses for a period ordinarily not exceeding 1 year when the borrower is unable to pay such expenses.

(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 creditors 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 work should not be started 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 before loan approval, applicants may request FHA approval to pay such obligations. If upon receipt of such request FHA determines that:

(i) A necessity exists for incurring obligations before loan closing.

(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; and the applicant must subsequently meet all loan approval requirements. The applicant request and FHA authorization for paying such obligations shall be written.

(v) FHA loan 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 project 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 other 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 precludes such service.

(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, and

(2) Facilities where it is not economically feasible to serve the entire area provided economic feasibility is determined on the basis of the entire system, not by considering the cost 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 do so.

(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.

(1) If a mandatory hookup ordinance will be adopted, required bond ordinance or resolution advertisement will be considered adequate notification.

(2) When any portion of the income will be derived from user fees and a mandatory hookup ordinance will not be adopted, each potential user will be afforded an opportunity to request service by signing a users agreement. Those declining service will be afforded an opportunity to sign a statement to such effect. FHA has guides available for these purposes in all FHA offices.

§ 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 State statute or upon prior 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 defererred 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:

(i) Postpone the levying of taxes or assessments.

(ii) 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 those users.

(iii) Create reserves for normal operation and maintenance.

(iv) Make any capital improvements except those approved by FHA to be essential to 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.

(1) Assignments of 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, water rights, 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 State 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, rights-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.

(3) Other security: Promissory notes from individuals, stock or membership subscription agreements, individual member's 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 any case 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 assured income from sources such as insurance premium rebates, or commitments from counties, townships, or municipalities.

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

(1) Loans to borrowers 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 include those from the 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.

(4) Industrial revenue bonds.—When loans are to be secured by industrial revenue bonds, and in the absence of any statutory reversion to general obligation taxes in event of revenue failure applicants are required to have leases, contracts, or other such agreements with facility tenants which assure income sufficient for debt service for the life of the loan prior to loan closing or the construction start whichever shall occur first.

(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 reservoir or pumping station, 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 to be acquired by the applicant the following will be furnished as applicable:

(i) A statement by the applicant's attorney regarding the nature of the water right owned or to be acquired by the applicant (conveyance of title, appropriation and decree, application and permit, public notice and appropriation and use, and so forth).

(ii) A copy of any contract with another company or municipality to supply water or stock certificates in another company representing right to receive water.

§ 1823.7 Economic feasibility requirements.

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

(a) Applicants for loans for service type utility facilities dependent on user fees for debt payment shall base their income and expense forecast 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 and for 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 extra 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 can finance 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 development would result in an adverse economic condition 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 attributable to the area in question 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; or

(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 assessments liens of public bodies when properties subject to such liens are sold for delinquent State or local taxes, special reserves will be established and maintained for the protection of the borrower's lien of assessment.

(a) *General obligation or special assessment bonds.*—Ordinarily, the requirements for reserves 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 possible nonpayment of taxes 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 loan 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 those 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 noncombustible materials used in treatment plants, clearwells, clarification units, filters and the like. Where lift stations are properly 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 receipt and disbursement of its 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 coobligee in the bond. Corporate fidelity bonds will be obtained except that in unusual circumstances FHA may give prior approval to cash bonds. Form FHA 440–24, Position Fidelity 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 nonpublic 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 manually 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 multiple advance or repayment 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

to comply with Federal, State, and local laws and any regulatory commission rules and regulations pertaining to:

(1) Organization of the applicant and its authority to construct, operate, and maintain the proposed facilities.

(2) Borrowing money, giving security therefor, and raising revenues for the repayment thereof.

(3) Land use zoning.

(4) Health and sanitation standards.

(5) Design and installation standards.

(b) *State Pollution Control or Environmental Protection Agency standards.*—Water and waste disposal facilities will be designed, installed, and operated in such manner that they will not result in the pollution of water of the State in excess of established standards and that any effluent will conform with appropriate State and Federal water pollution control standards.

(c) *Consistency with comprehensive and other development plans.*—Each FHA financed facility will be consistent with comprehensive areawide plans, if available for the area, and will not be inconsistent with any development plans (completed or under preparation) of State, multijurisdictional area, counties, or municipalities which have been approved by competent authority for the area in which the proposed project is located.

(d) *State agency regulating water rights.*—Each FHA financed facility will be in compliance with appropriate State agency regulations which has control of the appropriation, diversion, storage, and use of water and disposal of excess water. All of the rights of any landowners, appropriators, or users of water from any source will be fully honored in all respects as they may be affected by facilities to be installed.

(e) *National historic preservation.*—All projects will be in compliance with the provisions of the National Historic Preservation Act of 1966 pursuant to 7 CFR, part 1890r.

(f) *Civil Rights Act of 1964.*—All borrowers are subject to and facilities must be operated in accordance with title VI of the Civil Rights Act of 1964 pursuant to 7 CFR, part 1890.

§ 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 (e) (3) (i), and 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. Form FHA 442–19, Agreement for Engineering Services and AIA Document B–131, Standard Form of Agreement Between Owner and Architect, may be used when appropriate.

(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.

(c) Fees provided for in contracts or agreements required by paragraphs (a) and (b) of this section shall be reasonable. They shall be considered to be reasonable if not in excess of those ordinarily charged for similar work, when FHA financing is not involved.

§ 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 A–95 clearinghouse, which ordinarily will be the substate planning district.

(b) *Preapplication review.*—Upon receipt of the preapplication and evidence of assigned priority, 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; 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 upon their presenting satisfactory evidence of inability to obtain commercial or cooperative financing at reasonable rates and terms.

(2) Applicants should 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 their applications within a time scheduled as agreed upon with FHA.

(2) Encouraged to utilize their professional and technical representatives or other competent sources to assist in assembling their applications.

(d) *Preapplication conference.*—As soon as the applicant has selected its professional and technical representatives, it should 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 $50,000, where it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained so as to preclude the necessity for multiple advances of FHA funds. When interim commercial financing is used, the application will be processed including obtaining construction bids to the stage where the FHA loan would 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 instruments will be issued to evidence the FHA indebtedness. The FHA loan proceeds will be used to retire the interim commercial indebtedness. Before the FHA loan is closed, the applicant will be required to provide 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 and, 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 or not available, multiple advances of FHA loan funds are required. Multiple advances will be used only for loans in excess of $50,000. Advances will be made only as needed 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 1823.48 of this subpart contain instructions for making advances to public bodies.

(2) Nonpublic body notes will be issued in amounts not to exceed $500,000 or that amount estimated necessary for an 8-month period, whichever is smaller.

(3) Advances will be requested in sufficient amounts to insure 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 form FHA 440–11 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

advance not later than 90 days after the final advance has been made. FHA will request advances upon receipt of satisfactory estimates from the applicant.

(c) *Outlay of funds.*—Applicants will submit form AD–629, Outlay Report and Request for Reimbursement for Construction Programs, and form FHA 424–18 to indicate how funds are being used. These forms will be reviewed and approved by FHA.

(d) *Supervised bank account.*—Loan funds and any funds furnished by the applicant may be deposited in a supervised bank account. Funds placed in a supervised bank account are public moneys under title 12, U.S.C. 265, and therefore any amounts which exceed $20,000 will require a collateral pledge security. If a supervised bank account is not used, arrangements will be agreed upon for the prior approval by FHA of the bills, or vouchers upon which warrants will be drawn, so that the necessary control of payments from loan funds can be maintained and FHA records can be kept current. Periodic audits of such accounts shall be made by FHA at such times and in such manner as the FHA State Director prescribes in the conditions of loan approval. If the applicable State laws contain mandatory provisions regulating the depositaries to be used, the security given by the depositary for borrower funds or required borrower bonds, such requirements shall be met.

(e) *Funds remaining after construction is completed.*—Should loan funds remain available, including obligated funds not advanced, after all costs incident to the basic project have been paid or provided for, such funds may be used for needed extensions, enlargements, and improvements of the project with the prior permission of the FHA State director. If the additional work is to be undertaken by the contractor(s) already engaged in the construction of the project, the additional work may be authorized by a change order. Remaining funds not needed for authorized extensions, enlargements, or improvements shall be returned to FHA as a repayment on the loan unless other disposition is required by the bond ordinance or resolution or by State statutes.

(f) *Obtaining insurance, fidelity bonds, and assignments.*—Required property insurance policies, liability insurance policies, fidelity bonds, and assignments will be obtained by the time of loan closing or start of construction, whichever shall occur first.

(g) *Distribution of recorded documents.*—The originals of the recorded deeds, easements, permits, certificates of water rights, leases, or other contracts and similar documents which are not required by the loan approval official to be held by the FHA will be returned to the borrower. The original mortgage(s) and water stock certificates, if any, if not required by the recorder's office will be retained by FHA.

§ 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) *Records.*—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.

(1) Accounting systems may be maintained by borrower personnel, a bookkeeping servce, a computer service or other arrangements satisfactory to the borrower and FHA.

(2) Accounting systems required by a State or regulatory agency for public entities may be acceptable provided they contain the information required by FHA.

(3) 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.

(4) Borrowers with small operations may use Form FHA 430–5, Soil and Water Association Record Book.

(5) FHA will provide a Minimum Chart of Accounts for those applicants desiring it.

(d) *Financial reports.*—The following minimum required reports will furnish the governing body with a means of evaluating prior decisions and serve as a basis for planning the future operations and financial conditions of the borrower. In those cases where revenues from both water and sewer systems are pledged as security for an FHA loan and only one set of accounting records is maintained, one management report will suffice. In those cases where FHA loans are secured by general obligation bonds or assessments and the borrower combines revenues from all sources, a management report treating all such revenues will suffice.

(1) *Form 442–1, Forecast of Cash Receipts and Disbursements (Operating Budget).*—The forecast shall be prepared and adopted by the borrower governing body prior to the beginning of each fiscal year. Two copies of form FHA 442–1 will be submitted to the FHA County Supervisor not later than 20 days after the beginning of the borrower's new fiscal year.

(2) *Form FHA 442–2, Statement of Income and Expenses.*—Two copies of form FHA 442–2 will be forwarded to the FHA County Supervisor at the end of each quarter unless FHA requires more frequent submission.

(3) *Form FHA 442–3, Balance Sheet.*—The balance sheet shall be prepared as often as needed by the governing body. Two copies of the form FHA 442–3, prepared as of the end of the fiscal year, will be forwarded to the FHA County Supervisor not later than 20 days after the end of the fiscal year.

(4) *Machine-type reports.*—Borrowers using a machine accounting system may submit printout type reports providing they furnish the information required by FHA. Also, borrowers desiring to submit more detailed information than required by FHA forms may attach such detail to the related FHA form.

(5) *Additional reports.*—Each borrower shall provide FHA within 20 days following the end of the fiscal year the following:

(i) A letter showing the name, address, and term of office for each member of the governing body. For those providing a public utility-type service, the number of residential users and the number of commercial users as of the end of the fiscal year.

(ii) Evidence that required property and liability insurance, workman's compensation, and fidelity bond premiums have been paid.

(e) *Audits and audit reports.*—(1) Borrowers are required to have their accounts audited when the annual gross income of the FHA-financed facility exceeds the amount shown below:

(i) Organizations providing utility-type services—$100,000.

(ii) Recreation facility borrowers—$50,000.

(iii) Others as required by FHA regardless of the amount.

(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.

(i) 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.

(ii) Audits will be prepared in accordance with the requirements of the handbook, "Instructions to Independent Certified Public Accountants and Licensed Public Accountants Performing Audits of Farmers Home Administration Borrowers and Grantees," available at FHA offices.

(4) Borrower shall submit a copy of the audit report to FHA as soon as it is received and in no case later than 90 days following the end of the period covered by the report.

(5) Borrowers whose annual gross income for a full year of operations is less than that shown above and which do not have an annual audit made by an independent public accountant, will within 60 days following the end of each fiscal year, furnish the FHA with an annual report, consisting of a verification of the organization's balance sheet and statement of income and expense by a committee of the members not including any officer, director, or employee. Such committees will be appointed by the borrower's governing body and will certify to its examination of the accounts and records. The final statement of income and expense form FHA 442-2 for the year and the balance sheet form FHA 442-3 will be used.

§ 1823.15 Closing development grants approved under previous regulations.

Such grants will be considered closed when form FHA 442-31, Development Grant Agreement, has been executed by the grantee and FHA. Both FHA county supervisors and State directors are authorized to execute the grant agreement on behalf of FHA.

(a) Grant funds shall be delivered in amounts not to exceed those needed in a 30-day period except that when the amount of grant or remaining amount undelivered does not exceed $20,000, such funds may be drawn in one advance.

(b) Grant checks, fund distribution, and grant cancellations will be processed in a manner similar to that set forth for loans in these §§ 1823.1-1823.15.

COMMUNITY FACILITIES—PLANNING, BIDDING, CONTRACTING, CONSTRUCTING

Sec.

AUTHORITY.—Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; order of Secretary of Agriculture, 29 FR 16210; order of Acting Secretary of Agriculture, 36 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

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 or 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 contract 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 in which event 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 official.

(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.

(3) *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.

(4) *System testing.*—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 made taking into consideration such items as: Quantity; quality of the water that may be developed; cost of the individual facility as compared with the cost per user on the central system; and health and pollution problems attributable to individual facilities.

(i) 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 owed an asociation 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.

(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.

(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.

(d) *Combined sanitary and storm sewerage systems.*—Combined systems will not be financed except that improvements to existing combined systems may be financed, provided 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 unidentifiable problems such as those which may arise due to water leaching into or from landfills and allow for proper handling of landfill gases shall be addressed in both preliminary and final plans and designs.

(2) The SCS and State health departments may provide advisory assistance on sanitary landfills.

§ 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 their 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 a specified minimum quantity 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,

if adequate evidence is provided to enable FHA to make a positive determination that the supplier has adequate supply and treatment facilities to furnish its other 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 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 proportionately as certain specified rates for the supplier's regular customers are raised or lowered. Provision may be made for altering rates in accordance with the decisions of the appropriate State agency which may have regulatory authority.

(d) Run for a period of time which is at least equal to the repayment period of the loan.

(e) Set out in detail the amount of connection or demand charges, if any, to be made by the supplier as a condition to making the service available to the association. However, the payment of such charges from loan funds shall not be approved unless FHA determines that it is more feasible and economical for the borrower to pay such a connection charge than it is for the borrower to provide the necessary water supply by other means.

(f) Provide for a pledge of the contract to FHA as part of the security for the loan.

(g) Not contain provisions for:

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

(2) Options for the future sale or transfer. This does not preclude an agreement recognizing that the supplier and borrower may at some future date agree to a sale of all or a portion of the facility.

§ 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 customary professional standards. FHA has guides 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 arising under its contracts. 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 State or local law, rules or regulations, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the borrower 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 so as to provide maximum open and free competition. The borrower should be alert to organizational conflicts of interest or noncompetitive practices among contracts which may restrict or eliminate 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 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 should be clearly specified.

(iii) Positive efforts shall be made by the borrower to utilize small business and minority-owned business sources. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing loan funds. Applicants shall, when submitting contract documents 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 or less need not be so advertised unless otherwise required by State or local law or regulations. Where such advertised bids are obtained the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the borrower, price and other factors considered. (Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the borrower. Any or all bids may be rejected when it is in the borrower's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

(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 from only one person or firm; (All contemplated sole source procurements where the aggregate 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 who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor 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 $2,500 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising,

contractor selection, and the basis for the cost or price negotiated.

(c) The borrower shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts:

(1) Contracts shall contain such contractual provisions or 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 penalties 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 borrower 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 for default 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 of 100 percent of the contract cost. For contracts of lesser amounts 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. 1890b). 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 that 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 (18 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 compensation to which he is otherwise entitled. The borrower shall report all suspected or reported violations to the FHA.

(6) All negotiated contracts (except those of $2,500 or less) awarded by borrowers shall include a provision to the effect that the borrower, FHA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific Federal loan program for the purpose of making audit, examination, excerpts, and transcriptions.

(7) Each contract of an amount in excess of $2,500 shall provide that the contractor will comply with applicable regulations and standards of the Cost of Living Council in establishing wages and prices. The provisions of the contract shall advise the contractor that submission of a bid or offer, or the submittal of an invoice or voucher for property, goods, or services furnished under a contract, or agreement with the borrower shall constitute a certification by him that amounts to be paid do not exceed maximum allowable levels authorized by the Cost of Living Council Regulations or standards. Violations shall be reported to FHA and the local Internal Revenue Service field office.

(8) Contracts of amounts in excess of $100,000 shall contain a provision which requires the contractor to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970. Violations shall be reported to FHA and the regional office of the Environmental Protection Agency.

(d) No engineer or architect (individual or firm) who has prepared plans and specifications or who will be responsible for supervising the construction will be considered acceptable as a bidder. Any firm or corporation in which such architect or engineer is an officer, employee, or holds or controls a substantial interest will not be considered an acceptable bidder. Bids will not be awarded to firms or corporations which are owned or controlled 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 do so. Contracts may be awarded to suppliers or manufacturers for furnishing and installing certain items which have been designed by the manufacturer and delivered to the job site in a finished or 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.

(e) 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 tabulation sheets will 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 the 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 monitor, and provide a report to FHA on actual performance during the construction for each project financed, or to befinanced, in whole or in part with FHA funds to include:

(a) A comparison of actual accomplishments to the construction schedule established for the period, Form AD-629, Outlay Report and Request for Construction Programs, and Form FHA 424-18, Partial Payment Estimate, will be used for this purpose.

(b) A narrative statement will be attached to Form AD-629 giving full explanation of the following:

(1) Reasons established goals were not met.

(2) Analysis and explanation of cost overruns or high unit costs and how payment is to be made for the same.

(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:

(i) Problems, delays, or adverse conditions which will materially affect the ability to obtain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project work units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(ii) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more work units than originally projected.

§ 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) *Inspectors daily diary.*—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.

(4) Daily entries shall include daily work performed, number of men and equipment used in the performance of work and all significant happenings during that day.

(b) *Final inspection.*—A final inspection will be made by FHA before final payment is made. Final payment will not be made until FHA and the borrower concur in writing that the construction has been completed as planned.

§ 1823.33 Changes in development plans.

Changes in development plans may be approved by FHA when requested by borrowers 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 a change in facility technical design and the total contract cost is not increased. Otherwise, change orders must be approved by the FHA State Director or his designated representative.

INFORMATION PERTAINING TO PREPARATION OF NOTES OR BONDS 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 instrument.
1823.47 Minimum bond specifications.
1823.48 Bidding by FHA.

AUTHORITY.—Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; order of Secretary of Agriculture, 29 FR 16210; order of Acting Secretary of Agriculture, 36 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

INFORMATION PERTAINING TO PREPARATION OF NOTES OR 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 docket when the applicant, FHA, and bond counsel have agreed in advance as to the method of preparation 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 such as land rights, easements, and organizational documents will be handled by the applicant's local attorney. Specific closing instructions in addition to any requirements of bond counsel will be 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 incumbency 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 fully 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 authorizing 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 copies of resolutions or other documents pertaining to the bond award.

(j) Any additional or supporting documents required by bond counsel.

(k) Preliminary approving opinion, if any, and final unqualified approving opinion of recognized bond counsel including opinion regarding interest on bonds, being exempt from Federal and any State income taxes. It is permissible for such opinions to contain language referring to the last sentence of section 306(a)(1) or to section 309A(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) or 1929a(h)) and providing that if the bonds evidencing the indebtedness in question are acquired by the Federal Government and sold on an insured basis from the Agricultural Credit Insurance Fund, or the Rural Development Insurance Fund, the interest on such bonds will be included in gross income for the purposes of the Federal income tax statutes.

§ 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 organization). For insured loans, notes 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, two 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.

(b) *Second preference, single instrument with amortized installments.*—If form FHA 440-22 is not legally permissible, use a single instrument showing on the face the full amount of the loan and providing for amortized installments 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 should be followed to the extent possible.

(1) In case the construction period exceeds 8 months, the requirements for more than one instrument but not exceeding a principal 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 a specified dollar amount will be due on each installment date.

(c) *Third preference, single instrument with installments of principal plus interest.*—If a single amortized installment instrument 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 making principal retirement and interest payments which closely approximate equal annual installments of combined interest and principal as required by the first two preferences.

(1) The repayment terms described in the last paragraph of the "Second Preference" apply. In case the construction period exceeds 8 months, the requirements 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 indebtedness evidenced by this instrument, regardless of when made, shall be applied first to interest computed to the annual installment due date and next to principal. Other payments, regardless of the source of funds from which such payments 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 obligation of the borrower to pay the remaining installments as scheduled. Such payments shall be applied only on the installment due dates.

(d) *Fourth preference.*—If instruments 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 will conform with the minimum requirements of § 1823.47. Rules for application of payments on serial bonds will be the same as those for principal installment single bonds as set out in paragraph (c) of this section.

§ 1823.46 Multiple advances of FHA funds using temporary debt instrument.

When none of the instruments described in § 1823.45 are legally permissible for multiple advances, each advance will be evidenced by an instrument approved by the State director, regional attorney, and bond counsel and, if feasible, 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 permissible.

(a) *Type and denominations.*—Bond resolutions or ordinances will provide that the instrument(s) be, either serial bonds in denominations not to exceed $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 installments are preferable from the standpoint of FHA. Coupon bonds will not be used unless required by statute.

(b) *Bond registration.*—Bonds will contain provisions permitting registration as to both principal and interest. Bonds purchased by FHA will be registered in the name of "United States of America, Farmers Home Administration," and will remain so registered at all times while the bonds are held or insured by the United States. The address of FHA for registration purposes will 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 standard 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 counsel as being necessary or upon prior written authorization by FHA. Principal payments will be scheduled annually beginning with the first annual installment date after loan closing or the first annual installment date after any approved deferment period. Interest payments will be scheduled annually beginning with the first annual installment date after loan closing. Semiannual interest payments, if required, will be scheduled for January 1 and July 1, unless other dates are certified by bond counsel as being necessary for specified reasons.

(f) *Maturity schedule.*—The annual principal retirement should be the one best adapted to making bond retirement and interest payments which (with the addition of any other scheduled debt payments of the borrower) closely approximate equal annual installments of combined 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 paying agent.

(h) *Redemptions.*—Bonds should contain customary redemption provisions; subject, however, to unlimited right of redemption without premium of any bonds held by FHA except to the extent limited by the provisions under the "Third Preference" and "Fourth Preference" in § 1823.45.

(i) *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 statute, gross revenues less essential operation 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 indebtedness. Junior and subordinate bonds may be issued without restriction.

(j) *Precautions.*—The following types of provisions in debt instruments should be avoided:

(1) Provisions for the holder to manually post each payment to the instrument.

(2) Provisions for returning the permanent or temporary debt instrument to the borrower in order that it, rather than 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 submitted. 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.

Dated June 15, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-12360 Filed 6-15-73;5:30 pm]

[7 CFR, Part 1823]

[FHA Instruction 442.12]

GRANTS FOR FACILITATING DEVELOPMENT OF PRIVATE BUSINESS ENTERPRISES

Proposed Rulemaking

Notice is hereby given that the Farmers Home Administration has under consideration a new subpart O of part 1823, title 7, Code of Federal Regulations. Proposed subpart O will outline the policies of the Farmers Home Administration for administering grants for projects to facilitate the development of private business enterprises in rural areas. This regulation will be issued as §§ 1823.450 through 1823.464. These sections are referred to in FHA offices as exhibit A.

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, South Building, Washington, D.C. 20250. Comments will be received through July 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, the new subpart O will read as follows:

Subpart O—Grants for Facilitating Development of Private Business Enterprises

Sec.

AUTHORITY.—Sec. 339, 75 Stat. 318; 7 U.S.C. 1989; order of Secretary of Agriculture, 29 FR 16210; order of Acting Sec. of Agr., 36 FR 22008; order of Assistant Sec. of Agr. for Rural Development and Conservation, 36 FR 21529.

Subpart O—Grants for Facilitating Development of Private Business Enterprises

§ 1823.450 General.

These §§ 1823.450–1823.464 outline the policies of the Farmers Home Administration (FHA) pertaining to grants for projects to facilitate development of private business enterprises in rural areas pursuant to Section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)).

§ 1823.451 Eligibility.

Applicants eligible for grants are public bodies serving 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. Barring any technical deficiencies, the applications 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 of buildings, plants, equipment, access streets and roads, parking areas, utility extensions, necessary water supply and waste disposal facilities, refinancing, and fees. Such sites must result in an immediate 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" and "rural area" 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 100 persons per-square-mile, as determined by the Secretary of Agriculture according to the latest 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 pay salaries 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 certifies within 60 days after the matter has been submitted to him by the Secretary of Agriculture 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 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 grant-supported activities. These records shall contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, outlays, and income.

(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 authorized 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 all other 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. Grantees are authorized, if they so desire, to substitute microfilm copies in lieu of original records.

(a) The FHA Administrator and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local governments which are pertinent to a specific grant program for the purpose of making audit, examination, excerpts and transcripts.

§ 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 90–577)). Units of local governments 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).

§ 1823.459 Environmental impact statement.

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.

§ 1823.460 Professional services, design policies, preliminary engineering and architectural reports, and construction bid, contract award, and construction inspection.

These items will be accomplished in accordance with §§ 1823.21 through 1823.33.

§ 1823.461 Audit reports.

Grantees will be required to submit an audit report prepared in sufficient detail to allow FHA to determine that grant funds have been used in compliance with the proposal, any applicable laws and regulations, and the grant agreement. Such audit reports should ordinarily be available for review prior to grant closing. However, FHA may upon receipt of the grantee's request accompanied by supporting factual data permit the grantee a period of time up to 90 days to submit the audit report. Audit reports shall be prepared preferably by the State auditor or at his direction. If this is not practical, audit reports will be prepared by an independent public accountant. An independent public accountant is 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.

§ 1823.462 Property management standards.

(a) Real property as used herein includes land, land improvements, structures, and appurtenances thereto.

(b) Any real property purchased or improved wholly or in part with FHA grant funds will be subject to the following conditions:

(1) The grantee shall use the real property for the authorized purpose of the original grant as long as needed.

(2) The grantee shall obtain approval of FHA before using the real property for other purposes when the grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs, or programs that have purposes consistent with those authorized for support by FHA.

(3) When the real property is no longer needed as provided in paragraphs (b) (1) and (2) of this section, the grantee shall return all real property furnished or purchased wholly with Federal grant funds to FHA. In the case of property purchased in part with Federal grant funds, the grantee may be permitted to take title to the Federal interest therein upon compensating the Federal Government for its fair share of the property. The Federal share of the property shall be the amount computed by applying the percentage of the Federal participation in the total cost of the grant program for which the property was acquired to the current fair market value of the property.

§ 1823.463 Processing applications.

(a) *Preapplications.*—Preapplications will be processed by FHA after the State Governor or his delegate has selected the projects to be funded and the order of funding priorities. Applicants desiring grants will file form AD 621, Preapplication for Federal Assistance, which 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 substate planning district.

(b) *Preapplication review.*—Upon receipt of the preapplication and evidence of the assigned priority, FHA will tentatively determine eligibility and notify applicants to proceed to assemble and submit their applications which will include:

(1) Form AD 624, Application for Federal Assistance (construction programs). This form is completed in accordance with the instruction on reverse of the form.

(2) Form FHA 440–1, Payment Authorization.

(3) Form FHA 400–4, Nondiscrimination Agreement.

(4) Form FHA 400–1, Equal Opportunity Agreement, if required.

(5) Form FHA 400–6, Compliance Statement.

(6) Form FHA 440–34, Option To Purchase Real Property, if required.

(7) Preliminary engineering or architectural plans and specifications.

(8) Evidence of the proceedings, documents, or authority by which the applicant is organized.

(9) Copies of executed or proposed leases, contracts or other agreements with site tenants.

(10) Form FHA 442–50, Grant Agreement (public bodies) for Facilitating Private Business Enterprises in Rural Areas, as modified only to meet State statutory requirements.

(11) Proposal for obtaining required audit report.

§ 1823.464 Grant closing and delivery of funds.

Closing is the process by which FHA determines that applicable administrative actions and required work of the grantee have been completed and delivers the grant funds. If all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed.

(a) Grantees shall provide FHA through the use of forms AD 627, Report of Federal Cash Transaction, and AD 629, Outlay Report and Request for Reimbursement for Construction Programs, a complete factual report regarding financial transactions pertaining to the project to be financed with grant funds.

(b) Final costs shall be determined and should there 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.

Dated June 15, 1973.

J. R. HANSON,
For the Acting Administrator,
Farmers Home Administration.

[FR Doc.73–12359 Filed 6–15–73;5:30 pm]

[7 CFR, Part 1825]

[FHA Instruction 440.1]

BUSINESS AND INDUSTRIAL LOANS

Proposed Rulemaking

Notice is hereby given that the Farmers Home Administration has under consideration an amendment to subchapter B, Loans and Grants Primarily for Real Estate Purposes, by adding a new part 1825, Business and Industrial Loans. This new part 1825 provides policies and procedures for implementing the business and industrial loan program authorized by section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, room 5007, South Building, Washington, D.C. 20250. Comments will be received through July 12, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As proposed, the addition will read as follows:

PART 1825—BUSINESS AND INDUSTRIAL LOANS

AUTHORITY.—Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Secretary of Agriculture, 29 FR 16210; order of Acting Secretary of Agriculture, 36 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

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 deficiencies, the applications shall be approved by FHA in 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 insured loans, 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.

(3) FHA is responsible for seeing 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 supported by the full faith and credit of the United States and incontestible, except for fraud or misrepresentation of which the approved lender or approved holder has actual knowledge.

§ 1825.52 Definitions.

The following definitions are applicable to the terms used in this part:

(a) *Act.*—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921, et. seq., particularly section 310B which is 7 U.S.C. 1932).

(b) *Applicant (for loan).*—An applicant may be a cooperative, corporation, partnership, trust, or other legal entity organized and operated on a profit or nonprofit basis, an Indian tribe on a Federal or State reservation or other federally recognized tribal group, a municipality, county, or other political subdivision of a State, or an individual engaged or proposing to engage in improving, developing, or financing business, industry, and employment and improving the economic environmental climate, including pollution abatement and control in rural areas.

(c) *Appraiser.*—A member in good standing of the American Society of Appraisers or similar national organization.

(d) *Borrower.*—All parties liable for the loan or any part thereof. Each party must have the legal capacity to incur the obligations related to the loan transaction.

(e) *Delegated authority.*—Authority delegated by the Secretary of Agriculture to the Farmers Home Administration (7 CFR 1800.11).

(f) *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 of start-up operating costs, and 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 1520 Market Street, St. Louis, Mo. 63103. (Phone 314–622–4400.)

(i) *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. The term "loan" or "note" includes the related security instruments. The term "note" also includes "assumption agreement," where appropriate.

(j) *Holder.*—See lender.

(k) *Insured loan.*—A loan made and serviced by FHA with funds from the Rural Development Insurance Fund.

(l) *Joint financing.*—Occurs when two or more public or private lenders (or any combination of such lenders) 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.

(m) *Lender, holder, or registered holder.*—These terms are used interchangeably to refer to any lender or holder approved by FHA to make and 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 conformed copy of the contract of guarantee; (2) for an approved subsequent holder—the notice of sale executed by the seller-holder on Form FHA 471–7, Notice and Acknowledgment of Sale of Insured Loan, and when the finance office executes the acknowledgment of notice of sale on the bottom of that form.

(n) *Pollution abatement.*—Reduction of pollution of air, noise, land, or water.

(o) *Pollution control.*—Keeping pollution of air, noise, land, or water under established maximum limits.

(p) *Public body.*—A municipality, political subdivision, public authority, district, or similar organzation issuing obligations on which the interest income is exempt from Federal income taxes.

(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 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 100 persons per mi^2, 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 holder services 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 loss on 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 that are repayable 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 approval on form FHA 449–18, "Lenders or Holders Request for Approval." Before any such request can be approved, FHA must determine that the lender is an established lender in the field of financing involved and appears to be financially able to make and service or acquire and service such loans. The original and one executed or conformed copy of the request will be mailed or delivered to FHA. FHA will make such investigations as it deems necessary and will notify the lender in writing whether its request is approved or rejected. If rejected, the reasons for rejection will be given.

(1) If FHA finds that the applicant is a Federal or State chartered bank, savings and loan association, building and loan association, insurance company, credit union, or mortgage loan company that is subject to examination and supervision by an Agency of the United States or of the State in which the project is or is to be located, the applicant will be approved if it also meets the office location requiremnts. FHA may require the applicant to furnish information showing that it falls within one of the categories described in the preceding sentence.

(2) Other applicants for approval will be required to submit the following:

(i) Copy of license or other evidence of authority to engage in the proposed business or industrial lending activity in the State.

(ii) Informaton on lending operation, including period of time in lending business, range and volume of lending activities, current financial statement, and such documentation as requested by FHA to substantiate the representation made in the request for approval.

(c) *Termination of approval of lender or holder.*—If a lender or holder has not made (or does not hold as registered holder) any guaranteed loan or loans within a period of 2 years after approval or within any subsequent 2-year period, or fails or refuses to comply with any requirements in this part or related forms, such lender or holder may be dropped from the approved list. The lender or holder will be notified in writing if such action is taken.

(d) *Loan making and servicing capabilities of lender or holder.*—FHA will not approve any otherwise eligible original lender or subsequent holder for the making and servicing or acquisition and servicing of guaranteed loans in any area unless FHA determines that such lender or holder will be able to properly handle the loan making, closing, and servicing functions.

§ 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, industry, and employment, and improving the economic and environmental climate in rural areas. Such purposes include, but are not limited to:

(1) Financing business and industrial acquisition, construction, conversion, enlargement, repair, or modernization.

(2) Financing the purchase and development of land, easements, rights-of-way, buildings, equipment, facilities, leases, machinery, supplies, or materials.

(3) Financing pollution control and abatement incident to industrial development.

(4) Payment of startup costs and supplying working capital.

(5) Payment of interest during the period before the first principal becomes due, including interest on interim financing.

(6) Payment of appraisal, engineering, legal, and other fees and costs as provided in § 1825.86.

(7) Refinancing debts in unsual circumstances where FHA determines refinancing is necessary for a sound loan.

(b) FHA may not be guaranteeing loans for all authorized purposes at the same time. Prospective lenders may contact FHA to ascertain which loan purposes are eligible for guarantee at any particular time.

(c) Loans may not be guaranteed if the funds are used:

(1) To pay off a creditor in excess of the value of the security.

(2) For distribution or payment to the owner, partners, members, shareholders, or beneficiaries of the applicant or lender or members of their families.

(3) To finance recreation or amusement facilities.

(4) For an enterprise engaged or to become engaged in the business of lending, investing or trading in commodity futures, or any other speculative activity.

(5) To finance the acquisition, construction, improvement, modernization, or operation of real property which is, or is to be, held for sale or investment or to refinance debts against such property, except land for site development.

(6) To finance the transfer of projects from one area to another that would adversely affect the employment or business activity of the area of original location.

(7) To finance the production of goods, materials, or commodities, or the availability of services or facilities, when there is not sufficient demand therefor, or when such production, services or facilities would adversely affect existing competitive enterprises in the area.

(8) To finance newspapers, publishing, broadcasting, or other communication media.

(9) To finance gambling or any other activity if any part of the income from the project or that of any of its principal owners is derived from gambling activities.

(10) To finance any enterprise that would be economically or environmentally unsound.

§ 1825.64 Rural area determination.

If the lender or FHA has any doubt as to whether a project location is in a rural area, FHA may request the lender to provide a map of the area and any other relevant information.

§ 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 that specified in Form FHA 449–1, Application for Loan and Guarantee (copy attached) interest on earned interest, service charges, bonus, commission, expense, prepayment penalty, or similar fees, charges, or things of value in connection with obtaining the loan or in relation thereto, except as otherwise provided in § 1825.86 under compensation for loan services. Any late payment charges must be agreed to by the borrower, must be collected from the borrower, cannot be deducted from regular installment payments, and are not covered by the Contract of Guarantee. Late charges cannot be made on any amount paid within 15 days after its due date.

§ 1825.68 Interest.

The rate of interest for FHA guaranteed loans will be negotiated between the lender and the applicant. The rate must be consistent with the going local rate for similar guaranteed loans. The maximum interest rate that may be charged a borrower on a loan guaranteed by FHA will be announced by FHA periodically. The lender may ascertain this maximum rate by telephoning FHA. Interest will be charged only on the actual amount of loan funds borrowed and for the actual time the money is outstanding. Discount or add on interest is not permitted. The interest rate initially established for each loan will remain constant during the existence of the FHA guarantee. Interest on future advances made by the holder to protect the security may be charged at the rate specified in the security instruments.

§ 1825.69 Maturity.

The maximum final maturity of an FHA guaranteed loan will be limited to 30 years for land, buildings and permanent fixtures; the usable life of the machinery and equipment purchased with loan funds, but not to exceed 15 years; and 6 years for the working capital portion of the loan.

§ 1825.70 Repayments.

Principal and interest on the loan will be due and payable as provided in the promissory note. Ordinarily, all installments shall be paid in equal periodic or amortized installments of principal and interest sufficient to pay the loan in full by the final maturity date. However, the first installment to include a repayment of principal may be scheduled for payment after the project is operable and has begun to generate income, but such installment will be due and payable within 3 years from the date of the promissory note. Interest will be due at least annually after the loan is closed. All of the loan may be repaid without penalty at any time before it is due. Additional payments may be made at times and in amounts as specified in the promissory note.

§ 1825.71 Applicant equity.

The applicant will be required to contribute sufficient tangible assets to provide reasonable assurance of a successful project. Normally, less than 25 percent equity would not provide reasonable assurance of success.

§ 1825.72 Collateral.

Collateral must be of such a nature that, when considered with the integrity and ability of the project management, the soundness of the project, and the applicant's prospective earnings, repayment of the loan will reasonably be assured.

§ 1825.73 Environmental impact statements.

Upon receipt of Form FHA 449–10, Applicant's Environmental Impact Evaluation, from the lender, 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 finds 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 demand, 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 protection and flood disaster relief, they 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. FHA may also request flood hazard information from other agencies of the Department of Agriculture.

(b) If the loan is to be guaranteed, the applicant will be required to obtain flood hazard insurance prescribed by the National Insurance Administration, Department of Housing and Urban Development, if it is available in the project area.

§§ 1825.76–1825.79 [Reserved]

§ 1825.80 Application and loan processing.

(a) *Applicant and lender.*—Prospective applicants for guaranteed loans may obtain a list of approved lenders from FHA.

(b) *Applications from cooperatives.*—Initial applications from cooperatives for loans will be submitted to the Bank for Cooperatives (Bank) for a determination of availability of credit from the Bank.

(c) *SBA loan assistance.*—If an applicant is eligible for SBA assistance, FHA ordinarily will limit its guarantee to the financing that exceeds the amount which can be provided under SBA programs. Therefore, if the applicant is eligible for SBA assistance, it should submit an application to SBA. If SBA is unable to provide the full loan assistance needed, the applicant may submit applications to both SBA and a lender at the same time.

(d) *Preliminary discussion with lender.*—If an applicant is unable to obtain the needed loan assistance from other sources it may discuss its proposed project and credit needs with a lender. If 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 (without attachments). The lender will also have the applicant obtain any necessary comments from governmental units and planning agencies that are required by Office of Management and Budget Circular A–95. The lender will forward a copy of form FHA 449–1 and such comments to FHA.

(e) *Preliminary determination by FHA.*—FHA will review form FHA 449–1 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.

(f) *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 will arrange a preapplication conference with the prospective 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,

loan amount, and project priority, and cannot obtain all of the needed credit elsewhere without an FHA guarantee, the applicant will be informed that it may prepare and submit to the lender a final form FHA 449–1, with attachments; form FHA 449–2, Statement of Collateral; and form FHA 400–1, Equal Opportunity Agreement, if construction costing more than $10,000 is involved.

(2) If it appears at the conference that the applicant is not eligible for guaranteed loan assistance, the lender and the applicant will be so informed by FHA.

§ 1825.81 Lender evaluation.

When the material required by § 1825.80 (f) (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 if an 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.

§ 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 its standing 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, Economic Impact Report, FHA 449–4, Statement of Personal History, FHA 449–10 (and FHA 440–1 if construction costing 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 Form FHA 449–1 must evidence approval by any State industrial commission and/or other State 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 site 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 all things necessary for success of the enterprise will be available at the beginning of operations.

(f) Statement from SBA as to what financing it will provide to the applicant.

(g) Advice as to whether all or any part of the project is or will be located in a flood plain.

(h) Evidence that clearinghouse requirements have been met.

(i) Any additional information required by the Department of Labor as a basis for its determinations with respect to transfer of employment or business activity from one area to another and the effect of the project on existing competitive enterprises in the area.

(j) Any additional information needed to enable FHA to pass on the request for issuance of a Conditional Commitment for Guarantee.

§ 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.

§ 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.

§ 1825.85 Equal opportunity and nondiscrimination.

One of the conditions for approval of a lender or subsequent holder is that it agrees not to discriminate between applicants in making or servicing 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 cases involving construction as indicated. (For more detailed information see 7 CFR, part 15, and 41 CFR, part 60.)

(a) The lender will be responsible for seeing that, before loan closing, each applicant whose loan involves a construction contract of more than $10,000 executes Form FHA 400–1, which includes an equal opportunity clause.

(b) If the contract or subcontract exceeds $10,000 the lender will also be responsible for seeing that:

(1) The contractor or subcontractor submits Form FHA 400–6, Compliance Statement, before or as a part of the bid or negotiation. No prospective contractor or subcontractor will be eligible for a contract or subcontract financed with a guaranteed loan until he has filed all of the compliance reports required of him under any previous contracts.

(2) An equal opportunity clause is part of each contract and subcontract. This clause is incorporated in Form FHA 424–6, Construction Contract, which may serve as a guide.

(3) With notification of the contract award, the contractor receives:

(i) Form FHA 400–3, Notice to Contractors and Applicants, with an attached Equal Employment Opportunity poster. Posters in Spanish will be provided and displayed where a significant portion of the population is Spanish speaking.

(ii) Form AD–425 Contractor's Affirmative Action Plan for Equal Employment Opportunity Under Executive Order 11246 and Executive Order 11375, if the contractor or subcontractor is subject to the requirements of paragraph (d) of this section.

(c) If the contractor or subcontractor has 100 or more employees and a contract or subcontract of $10,000 or more, the lender will be responsible for seeing that:

(1) In addition to meeting the requirements of paragraph (b) of this section, each such contractor or subcontractor files Standard Form 100, Employer Information Report EEO–1 with the Joint Reporting Committee within 30 days of the contract or subcontract award unless this report has already been submitted within the last 12 months.

(2) An annual report is filed on or before March 31 as long as the contractor or subcontractor holds a contract equal to $10,000 or more which is financed with a guaranteed loan. Failure to file timely, complete, and accurate reports constitutes noncompliance with the equal opportunity clause. Report forms are distributed by the Joint Reporting Committee and any questions on this form should be addressed by the contractor or subcontractor to the Joint Reporting Committee, 1800 G Street, NW., Washington, D.C. 20006.

(d) If the contract or subcontract is $50,000 or more and the contractor or subcontractor has 50 or more employees, the lender will be responsible for seeing that, in addition to the requirements of paragraph (b) of this section, each such contractor or subcontractor is informed that he must develop a written affirmative action compliance program for each of his establishments and put it on file

in each of his personnel offices within 120 days of the commencement of the contract or subcontract. Form AD-425 provides guidelines for the contractor or subcontractor in developing such a program.

(e) 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 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.

(f) Any employee of or applicant for employment with such contractors or subcontractors may file a written complaint of discrimination with FHA.

(1) 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.

(2) 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.

§ 1825.86 Compensation for loan services.

If the loan is guaranteed by FHA, the applicant may pay from funds included in the loan for that purpose, the reasonable costs incurred for 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 contribution, any costs for such services in excess of the reasonable value thereof as determined by FHA. Moreover, the applicant may not pay anyone, or agree to pay anyone, a fee, commission, or other compensation, contingent upon the making of a loan guaranteed by FHA.

§ 1825.87 Qualifications of specialists.

The applicant and lender will be responsible for determining that accountants, appraisers, architects, attorneys, engineers, and other parties furnishing services in connection with preparation of the loan application, making the loan, developing the project, and verifying proper project completion have the necessary qualifications and experience to properly perform the services involved.

§§ 1825.88–1825.89 [Reserved]

§ 1825.90 Loan closing.

The responsibility for closing guaranteed loans will rest with the lender.

§ 1825.91 Review of requirements.

On receipt of form FHA 449-14, Conditional Commitment for Guarantee, including any additional loan guarantee conditions and requirements, and related forms, the lender should review and discuss the matter with the applicant to determine whether the conditions and requirements are acceptable to the applicant or lender, they should inform FHA of their recommendations and reasons for needed revisions.

§ 1825.92 Security requirements.

The lender is responsible for seeing that proper and adequate security is obtained and maintained in existence and of record to protect the interests of the lender or holder and FHA.

(a) Ordinarily, the security will be a first lien. However, a junior lien may be taken with FHA's written consent. When a junior lien is taken the lender, among other things, should make sure that:

(1) The prior mortgage(s) or other lien(s) do not contain provisions for future advances, summary forfeiture or cancellation or other provisions that may jeopardize the lender's security position or the borrower's ability to pay the loan.

(2) Such provisions of the prior mortgage(s) or other lien(s), if they exist, are satisfactorily limited, modified, waived, or subordinated.

(b) 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 security property.

(c) All collateral of any nature securing a loan guaranteed by FHA must secure the entire loan. The lender cannot take separate collateral to secure only that portion of the loss not covered by the FHA guarantee.

§ 1825.93 Security instruments and financing statements.

(a) *Mortgages and security agreements.*—FHA forms of real estate mortgages (including deeds of trust and deeds to secure debt) 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,

(1) Covering the "proceeds and products" of the collateral described, and

(2) providing that "disposition of the collateral is not authorized" by the financing statement.

§ 1825.94 Change orders.

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.

§§ 1825.95–1825.99 [Reserved]

§ 1825.100 Conditions precedent to issuance of contract of guarantee.

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 in writing 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 appropriate 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.

(b) 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 advised 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.

§ 1825.101 Issuance of Contract of Guarantee.

(a) If it appears to FHA that all applicable requirements have been met, it will execute the Contract of Guarantee which will set forth (specifically by reference) the terms and conditions of the guarantee. The original Contract of Guarantee will be forwarded to the lender.

(b) If FHA determines that it cannot execute the Contract of Guarantee it

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 obtained by fraud or material misrepresentation of which the original lender or registered holder had actual knowledge at the time it became such lender or holder.

§ 1825.103 When contract unenforceable.

(a) The Contract of Guarantee will be unenforceable:

(1) By or on behalf of any party who is not the original lender or a subsequent registered holder;

(2) As to any loss occurring or caused by events occurring while the loan was not held by the original lender or a subsequent registered holder;

(3) If the borrower does not have or obtain title marketable in fact to the security property;

(4) If any note or security instrument is invalid or unenforceable;

(5) If the security instruments do not secure the guaranteed loan or advances;

(6) If the lender does not obtain liens with the priorities specified by the lender in the loan docket submitted to FHA and as agreed to by FHA, or fails to properly record or file lien or notice instruments to obtain or maintain such lien priorities of record during the existence of the FHA guarantee;

(7) If at any time the holder fails to maintain an office (either itself or through an agent) in or near enough to the security property location so that, in the judgment of FHA, the servicing functions can be properly and efficiently discharged; or

(8) If the holder does not comply with the loan making, project development, servicing, and liquidation requirements in this part and related forms for the type of loan involved. This relates to the provisions of this part at the time of execution of the Contract of Guarantee and to any future provisions of this part not inconsistent with the provisions of said contract or the provisions of this part at that time.

(b) However, if FHA determines that only part of any loss was caused by failure of the holder to comply with paragraph (b)(3) through (8) of this section, FHA will honor the contract of guarantee as to the part of such loss which FHA determines to be in excess of that portion of the loss caused by such noncompliance.

§§ 1825.104–1825.109 [Reserved]

§ 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:

(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.

(2) Unpaid interest outstanding at the end of each 6-month period on:

(i) Principal balance of guaranteed note.

(ii) Future advances for taxes, annual assessments, hazard insurance premiums, any ground rents; and any other items specifically approved by FHA.

(3) However, 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.

(b) The percentage rate of the fee will be established by FHA from time to time. However, the percentage rate of the fee will be stipulated in each Contract of Guarantee and will remain constant during the existence of that Contract of Guarantee. Lenders or holders can ascertain the guarantee fee rate in effect at any particular time by telephoning FHA.

(c) Guarantee fee payments will be made semiannually for the 6-month periods ending May 31 and November 30 (except that the first and last payments will be for shorter periods unless the loan is guaranteed and paid off on May 31 and November 30). Payments will be credited as of the end of the 6-month period. The guarantee fee will accrue from the date of the Contract of Guarantee.

§ 1825.111 Holders guarantee fee report.

Within 15 days after the end of each such 6-months period, the holder will send form FHA 449–19, Holders Guarantee Fee Report, (semiannual report) to the finance office showing amounts owed for such preceding 6-month (or shorter) period.

§ 1825.112 Payment of guarantee fee.

On the basis of information contained in the holders guarantee fee report, the holder 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.

§§ 1825.113–1825.119 [Reserved]

§ 1825.120 Loan servicing.

The term "servicing" as used in this part includes all actions that are necessary after loan closing to collect the indebtedness and to protect the security and security rights. This involves, but is not limited to, obtaining compliance with the provisions of the loan and security instruments, any supplementary agreements, and this part. The servicing functions involved in liquidation are set forth in §§ 1825.130. The refinancing provisions of section 333(c) of the act (7 U.S.C. 1983 (c)) are not applicable to B. & I. loans. The holder is responsible for all servicing functions.

§ 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 local office, it will advise FHA the name, location, and authority of its local agent. Any such agency arrangement will be subject to approval by FHA.

§ 1825.122 Significant servicing functions.

Among the more significant servicing functions for which the holder is responsible, are:

(a) Collection of indebtedness as it falls due or taking liquidation actions as provided in § 1825.130.

(b) Providing and keeping effective adequate hazard and other insurance (as customary and proper for the type of property and operation involved) on the insurable security property, with loss payable clause in favor of the lender as mortgagee or secured party.

(c) Payment of taxes and any assessments or ground rents against or affecting the security property.

(d) Compliance with all laws and ordinances applicable to the security property or the lender or holder.

(e) Protecting the loan and security in foreclosure, bankruptcy, receivership, insolvency, condemnation, or other litigative or third party actions.

(f) 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.

(g) Applying 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.

(h) Not making future advances for purposes other than taxes, annual assessments, ground rents, and hazard insurance premiums affecting the security property, without FHA's written approval.

(i) Not releasing the borrower (any party liable) from personal liability for all or any part of the guaranteed loan.

(j) Not altering the provisions of the loan or security instruments without FHA's written approval.

(k) 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, unless the guaranteed loan will be paid in full in connection with the sale or transfer.

§ 1825.123 Defaults.

The registered holder will immediately notify FHA of any substantial default by the borrower or significant third party action affecting 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.

§§ 1825.124–1825.129 [Reserved]

§ 1825.130 Liquidation.

If either the holder or FHA concludes that liquidation of a guaranteed loan account is necessary because of one or more defaults or third party actions that the borrower cannot or will not cure or eliminate within a reasonable 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 proposals.*—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 account, the holder and FHA will appraise and endeavor to agree on the fair market value of the security property and any additional amounts that can be readily collected from the borrower (additional debt payment ability). 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, and furnish copies of his 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, it 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 or law. A copy of the acceleration notice or other acceleration document will be sent to FHA.

(e) *Notice of loss settlement option.*—Within 30 days after receipt of such notification concerning acceleration and any information, instruments, or documents required pursuant to the next sentence, FHA will inform the registered holder in writing as to which of the loss settlement options set forth in paragraph (g) of this section has been selected. To assist FHA in selecting the loss settlement option, the lender and holder will provide FHA such information, and such legal and other instruments and documents (or copies thereof or access thereto), as 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 15 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 conformed copy to FHA for approval. At the same time, the holder will furnish to FHA the original and one conformed copy of an interim form FHA 449–19, Holders Guarantee Fee Report (semiannual report), bringing the last semiannual report up-to-date.

(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 IV, "Fair Market Value of Security Property."

(iii) Section VII—A2, "Funds in escrow account."

(iv) Section VII—A3, "Net income from security property."

(v) Section VII—A4, "Borrowers debt payment ability."

(vi) Section VIII "Allowances to Registered Holder for Liquidation Costs."

(4) Proviso. 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 the finance office finds to be correct. 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) *Pay loss 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 loss payment check issued and mailed to the holder. The check will be for the amount set forth in section IX of the Report of Loss. (Section IX consists of an adjusted sum arrived at by making certain deductions from the 90 percent basic loss guarantee payment owed by FHA to the holder for losses on the promissory note and future advances. The deductions are for the guarantee fee owed by the holder to FHA, cash in holder's possession in the escrow account or net income from the security property, 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) Not 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 C "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 VI "Percentage of Basic Loss Guaranteed," less the amount of section VII A 1 "Guarantee fee owed by holder."

(i) Upon receipt of the Report of Loss, 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:

(*a*) The Promissory Note endorsed payable to the order of the United States of America;

(*b*) The 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;

(c) Evidence of title and ownership;

(d) Any other instruments required by FHA to perfect its ownership of the guaranteed loan and related rights.

(ii) Any net rental or other income that has been received by the holder from the security property (section VII A 3 of the Report of Loss) should be applied on the guaranteed loan debt before FHA accepts an assignment of the loan. The holder's right to the escrow account (section VII A 2 of Report of Loss) and any funds therein will be assigned to FHA.

(3) *Accept title to property from registered holder.*—If FHA elects to wait and accept a conveyance of the former security property from the holder after the holder has acquired title to it by voluntary conveyance in lieu of foreclosure or by purchase at foreclosure or other forced sale:

(i) A new determination of value of the former security property will be made within 30 days after title (record title, if conveyance can be filed or recorded) is vested in the holder, except that if a period of redemption exists, this action, at FHA's option, may be delayed until the applicable period of redemption has expired. The Report of Loss will be prepared on the same basis as if the borrower still owned the property. The settlement date in the Report of Loss will be approximately 30 days after FHA receives the Report of Loss.

(ii) The Treasury check will be calculated on the Report of Loss. It will be for the amount of section IV C 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 D Guaranteed Loan Items) plus the amount of section IX (explained in paragraph (g)(1) of this section).

(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 holder's acquisition price at a forced sale, which amount is more.

(iv) The finance office will send the Treasury check to the FHA for delivery to the holder when the holder furnishes the following items in the form required by FHA:

(a) General warranty deed covering the acquired real property (FHA may also require a policy of owner's title insurance if it is unwilling to rely on the grantor's warranty, the cost to be shared equally by FHA and the holder);

(b) Bill of sale or other required conveyance containing a general warranty of title to any acquired personal property (and any fixtures not covered by a warranty deed);

(c) Possession of all conveyed property;

(d) 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 option, FHA will not take title to said property.

(i) The provisions of paragraph (g)(3)(i) 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 VIIF of 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.

(h) *Maximum amount of loss payment to holder.*—Notwithstanding 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 principal advanced by the lender to the borrower under the guaranteed loan promissory note.

(i) *Application of FHA loss payment.*—The amount of the loss payment by FHA will be applied by the holder on the guaranteed loan debt.

§§ 1825.131–1825.139 [Reserved]

§ 1825.140 Financial reports and audits.

The holder will require FHA guaranteed loan borrowers:

(a) To maintain proper books of account in a manner satisfactory to the holder.

(b) To submit on an annual basis audited financial statements prepared by an independent certified public accountant or by 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, and containing his unqualified opinion.

(c) To submit at a minimum, a 6-month interim financial statement (balance sheet and complete income and expense statement) signed by a responsible officer of the borrower attesting that the financial statements are true and correct to the best of his knowledge.

(1) The holder will furnish a copy of each audit report and other financial reports to FHA.

(2) FHA has the right to audit the records of the lender or holder pertaining to the guaranteed loan.

§§ 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 449–1—Application for Loan and Guarantee.
FHA 449–2—Statement of Collateral.
FHA 449–3—Economic Impact Report.
FHA 449–4—Statement of Personal History.
FHA 449–5—Personal Financial Statement.
FHA 449–10—Applicant's Environmental Impact Evaluation.
FHA 449–12—Security Agreement.
FHA 449–14—Conditional Commitment for Guarantee.
FHA 449–15—Promissory Note.
FHA 449–16—Mortgage.
FHA 449–17—Contract of Guarantee.
FHA 449–18—Lenders or Holders Request for Approval.
FHA 449–19—Holders Guarantee Fee Report (Semiannual Report).
FHA 449–20—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 that a guaranteed lender is not available shall be processed 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 1823.

(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 yield 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.

Dated June 15, 1973.

J. R. HANSON,
For the Acting Administrator,
Farmers Home Administration.

USDA-FHA
Form FHA 449-1
(5-18-73)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION (FHA)

APPLICATION FOR LOAN AND GUARANTEE

Employer's I.D. Number	
FHA CASE NUMBER	

1. APPLICANT (Show official name without abbreavations unless an abbreviation is a part of the official name. For proprietor or partnership, show name(s) followed by d/b/a and trade name used, if any).

Name	Street		
City	County	State	ZIP Code
Tele. No.	Date of Application	Amount of Loan Requested	Maturity Requested
Type of Enterprise		Date Established	Number of Employees (Including subsidiaries and affiliates). At Time of Application _____ If Loan is Approved _____
Franchise ☐ Yes ☐ No If Yes, Submit Copy		☐ Existing Business ☐ New Business	

2. Use of Proceeds:

Land Acquisition	$	Acquisition and/or repair of machinery and equipment	$
New Building or plant construction	$		
Debt Payment	$	Other	$
Working Capital	$	Total	$

3. SUMMARY OF COLLATERAL OFFERED (Attach detailed list of collateral offered - See Item 7 (g) page 3)

	Cost	Net Book Value (Cost Less Depreciation)	Present Liens Or Mortgage Balance, If Any
Land and Buildings			
Machinery and equipment			
Furniture and fixtures			
Accounts receivable			
Inventory			
Other (specify)			

4. AS ADDITIONAL SECURITY, PAYMENT OF THE LOAN WILL BE GUARANTEED BY:

Name and Address (Include ZIP Code and Social Security Number of Guarantors) (Each principal must submit a signed personal balance sheet as of the same date as the applicant's) (Form FHA 449-5 may be used.)	Net Worth Outside Of Interest In Applicant Company
	$

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).

Check boxes if (a) or (b) above is not applicable (a) ☐ (b) ☐

Name and Address (Include ZIP Code)	Details of Relationship or Interest

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.

Name (List first, middle, maiden & last.) (If no middle name, so state)	Office Held	Annual Compensation	Percent Ownership	Personal Guaranty Offered (Yes or No)	Insurance Carried for Benefit of Applicant *

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 asterick (*), 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.

(l) 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 plantiff 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 reconcilement 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.)

Name of Agency or Department	Amount Requested	Date of Approval(*)	Present Balance	Status (Current, Delinquent, Maturity Accelerated, Liquidated or Paid in Full)

* If not approved write "Declined."

8. 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.

(f) 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:

Name and Address (Include ZIP Code)	Description of Services Rendered and to be Rendered	Total Compensation Agreed to be Paid*	Compensation Already Paid*

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, (a) shall have served as an officer, attorney, agent, or employee of FHA and (b) as such, 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.

(Individual, general partner, trade name or corporation)

CORPORATE SEAL

By _____

Title _____

Attest _____ *(Title)*

Date Signed: _____, 19____

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.

Bank Transit No.

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.

(5) Insurance: Life, Hazard, Federal Flood.

(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 ajudicated 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)

_____

_____

Telephone No. _____ _____

Date _____, 19____ _____

Authorized Officer

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[FR Doc.73-12358 Filed 6-21-73;— am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR, Part 1910]

[S-73-4]

MACHINERY AND MACHINE GUARDING

Notice 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; 84 Stat. 1590 et seq.; 29 U.S.C. 651 et seq.) was published in the FEDERAL REGISTER (38 FR 12405). 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 at Washington, D.C., this 18th day of June 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-12519 Filed 6-21-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 39]

[Docket No. 12906]

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 an airworthiness directive 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 a.c. 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. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 23, 1973, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

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. 1655(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 U6705/1; or

(2) Modify the installed Rotax static inverter, P/N U6705, in accordance with paragraph (c).

(b) For airplanes which have had BAC modification 4535 incorporated, either—

(1) Replace the installed Rotax static inverter, P/N U6724, with a serviceable Rotax static inverter, P/N U6724/1; or

(2) Modify the installed Rotax static inverter, P/N U6724, in accordance with paragraph (c).

(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 as specified in Rotax service bulletin No. 24-420 at revision 1, dated August 20, 1971 (Rotax modification No. 4743 U) or an FAA-approved equivalent.

(British Aircraft Corp, model BAC 1-11 service bulletin No. 24-PM4992, revision 1, dated November 8, 1971, refers to this same subject).

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 Strategies

On May 31, 1972 (37 FR 10842), pursuant to § 110 of the Clean Air Act and 40 CFR, part 51, the Administrator approved, with specific exceptions, State 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 where the adoption of transportation and/or land use control schemes were necessary to achieve the national standards for carbon monoxide and photochemical oxidants, submittal 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 *Natural Resources Defense Council, Inc., et al.* v. *Environmental Protection Agency* (Civil Action No. 72-1522) and seven related cases. The court ordered the Administrator to cancel 2-year extensions which had been granted for the attainment of the carbon monoxide and photochemical oxidants standards where transportation controls would be necessary and to require States to submit 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 7323).

In its order, the court also stated that the Administrator shall permit the public to comment on the State transportation control strategies and on the request by the Governor of any State, pursuant to section 110(e) of the Clean Air Act, for an extension of the date for attainment of a primary standard. This notice is issued to advise the public that a 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 should be 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 meeting the primary standards should be granted by the Administrator. Only comments received within 21 days from the publication of this notice will be considered. Notice of opportunity to comment on 15 other State plans was published on April 24, April 27, May 4, and June 1, 1973.

The control strategies for Colorado is 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)(2)(A)-(H) and EPA regulations in 40 CFR, part 51. A more detailed description of the plan is set forth below.

COLORADO

A control strategy for the attainment and maintenance of the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the Metropolitan Denver intrastate air quality control region was submitted on June 4, 1973, by the Governor of Colorado. It was adopted by Colorado Air Pollution Control Commission after public hearings in Denver, Colo., on January 19, 1973.

The plan presents a control strategy designed to achieve the national standards by 1975. The proposed control strategy provides for a 71-percent reduction in carbon monoxide and a 60-percent reduction in hydrocarbons (photochemical oxidants). The measures in that control strategy include semiannual inspection and maintenance of all light duty vehicles, retrofits of 1955–1967 light duty vehicles, high altitude modification and tuning for 1968–74 light duty vehicles, restrictions on emissions of hydrocarbons from stationary sources, improvement in public transportation through the purchase of additional buses, voluntary bike usage, conversion of fleet vehicles to gaseous fuel, and vehicle use restraints expressed as gasoline rationing at a 33 percent level. The Governor of Colorado has requested a 2-year extension for the attainment of both pollutants based on the unavailability of certain of these control messages.

Copies of the proposed control strategies are available for public inspection during normal business hours at the Office of Public Affairs, EPA Region VIII, Lincoln Towers, 1860 Lincoln Street, Denver, Colo. 80203, and in the Office of the Colorado Air Pollution Control Commission, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colo. 80220. Additional copies are available at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency Region VIII, Lincoln Towers, 1860 Lincoln Street, Denver, Colo. 80203.

(42 U.S.C. 1857c-5.)

Dated June 19, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.73-12505 Filed 6-21-73;8:45 am]

[40 CFR, Part 180]

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 3E1364) 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.

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

1. The pesticide is useful for the purposes 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(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred 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:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * * *

(d) * * *

Inert ingredients	Limits	Uses
*	*	* * *
Dimethyl sulfoxide	--------	Solvent or cosolvent for formulations used before crop emerges from soil or prior to formation of edible parts of food plants.
*	*	* * *

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 3902-A, 4th and M Streets SW., Waterside Mall, 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.

Dated June 13, 1973.

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

[FR Doc.73-12641 Filed 6-21-73;8:45 am]

[41 CFR, Part 15-16]

PROCUREMENT FORMS

Forms for Advertised Supply Contracts

Notice is hereby given that the Environmental Protection Agency proposes to supplement 41 CFR, chapter 15, by implementing section 15-16.101(c), additional general provisions for standard form 32, part 15-16, procurement forms, subpart 15-16.1, forms for advertised supply contracts, to read as set forth below.

Interested parties may submit written comments or objections as they may desire. Communications should be submitted in triplicate to the Environmental Protection Agency, Contracts Management Division, Washington, D.C. 20460. All communications received on or before August 21, 1973, will be considered prior to adoption of this regulation. A copy of each communication will be placed on file for public inspection in the Contracts Management Division, room 415, Waterside Mall, Washington, D.C. 20460.

Dated June 19, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart 15-16.1 Forms for Advertised Supply Contracts

§ 15-16.101 Additional general provisions to Standard Form 32.

23. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(The following clause is applicable only in contracts under $100,000.)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when 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 part 1-8 of the Federal Procurement 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 (b), in any subcontract hereunder as to which a situation or labor dispute may delay the timely performance of this contract; except that each such subcontract shall provide that in the event its timely performance is delayed or threatened by delay by any actual or potential situation or labor dispute, the subcontractor shall immediately notify its next higher tier subcontractor, 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, if a statute, court decision, written ruling, or regulation takes effect after the contract date, and

(1) Results in the Contractor being required to pay or bear the burden of any such Federal excise tax or duty or increase in the rate thereof which would not otherwise have been payable on such transactions or property, the contract price shall be increased by

the amount of such tax or duty or rate increase: *Provided*, That the Contractor if requested by the Contracting Officer, warrants in writing that no amount for such newly imposed Federal excise tax or duty or rate increase was included in the contract price as a contingency reserve or otherwise; or

(2) Results in the Contractor not being required to pay or bear the burden of, or in his obtaining a refund or drawback of, any such Federal excise tax or duty which would otherwise have been payable on such transactions or property or which was the basis of an increase in the contract price, the contract price shall be decreased by the amount of the relief, refund, or drawback, or that amount shall be paid to the Government, as directed by the Contracting Officer. The contract price shall be similarly decreased if the Contractor, through his fault or negligence or his failure to follow instructions of the Contracting Officer, is required to pay or bear the burden of, or does not obtain a refund or drawback of, any such Federal excise tax or duty.

(c) No adjustment pursuant to paragraph (b) above will be made under this contract unless the aggregate amount thereof is or may reasonably be expected to be over $100.

(d) As used in paragraph (b) above, the term "contract date" means the date set for the bid opening, or if this is a negotiated contract, the date of this contract. As to additional supplies or services procured by modification to this contract, the term "contract date" means the date of such modification.

(e) Unless there does not exist any reasonable basis to sustain an exemption, the Government, upon request of the Contractor, without further liability, agrees, except as otherwise provided in this contract, to furnish evidence appropriate to establish exemption from any tax which the Contractor warrants in writing was excluded from the contract price. In addition, the Contracting Officer may furnish evidence to establish exemption from any tax that may, pursuant to this clause, give rise to either an increase or decrease in the contract price. Except as otherwise provided in this contract, evidence appropriate to establish exemption from duties will be furnished only at the discretion of the Contracting Officer.

(f) The Contractor shall promptly notify the Contracting Officer of matters which will result in either an increase or decrease in the contract price, and shall take action with respect thereto as directed by the Contracting Officer.

26. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent (without prejudice in any rights of indemnification) for all use and manufacture, in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract) of any invention described in and covered by a patent of the United States (i) embodied in the structure or composition of any article the delivery of which is accepted by the Government under this contract, or (ii) utilized in the machinery, tools, or methods the use of which necessarily results from compliance by the Contractor or the using subcontractor with: (a) Specifications or written provisions now or hereafter forming a part of this contract, or (b) specific written instructions given by the Contracting Officer directing the manner of performance.

27. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

The following clause is applicable if the amount of this contract is in excess of $5,000 except (1) contracts which, including all subcontracts hereunder, are to be performed entirely outside the United States, its possessions, and Puerto Rico and (2) contracts for services which are personal in nature.

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts.

(b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American-Orientals, American-Indians, American-Eskimos, and American Aleuts. Contracts may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

28. GRATUITIES

(a) The Government may, by written notice to the Contractor, terminate the right of the Contractor to proceed under this contract if it is found, after notice and hearing, by the Administrator or his duly authorized representative, that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Contractor, or any agent or representative of the Contractor, to any officer or employee of the Government with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performing of such contract; provided, that the existence of the facts upon which the Administrator or his duly authorized representative makes such findings shall be in an issue and may be reviewed in any competent court.

(b) In the event this contract is terminated as provided in paragraph (a) hereof, the Government shall be entitled (i) to pursue the same remedies against the Contractor as it could pursue in the event of a breach of the contract by the Contractor, and (ii) as a penalty in addition to any other damages to which it may be entitled by law, to exemplary damages in an amount (as determined by the Administrator or his duly authorized representative) which shall be not less than 3 nor more than 10 times the costs incurred by the Contractor in providing any such gratuities to any such officer or employee.

(c) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

29. PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" clause or any other provisions of this contract, such costs shall be in accordance with the 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 in this clause, means recorded information, regardless of form or characteristic, of a scientific or technical nature. It may, for example, document research, experimental, developmental, or engineering work; or be usable or used to define a design or process or to procure, produce, support, maintain, or operate material. The data may be graphic or pictorial delineations in media such as drawings or photographs; text in specifications or related performance or design type documents; in machine forms such as punched cards, magnetic tape, computer memory printouts; or may be retained in computer memory. Examples of technical data include research and engineering data, engineering drawings and associated lists, specifications, standards, process sheets, manuals, technical reports, catalog item identifications, and related information. Technical data does not include financial, administrative, cost and pricing, and management data, or other information incidental to contract administration.

(2) Limited rights means rights to use, duplicate, or disclose technical data, in whole or in part, by or for the Government, with the express limitation that such technical data shall not, without the written permission of the party furnishing such technical data, be (a) released or 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:

(i) Emergency repair or overhaul work only, by or for the Government, where the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure thereof outside the Government shall be made subject to a prohibition against further use, release or disclosure; or

(ii) Release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of paragraph (a)(2)(i) above.

(3) Unlimited rights means rights to use, duplicate or disclose technical data, in whole or in part, in any manner and for any purpose whatsoever, and to have or permit others to do so.

(b) *Government rights.*—(1) The Government shall have unlimited rights in:

(i) Technical data resulting directly from performance of experimental, developmental or research work which was specified as an element of performance in this or any other Government contract or subcontract;

(ii) Technical data necessary to enable manufacture of end-items, components and modifications, or to enable the performance of processes, when the end-items, components, modifications or processes have been, or are being, developed under this or any other Government contract or subcontract in which experimental, developmental or research work is, or was specified as an element of contract performance;

(iii) Technical data prepared or required to be delivered under this or any other Government contract or subcontract and constituting corrections or changes to Government-furnished data;

(iv) Technical data pertaining to end-items, components or processes, prepared or required to be delivered under this or any other Government contract or subcontract, for the purpose of identifying sources, size, configuration, mating and attachment characteristics, functional characteristics and performance requirements ("form, fit and function" data, e.g., specification control drawings, catalog sheets, envelope drawings, etc.);

(v) Manuals or instructional materials prepared or required to be delivered under this contract or any subcontract herunder for installation, operation, maintenance or training purposes;

(vi) Technical data which is in the public domain, or has been or is normally furnished without restriction by the contractor or subcontractor; and

(vii) Technical data listed or described in an agreement incorporated into the schedule of this contract, which the parties have predetermined, on the basis of paragraphs (b)(1) (i) through (vi) above, and agreed will be furnished with unlimited rights.

(2) The Government shall have limited rights in technical data, listed or described in an 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 to be asserted is marked with the following legend in which is inserted the number of the prime contract under which the technical data is to be delivered and the name of the contractor or subcontractor by whom the technical data was generated:

This technical data, furnished under U.S. Government Contract No. ------, shall not, without the written permission of ---------- ----------, be either (a) used, released or 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: (i) Emergency repair or overhaul work only, by or for the Government where the item or process concerned is not otherwise reasonably available to enable timely performance of the work provided that the release or disclosure hereof outside the Government shall be made subject to a prohibition against further use, release, or disclosure; or (ii) release to a foreign government, as the interest of the United States may require, for emergency repair or overhaul work by or for such government under the conditions of paragraph (b)(2)(i) above. This legend shall be marked on any reproduction hereof in whole or in part.

No legend shall be marked on, nor shall any limitation on rights of use be asserted as to, any data which the Contractor has previously delivered to the Government without restriction. The limited rights provided for by this paragraph (b)(2) shall not impair the right of the Government to use similar or identical data if such data is or becomes a part of the public domain or public knowledge by publication or otherwise, or is acquired by the Government from other sources, without restrictions. In preparation of the final report (if required under the contract), any and all technical data in which the Government has limited rights as set forth in paragraph (b)(2) above, shall be submitted under separate cover with the final report and marked with the legend set forth above. However, the final report shall include a complete disclosure of all materials, processes, and equipment employed in such full, clear, concise, and exact detail, including data such as mathematical, graphic, and written descriptive materials and other means of disclosure appropriate in the circumstances to enable any person skilled in the art to comprehend the results of the work performed under the contract.

(c) *Material covered by copyright.*—(1) In addition to the rights granted under the provisions of paragraph (b) above, the Contractor agrees to and does hereby grant to the Government, and to its officers, agents, and employees acting within the scope of their official duties, a royalty-free nonexclusive and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, dispose of, and to authorize others so to do, all technical data now or hereafter covered by copyright.

(2) No copyrighted matter shall be included in technical data furnished hereunder without the written approval of the Contracting Officer unless there has been obtained the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (c)(1) above.

(3) The Contractor shall report to the Government (or higher-tier Contractor) promptly and in reasonable written detail each notice or claim of copyright infringement received by the Contractor with respect to any technical data delivered hereunder.

(d) Except for those items set forth in paragraph (b)(2) above, the Contractor shall not affix any restrictive markings upon any technical data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate or ignore any such markings.

(e) *Relation to patents.*—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.

(f) *Publications.*—(1) The Contractor shall submit to the Contracting Officer or his designee at least 30 days prior to publication, a copy of each publication and other dissemination of information (other than publicity) that contains information resulting directly or indirectly from a contract supported activity.

(2) Any publication or other dissemination of information shall acknowledge Federal contract assistance by including the following:

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 or policies of the U.S. Environmental Protection Agency, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

(g) *Acquisition of data from subcontractors.*—(1) Whenever any technical data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's or the Contractor's rights in that subcontractor data which is required for the Government.

(2) Technical data required to be delivered by a subcontractor shall normally be delivered to the next higher tier Contractor. However, when there is a requirement in the prime contract, or in any deferred order, for data which may be supplied with limited rights pursuant to paragraph (b)(2) above, a subcontractor may fulfill such requirement by submitting such data directly to the Government rather than through the prime Contractor.

(3) The Contractor and higher tier subcontractors will not use their power to award subcontracts as economic leverage to acquire rights in data from their subcontractors for themselves.

31. MODIFICATION PROPOSALS PRICE BREAKDOWN

The Contractor, in connection with any proposal he makes for a contract modification, shall furnish a price breakdown, itemized as required by the Contracting Officer. Unless otherwise directed, the breakdown shall be in sufficient detail to permit an analysis of all material, labor, equipment, subcontract, and overhead costs, as well as profit, and shall cover all work involved in the modification, whether such work was deleted, added or changed. Any amount claimed for subcontracts shall be supported by a similar price breakdown. In addition, if the proposal includes a time extension, a justification therefor shall also be furnished. The proposal together with the price breakdown and time extension justification, shall be furnished by the date specified by the Contracting Officer.

32. PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(a) If an appeal is filed by the Contractor from a final decision of the Contracting Officer under the "disputes" clause of this contract denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the date the Contractor furnishes to the Contracting Officer his written appeal under the "disputes" clause of this contract, to the date of (1) a final judgment by a court of competent jurisdiction or (2) mailing to the Contractor of a supplemental agreement for execution either confirming completed negotiations between the parties or carrying out a decision of a Board of Contract Appeals.

(b) Notwithstanding (a) above, (1) interest shall be applied only from the date payment was due, if such date is later than the filing of appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a Board of Contract Appeals or a court of competent jurisdiction.

33. LISTING OF EMPLOYMENT OPENINGS

(This clause is applicable pursuant to 41 CFR 50-250 if this contract is for $2,500 or more.)

(a) The Contractor agrees, in order to provide special emphasis to the employment of qualified disabled veterans and veterans of the Vietnam era, that all suitable employment openings of the Contractor which exist at the time of the execution of this contract and those which occur during the performance of this contract, including those not generated by this contract and including those occurring at an establishment other than the one wherein the contract is being performed but excluding those of independently operated corporate affiliates, shall be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide such reports to such local office regarding employment openings and hires as may be required: *Provided*, That if this contract is for less than $10,000 or if it is with a State or local government the reports set forth in paragraphs (c) and (d) are not required.

(b) Listing of employment openings with the employment service system pursuant to this clause shall be made at least concurrently with the use of any other recruitment service or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. This listing of employment openings does not require the hiring of any particular job applicant or from any particular group of job applicants, and nothing herein is intended to relieve the Contractor from any requirements in any statutes, Executive orders, or regulations regarding nondiscrimination in employment.

(c) The reports required by paragraph (a) of this clause shall include, but not be limited to, periodic reports which shall be filed at least quarterly with the appropriate local office or, where the Contractor has more than one establishment in a State, with the central office of the State employment service. Such reports shall indicate for each establishment (i) the number of individuals who were hired during the reporting period,

(ii) the number of those hired who were disabled veterans, and (iii) the number of those hired who were nondisabled veterans of the Vietnam era. The Contractor shall submit a report within 30 days after the end of each reporting period wherein any performance is made under this contract. The Contractor shall maintain copies of the reports submitted until the expiration of 1 year after final payment under the contract, during which time they shall be made available, upon request, for examination by any authorized representatives of the Contracting Officer or of the Secretary of Labor.

(d) Whenever the Contractor becomes contractually bound by the listing provisions of this clause, he shall advise the employment service system 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 State employment system, there is no need 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.

(e) This clause does not apply to the listing of employment openings which occur and are filed outside of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(f) This clause does not apply to openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of his organization or employer-union arrangement for that opening.

(g) As used in this clause.—(1) "All suitable employment openings" includes, but is not limited to, openings which occur in the following job categories: Production and nonproduction; plant and office; laborers and mechanics; supervisory and nonsupervisory; technical; and executive, administrative, and professional openings which are compensated on a salary basis of less than $18,000 per year. The term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment. It does not include openings which the Contractor proposes to fill from within his own organization or to fill pursuant to a customary and traditional employer-union hiring arrangement.

(2) "Appropriate office of the State employment service system" means the local office of the Federal-State national system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

(3) "Openings which the Contractor proposes to fill from within his own organization" means employment openings for which no consideration will be given to persons outside the Contractor's own organization (including any affiliates, subsidiaries, and parent companies), and includes any openings which the Contractor proposes to fill from regularly established recall or rehire lists.

(4) "Openings which the Contractor proposes * * * to fill pursuant to a customary and traditional employer-union hiring arrangement" means employment openings for which no consideration will be given to persons outside of a special hiring arrangement, including openings which the Contractor proposes to fill from union halls, which is part of the customary and traditional hiring relationship which exists between the Contractor and representatives of his employees.

(5) "Disabled veterans" means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at 30 percentum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

(6) "Veteran of the Vietnam era" means a person (A) who (i) served on active duty with the Armed Forces for a period of more than 180 days, any part of which occurred after August 5, 1964, and was discharged or released therefrom with other than a dishonorable discharge, or (ii) was discharged or released from active duty for service-connected disability if any part of such duty was performed after August 5, 1964, and (B) who was so discharged or released within the 48 months preceding his application for employment covered by this clause.

(h) If any disabled veteran or veteran of the Vietnam era believes that the Contractor (or any first-tier subcontractor) has failed or refuses to comply with the provisions of this contract clause relating to giving special emphasis in employment to veterans, such veteran may file a complaint with the veterans' employment representative at a local State employment service office who will attempt to informally resolve the complaint and then refer the complaint with a report on the attempt to resolve the matter to the State office of the Veterans' Employment Service of the Department of Labor. Such complaint shall then be promptly referred through the Regional Manpower Administrator to the Secretary of Labor who shall investigate such complaint and shall take such action thereon as the facts and circumstances warrant consistent with the terms of this contract and the laws and regulations applicable thereto.

(i) The Contractor agrees to place this clause (excluding this paragraph (i)) in any subcontract directly under this contract.

34. ALTERATIONS TO STANDARD FORM 32

(a) Clause 10, "Examination of Records," is deleted in its entirety and the following substituted in lieu thereof:

Examination of Records by Comptroller General

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time as specified in the Federal Procurement Regulations part 1-20, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time as specified in the Federal Procurement Regulations part 1-20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (i) purchase orders not exceeding $2,500, (ii) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above for records which relate to (i) appeals under the "Disputes" clause of this contract, (ii) litigation or the settlement of claims arising out of the performance of this contract, or (iii) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

(b) Clause 22, "Utilization of Labor Surplus Area Concerns," is deleted in its entirety and the following substituted in lieu thereof:

Utilization of Labor Surplus Area Concerns

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government to award contracts to labor surplus area concerns that (1) have been certified by the Secretary of Labor (hereafter referred to as certified-eligible concerns with first or second preferences) regarding the employment of a proportionate number of disadvantaged individuals and have agreed to perform substantially (i) in or near sections of concentrated unemployment or underemployment or in persistent or substantial labor surplus areas or (ii) in other areas of the United States, respectively, or (2) are noncertified concerns which have agreed to perform substantially in persistent or substantial labor surplus areas, where this can be done consistent with the efficient performance of the contract at prices no higher than are obtainable elsewhere. The Contractor agrees to use his best efforts to place his subcontracts in accordance with this policy.

(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 areas concerns; and (7) small business concerns which are not labor surplus area concerns.

(40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.)

[FR Doc.73-12638 Filed 6-21-73;8:45 am]

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 staff to discuss the rules proposed herein

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 23, 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. 521.*—The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 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:

* * * * *

Approved June 14, 1973.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH, *Assistant Deputy Administrator.*

[FR Doc.73-12606 Filed 6-21-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

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 1205 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 operations and directions of UNESCO's newly established book development unit, and reports on the 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.

Dated June 11, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-12496 Filed 6-21-73;8:45 am]

[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 meet in open session in the Jefferson Hall, East-West Center, 1777 East-West Road, Honolulu, Hawaii on July 30 and 31, 1973. The Board will meet from 9:30 a.m. to 4:30 p.m. on July 30 and from 9 a.m. to noon on July 31.

The Board will discuss the 1974 and 1975 budgets of the East-West Center.

Dated June 11, 1973.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.73-12498 Filed 6-21-73;8:45 am]

[Public Notice CM-38]

STUDY GROUP 6 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that study group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on July 13, 1973, at 9 a.m., in room 3012, Radio Building, Boulder Laboratories, Department of Commerce, Boulder, Colo.

Study group 6 deals with matters 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.

Dated June 8, 1973.

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 20th Street, NW., Washington, D.C.

Study group 10 deals with questions relating to sound broadcasting; study group 11 deals with questions relating to television broadcasting. 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.

Dated June 15, 1973.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.73-12495 Filed 6-21-73;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-166]

STEEL CYLINDERS

Designation as Instruments of International Traffic

JUNE 13, 1973.

It has been established to the satisfaction of the Bureau of Customs that steel cylinders, 6 feet 9½ inches in length and 2 feet 6 inches in diameter, with a plate attached showing the name of the owner, "Chemetron 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 used 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 322(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. ACREE,
Commissioner of Customs.

[FR Doc.73-12630 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 undersea technology programs.

Dated June 18, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc. 73-12540 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 28 of the Code of Federal Regulations published a notice of application in the FEDERAL REGISTER (38 FR 9524) 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 I.

Persons registered to manufacture Pholcodine in bulk were afforded an opportunity to file written comments on or objections to the issuance of the proposed registration on 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 28 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.

Dated June 18, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-12637 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 Pine Island Sound, T. 43 S., R. 21 E., and Ts. 44 S., Rs. 21, 22, and 23 E. Tallahassee 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, 7981 Eastern Avenue, Silver Spring, Md. 20910.

LOWELL J. UDY,
Director,
Eastern States Office.

JUNE 15, 1973.

[FR Doc.73-12501 Filed 6-21-73;8:45 am]

[Montana 24716, 25011]

MONTANA

Order Providing for the Opening of Public Lands

JUNE 13, 1973.

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. 315g), the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 12 N., R. 13 W.,
Sec. 10, all;
Sec. 11, all; and
Sec. 34, W½NE¼ and E½NW¼.

The area described contains 1,440 acres.

2. The lands were reconveyed to create blocks of public lands of sufficient acreage to afford greater public use. The lands are located in Powell and Granite Counties approximately 9 to 13 miles northwest of Drummond, Mont. The lands will be managed for multiple resource use in conjunction with other adjoining national resource and private lands.

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 the operation of the public land laws.

4. The mineral rights in the lands were not exchanged. Therefore, the mineral status of the lands is not affected by this order.

5. Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Mont. 59101.

ROLAND F. LEE,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-12502 Filed 6-21-73;8:45 am]

[OR 1630]

OREGON

Notice of Amended Classification of Public Land for Multiple-Use Management; Correction

JUNE 14, 1973.

In FR Document 70-16852; appearing at page 19031 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. HUCHINGSON,
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

JUNE 14, 1973.

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 2965, Portland, Oreg. 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:

WILLAMETTE MERIDIAN

T. 36 S., R. 6 W.,
Sec. 3, SW¼.

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;8:45 am]

National Park Service

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Friday, June 29, 1973, at 10 a.m., at the Welch Spring Education Center, Shannon County, Mo.

The Commission was established by Public Law 88-492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are as follows:

William C. Schock, St. Louis, Mo.
Anthony A. Buford, Clayton, Mo.
Volley F. Sutton, Eminence, Mo.
Kirby Hart, Houston, Mo.
Robert G. Kelley, Ellsinor, Mo.
Carlton E. Bay, Salem, Mo.
Edward Hodge, Eminence, Mo.

Items on the agenda for this meeting include the following:

1. Reports on major activities since the last Commission meeting.
2. Status of the draft master plan and environmental impact statement will be reviewed. Proposed schedule and location of public information meetings to be discussed.
3. Status report on special regulations.
4. Progress report on research programs.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 15 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Randall R. Pope, superintendent, Ozark National Scenic Riverways at 314-323-4236. Minutes of the meeting will be available 2 weeks after the meeting at the Ozark National Scenic Riverways, Van Buren, Mo. 63965.

Dated June 12, 1973.

IRA WHITLOCK,
Acting Associate Director,
National Park Service.

[FR Doc.73-12560 Filed 6-21-73;8:45 am]

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 8286) 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. 3 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.)

Done in Washington, D.C. on June 18, 1973.

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

[FR Doc.73-12534 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; 7 U.S.C. 75(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.

Done in Washington, D.C. on June 18, 1973.

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

[FR Doc.73-12533 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.

Dated June 15, 1973.

JOHN C. BLUM,
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 a 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.

Issued June 19, 1973.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.73-12629 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-ES-WS-(ADM)-73-40-(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 two 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 Independence Avenue SW., 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 Glen 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 Services.)

Dated June 12, 1973.

W. B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.73-12536 Filed 6-21-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

SEMICONDUCTOR 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 1 p.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.

(5) Executive session:

(a) Progress report on work program:

(1) Parameters of semiconductor manufacturing and test equipment used only in the production of semiconductors not under United States and COCOM control.

(2) Adequacy of present control definition to the United States and COCOM strategic criteria.

(b) Discussion of other necessary work assignments.

(6) Adjournment.

This will be the second meeting of the Semiconductor Manufacturing and Test Equipment Technical Advisory Commitee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the semiconductor manufacturing and test equipment industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1-4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "executive session," the Assistant Secretary of Commerce for Administration on June 15, 1973, determined, pursuant to section 10(d) of Public Law 92-463 that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230, area code 202-967-4293.

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated June 19, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce

[FR Doc.73-12624 Filed 6-21-73;8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor 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 semiconductors, 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.

(5) Executive session:

(a) Progress report on work program.

(1) 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.

(b) Technical licensing problems on related products.

(c) 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, and consists of technical experts from a representative cross-section of the semiconductor industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (5), "executive session," the Assistant Secretary of Commerce for Administration, on June 15, 1973, determined, pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provision of sections 10(a) (1) and (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (area code 202–967–4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated June 19, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

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

Maritime Administration

[Docket No. S-352]

AMERICAN SHIPPING, INC. ET AL.

Corrections

The following corrections should be effected in FR Doc. 73–10383, appearing in the FEDERAL REGISTER issue of May 24, 1973 (38 FR 13684), and FR Doc. 73–11495, appearing in the FEDERAL REGISTER issue of June 8, 1973 (38 FR 15087):

In both instances the applicant named Worth Oil Transport, Inc., should be changed to Worth Oil Transport Co.

By order of the Maritime Subsidy Board, Maritime Administration.

Dated June 19, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-12632 Filed 6-21-73;8:45 am]

[Docket No. S-362]

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 80,500 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 and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the worldwide carriage 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 Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR, pt. 201). Each such statement of 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 possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such 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 received within the specified time, 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.

Dated June 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-12634 Filed 6-21-73;8:45 am]

[Docket No. S-356]

UNITED SHIPPING CORP.

Notice of Application

The following correction should be effected in FR Doc. 73–11406, appearing in the FEDERAL REGISTER issue of June 6, 1973 (38 FR 14869):

The application of United Shipping Corp., dated May 11, 1973, under title VI of the Merchant Marine Act, 1936, as amended, for operating-differential subsidy on nine tanker vessels (to be constructed) of approximately 80,000 dwt each has been amended by the applicant to substitute seven ore/bulk/oil carriers (to be constructed) of approximately 80,000 dwt each for the nine tanker vessels previously proposed.

The closing date for filing with the Secretary, Maritime Subsidy Board, written statements of interest and petitions for leave to intervene is hereby extended to June 28, 1973.

Dated June 19, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-12633 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. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 12, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73–00540–00–77030. Applicant: North Texas State University, Denton, Tex. 76203. Article: ^{2}D internal field frequency lock system. Manufacturer: JOEL Ltd., Japan. Intended use of article: The article is an accessory to be used

with a nuclear magnetic resonance spectrometer being used in studies of the structures of and 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 futures in the chemical industry and academia,

(b) Basic research for a better understanding of synthetic chemistry, and

(c) New applications of nuclear magnetic resonance to study of reaction 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. 73-00541-00-46040. Applicant: University of Rochester School of Medicine and Dentistry, 260 Crittenden Boulevard, Rochester, N.Y. 14642. Article: Side entry goniometer model 1B1102. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is an accessory to an existing electron microscope 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 hemopoietic tissues and the ultrastructural fine detail of the cell membranes at high resolution. In addition, the article is to be used for research training for hematology trainees. Application received by commissioner of customs May 29, 1973.

Docket No. 73-00542-50-44630. 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.

[FR Doc.73-12564 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(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 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: Flash photolysis apparatus, model DS-1. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The article is intended to be used in the course chemistry 212—reaction kinetics and the mechanisms of reactions, reaction rates and laws, for laboratory use in demonstration of modern methods for 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.73-12563 Filed 6-21-73;8:45 am]

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(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 12, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00543-33-46500. Applicant: Veterans Administration Hospital, Chief, Supply Service, Highway 6 West, Iowa City, Iowa 52240. Article: Ultramicrotome, model Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to prepare sections of calcifying human and rodent tooth (dentin and enamel) for electron microscopic examination in studies of mineralizing dental tissues to obtain basic knowledge concerning its ultrastructure in its normal form, which shall be used to characterize the changes which occur during the destructive process of dental caries. Application received by Commissioner of Customs May 25, 1973.

Docket No. 73-00546-91-68495. Applicant: Yale University, purchasing department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Gas mixing pumps. Manufacturer: Heinr. Wösthoff, West Germany. Intended use of article: The article is intended to be used for research focused on photosynthesis of forest tree seedling. The rate of uptake of carbon dioxide will be investigated in response to variation in temperature, radiation flux density, moisture stress, and the concentration of atmospheric oxygen. The article will also be used in the two courses in forestry and environmental studies, 121b research methods in forest genetics and 129a, b project in forest genetics, to acquaint graduate students with the principles and applications of photosynthesis measurement. Application received by Commissioner of Customs May 31, 1973.

Docket No. 73-00547-33-43780. Applicant: (DBA) Atlanta West Hospital, the Georgian Villa, Inc., P.O. Box 43566, Atlanta, Ga. 30336. Article: 45 MeV medical type betatron. Manufacturer: Brown Boveri, Switzerland. Intended use of article: The article is intended to be used for investigation in the following projects:

(1) Isolation and identification of viruses or germs causing malignant tumors and study of reaction of such viruses to betatron treatments.

(2) Scientific identification of sources of viruses causing malignant tumors, especially as related to diet.

(3) Development of medically sound treatments for such malignant tumors, especially in the high voltage field, and

(4) Research in the area of cancer prevention.

The article will also be used by medical schools in studying the principles of electron beam therapy. Application received by Commissioner of Customs May 31, 1973.

Docket No. 73-00548-33-46500. Applicant: University of Connecticut Health Center, School of Dental Medicine,

Farmington, Conn. 06032. Article: Ultramicrotome, model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to prepare animal and human tissue for electron microscopic study of naturally occurring pathology and of the biologic effects of methods and materials used in the oral cavity including bacterial plaque, soft tissue, teeth, and bone. The experiments consist of a number of clincial procedures involved in the treatment of caries, the dental pulp, and the periapical tissue. The article will also be used in the course oral pathobiology to teach students the biological aspects of naturally occurring pathology and that of iatrogenic etiology. Application received by Commission of Customs May 24, 1973.

Docket No. 73-00549-18-80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., Edgemont Road, Charlottesville, Va. 22901. Article: 60 mm (millimeter) helical circular waveguide and couplers for TE_{01} mode and related antenna coupling waveguide components and accessories. Manufacturer: Furukawa Electric Co., Ltd., Japan. Intended use of article: The article is intended to be used as part of the very large array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, orgin, and evolution of the universe. Application received by Commissioner of Customs June 1, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-12562 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 application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 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. 73-00415-33-46070. Applicant: Wayne State University, Department of Dermatology, Research Medical Building, 550 East Canfield, Detroit, Mich. 48201. Article: Scanning electron microscope, model SSM-2. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used for observation of 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 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 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 memorandum dated May 25, 1973, the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW further advised that domestic instruments are of greater relative 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]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-630; NADA's Nos. 11-036V and 11-385V]

MERCK SHARP & DOHME RESEARCH LABORATORIES

Nithiazide; Notice of Opportunity for a Hearing

Correction

In FR Doc. 73-11133 appearing at page 14782 in the issue for Tuesday, June 5, 1973, in the last line of the first paragraph, the word "hexamiatisis", 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 required information for the following National Advisory body scheduled to assemble the month of July 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Manpower Shortage Areas.	July 20-21, 9 a.m., Woodmont Room, Holiday Inn of Bethesda, 8120 Wisconsin Ave., Bethesda, Md.	Open—Contact Jane Hoffman, room 6-05, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-4437.

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 living 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 reorganization, designation of scarcity areas, recruitment, conference with terminating professionals, and the Secretary's Override Authority.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact person listed above.

Dated June 15, 1973.

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

[FR Doc.73-12516 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 § 6.3, 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 request for opportunity to be heard, if desired, should be directed to the Assistant Secretary for Health, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, by July 23, 1973. Interested parties may obtain a copy of the patent application directed to this invention upon request in writing to the party hereinabove named.

(45 CFR 6.3.)

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Dated May 10, 1973.

[FR Doc.73-12513 Filed 6-21-73;8:45 am]

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 IT30, Office of Administration, which supersedes chapter IT04 (37 FR 110503, June 8, 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. IT30.00 *Mission.*—The Office of Administration is a component of the Office of the Assistant Secretary for Administration and Management and provides advice on matters having to do with the provision of administrative services, personnel operations and equal employment opportunity to departmental headquarters and the provision of department-wide leadership in the areas of administrative services, defense coordination, safety management, printing management, central payroll, data management, and Minority Business Assistance.

"SEC. IT30.10 *Organization.*—The Office of Administration consists of the following components which report directly to the Director:

Office of the Director.
Division of Administrative Services.
Division of Defense Coordination.
Printing and Publications Management Staff.
Division of Safety Management.
Division of OS Personnel.
Division of Central Payroll.
Data Management Center.
Minority Business Assistance Staff.
OS Equal Employment Opportunity Staff.

SEC. IT30.20 *Functions.*—A. *Office of the Director.*—The Office of the Director provides leadership, internal management, and administrative support to the constituent units. It also furnishes policy guidance, and supervision of all activities, as well as coordinatin · long- and short-range planning and development.

B. *Division of Administrative Services.*—The Division of Administrative Services is responsible for the deevlopment and provision of centralized, common and general administrative services, and staff support functions for the Office of the Secretary and Department operating agencies at headquarters. The functions of the Division are as follows:

1. Printing and Visual Systems Branch plans and directs the printing management and visual systems program of the Office of the Secretary through the operation of the Department printing plant and other organizational elements, provides offset, duplicating, photographic, collating, copy preparation, visual-graphic, and addressograph services. Provides printing and visual systems 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, administers program contracts sponsored by OS officials. Provides supply, storage, shipping and receiving, and laboring services for department headquarters activities. Maintains personal property management accounts and administers the publications storage and distribution program for Office of the Secretary. Provides staff assistance and guidance to program management personnel on perchasing, contracting, and supply procedures.

3. Communications Branch plans and directs the communication management programs for the Office of the Secretary which includes Department-wide responsibility for postal services and mail management; provides centralized mail, messenger, telegraph, transportation, and legislation materials—distribution services. Administers the central files, records 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 general reference, historical, bibliographic, subject area, and specialized materials services; provides staff assistance, guidance, and direction throughout the Department; and represents the Office of the Secretary in matters which involve the Federal Library Committee and the Library of Congress.

"C. *Division of Defense Coordination.*—The Division of Defense Coordination serves as the HEW focal point for all emergency preparedness, planning, and operations activities. The head of the staff is designated as the Defense Coordinator. The functions of the Division are as follows:

"1. Participates in conferences or negotiations with representatives of Federal agencies, such as Department of Defense, Office of Management and Budget, Office of Emergency Preparedness, and other governmental and non-governmental agencies, for the purpose of developing or implementing national mobilization and readiness measures, including those related to natural disasters.

"2. Maintains continuing liaison with Federal agencies (DOD, OEP, etc.) and with private organizations (American National Red Cross, State Association of Civil Defense Directors, etc.) which have non-military defense assignments or interests; facilitates the day-to-day working relationships of HEW operating units with these agencies.

"3. Coordinates readiness measures for the Department related to non-military defense under the overall leadership and guidance of the Office of Emergency Preparedness (located in the Executive Office of the President) and provides stimulus and leadership to HEW operating units and staff offices in the development of plans and procedures required by continuity of Government, civil defense, and resources mobilization assignments made to the Department under Public Law 920, 81st Congress, Reorganization Plan No. 1 of 1958, and related legislation, and Executive Orders 11490 and 10958.

"4. Keeps the Secretary and senior staff of the Department (Assistant Secretaries, agency heads and members of the Secretary's immediate staff, as appropriate) informed of all major government-wide developments in readiness planning and of progress in developing and maintaining HEW readiness capability. Recommends additional steps and when necessary, corrective action.

"5. Develops and maintains the Emergency Planning and Operations Manual of the Department. The Defense Coordinator is also custodian for the Secretary of important policy guidance and emergency action documents which are required to be classified.

"6. Supervises readiness cadres at two headquarters relocation sites; maintains and tests the Department's alerting procedures for notification of relocatees, prepares instructional material governing the actions of key officials (relocatees) in the event of a national emergency.

"7. Provides direct personal consultation, guidance, and assistance to the HEW Regional Directors to aid in their development and maintenance of regional emergency operational readiness as required by the Secretary's directive (35 FR 13546).

"8. Coordinates HEW participation in national and regional interagency readiness tests and exercises.

"9. Prepares budget estimates and justification and other supporting material 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.

"10. Coordinates the receipt and approval of all contracts and agreements with other Federal agencies involving defense assignments and related research.

"11. Provides staff and facilities for the receipt, control, and safekeeping of classified defense information and material, and for observing security regulations.

"12. Performs special assignments for the Secretary, Under Secretary, and Assistant Secretaries, as requested, on matters involving defense readiness and natural disasters, prepares special reports, staff papers, and correspondence. Reviews and concurs in defense-related correspondence prepared by HEW operating units for the Secretary's signature.

"13. Coordinates HEW natural disaster assistance and relief activities to assure expedited response to State and local

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 leadership and guidance to the operating agencies in planning, executing, and evaluating printing and reprographics programs.

"2. Provides liaison for the Department with the Joint Committee on Printing of the Congress, Government Printing Office, other Government agencies, and private industry on printing and publications management.

"3. Serves as the central 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 recommendations on proposed changes to the Government Printing and Binding Regulations; and chairs the Department Committee on Printing Management.

"E. *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 5 of the U.S. Code and section 19(a) of the Occupational Safety and Health Act as implemented by Executive Order 11612. Specifically this office:

"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 Department 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 concepts.

"9. Represents the Department on the Federal Safety Advisory Council, Federal Fire Council, and provides official Department representation to the Department of Labor, General Services Administration, and other Federal agencies.

"10. Provides Department liaison with National Fire Protection Association, National Safety Council, and other outside organizations.

"F. *Division of OS Personnel.*—The division assists and advises in the formulation and development of personnel policies and implementation of established policy for the Office of the Secretary. The 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 through GS-15 and wage grade equivalents, 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 Reduction-in-Force.

"2. Classification plans, administers, and maintains a comprehensive position classification and wage administration program. The program encompasses General Schedule, Wage System, including Lithographic, Excepted Service and expert and consultant positions for OS Headquarters and all standard position descriptions for OS Regional Offices. Plans and implements a Position Management Program. In classification surveys and daily operations make 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. Employees Relations Branch plans and administers programs in employee relations and labor relations for the Office of the Secretary; conducts negotiation and consultation with employee organizations and represents the Personnel Office in various proceedings; provides advice and guidance to operating officials and employees on labor relations, employee benefits and services, grievances and appeals, disciplinary actions, awards, and related matters; provides advisory service to employees on child day care service; coordinates the employee alcohol and drug abuse programs; services as OS liaison with the Health Unit for program coordination; publishes employee newspaper.

"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; investigates 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 planning and administering the Office of the Secretary Upward Mobility Program in the areas of Job Restructuring, Employee Counseling, Employee Training and Career Development. This branch includes three sections:

"Job Restructuring Section which is responsible for conducting functional organization surveys for all organizations in OS.

"Counseling Section which is responsible for counseling lower level employees in the various organizations subsequent to their functional organization survey.

"Training Section which is responsible for identifying needed training for Grades 1 through 7 and Wage Grade equivalent employees which will become the final part of the employees career development plan. This service will be provided subsequent to the Counseling Section completing the career lattice.

"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 returned checks and collections, maintain 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 programs.

"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 carrying out the Department's commitment to increase deposits in minority-owned banks of funds which are directly or indirectly under the Department'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 minoity business community nationally and facilities inteface with DHEW program resources.

"9. Represents the Department in Federal, State, and locally sponsored conferences, seminars, and forums on minority enterprise program matters.

"10. Assists and 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.

"I. *OS Equal 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. Its 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 OS plan.

"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 relevant 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.

"J. *Data Management Center.*—The Data Management Center provides for the Department upon request Computer Systems design, programming, and data processing, and an operational integrated data base to meet reporting requirements and maintenance of consolidated financial and related statistical reporting services Department-wide on a fee for service basis. Its specific components and functions are:

"1. Advanced Systems Research and Development Group investigates, analyzes, and designs systems that will utilize concepts of scientific management with particular emphasis on automatic data processing and operates a modern ADP service center; serves as a ready source of expert 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 Systems Section develops, maintains and provides access to a comprehensive integrated data base to meet reporting requirements and maintenance of consolidated financial and related statistical reporting services; 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 continuing basis, necessary data 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 experimental operations; and assesses and monitors contractural 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.

"3. Division of Data Processing acquires, maintains and operates ADP equipment; develop and maintains teleprocessing support systems; provides support services for submission, monitoring, and quality control of recurring production programs; prepares proposals and monitors contracts for keypunching and machine services; develops computer operations standards and guidelines; prepares short and long-term forecasts of data processing requirements and operates and maintains ADP library.

4. Division of Systems Planning analyzes and designs automated data processing systems; provides programming services; prepares proposals and monitors contracts for systems analysis, design, and programming; implements policies and procedures related to systems analysis and programming operations.

Dated June 12, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

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OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT

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 amended to add a new section 1T80. This new section incorporates and supersedes statements of organization, functions, and delegations of authority previously published in chapters 1T02 (38 FR 3535) and 1T0408 (32 FR 14285) as they relate to headquarters organization, functions, and delegations of authority of the Office of Surplus Property Utilization. Chapter 1T02a, Facilities Engineering and Construction Agency regional functions, and chapter 1T0408, relating to Office of Surplus Property regional functions, will be revised and published as separate chapters. The new chapter reads as follows:

"SEC. 1T80.00 *Mission.*—The mission of the Office of Facilities Engineering and Property Management (OFEPM), to be performed for and in cooperation with

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 an integrated facilities engineering 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. 1T80.10 *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 Plant 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. 1T80.20 *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, justifying 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 implementing 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 OFEPM for development of grant program policy and procedures and for direct Federal contracting matters regarding architectural/engineering and construction services.

"d. Developing policies, procedures, and regulations for the Department-wide implementation of the Uniform Relocation Act, Public Law 91-646.

"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 maintaing 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 1T02a2, 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 buildng 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.

"B. *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, for DHEW involvement 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 headquarters 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. Identifying the advanced state-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/phased design and construction, and life cycle costing.

"C. *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 cost 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 officers, and regional offices.

"g. Coordinating, with the Office for Civil Rights, Office of the Secretary, equal employment activities in construction.

"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. Selecting methods and means for providing architectural/engineering and design and related construction services in support of the Department direct Federal special-purpose construction activity.

"b. Establishing design and construction schedules and monitoring project progress to insure availability of facilities to meet user occupancy dates.

"c. Developing policies and procedures for guidance of regional office staffs and field installations.

"d. Coordinating the development of architectural/engineering and construction contract documents with the contracting officer.

"e. Providing upon request, specialized consultant services to Department operating agencies, staff offices, regional offices, and field installations relative to the furnishing and equipping of projects.

"2. *Division of Architecture.* a. Providing upon request, specialized architectural consultant services to Department operating agencies, staff offices, regions, field installations, and project applicants and their representatives with respect to both direct Federal special-purpose and federally assisted construction activities.

"b. 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.

"c. Supervising architectural design functions for the Federal special-purpose construction activity.

"d. Technical surveillance of architectural 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 architectural design.

"f. Providing drafting and visual aids services for OFEPM.

"3. Division of Engineering. a. 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 activity.

"b. Developing engineering design standards, criteria, and technical specifications for uniform application to 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 surveillance of engineering services being rendered by Department operating agency, staff office, regional office, and field installation staffs.

"e. Promoting the utilization of the life-style 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 Plant Management.*—a. Developing and implementing an integrated facilities engineering management system for the planning identification, management, operation and maintenance, and analysis of Department-owned and utilized facilities in support of annual and long-range and budgetary requirements.

"b. Developing and publishing policies and procedures for all areas of DHEW interest and involvement in operation and maintenance of DHEW real property in support of Department agency 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 other Federal departments, facility support agencies and private lessors on real property owned by the Department or occupied under lease, assignment, license or use permit.

"(4) Development of technical material and standards for guidance 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 assist the regional offices of Facilities Engineering and Construction (ROFC's) 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.

"c. Performing analysis of real property and facility data to provide management data to the OS and Department operating agencies.

"d. Acting as the focal point for OFEPM interface with all Government elements concerning DHEW real property activities.

"e. Acting as principal point of contact with GSA–PBS headquarters elements for Department-wide involvement in real property acquisition, management and disposal actions.

f. Providing real property consulting services to elements of DHEW.

g. Developing and publishing policies and procedures for all areas of DHEW interest in real property.

h. Interpreting statutory requirements and pertinent Federal directives on Department real property acquisition, utilization, and disposal.

3. *Division of Space Management.*—a. Coordinating, with General Services Administration, the planning, acquisition, utilization, and disposal of GSA assigned space for DHEW.

b. Providing operational guidance and technical assistance to regional office staff and Department operating agencies relating to GSA-assigned space.

c. Operating the Space Management Center, providing briefings, graphic displays, and information to the OS and Department operating agencies, on Federal facilities, planning, acquisition, and inventory.

d. Collecting and analyzing data concerning all activities related to GSA-assigned space as well as the identification and resolution of specific problem areas with GSA, Department operating agencies, and OS as appropriate.

e. Coordinating the development of standards and guides on the procurement and utilization of GSA-assigned space.

f. Providing consulting service to elements of DHEW in matters related to GSA-assigned space.

g. Developing and publishing policies and procedures for all areas of DHEW interest in planning, acquisition, management, and disposal of GSA-assigned space.

F. *Office of Surplus Property Utilization.*—1. The Office of Surplus Property Utilization shall be responsible for:

a. Developing procedures, techniques, and training programs for the inspection and screening of surplus real and personal property to determine potential need and usability in health and education programs, and for personal property, for use in the civil defense program.

b. Notifying all potentially interested parties of availability of real properties; notifying all State agencies of the availability of personal properties.

c. Reviewing and evaluating applications for surplus real properties; establishment of standards and guidelines for eligible programs; and coordination of proposed programs with Office of Education, the health agencies, and the Social and Rehabilitation Service, and other offices and agencies of the Department, as well as with other Federal agencies, in

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 allocation to State agencies.

e. Preparing appropriate instruments to effect conveyance 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 effect settlement of Government claims regarding improper use of donated personal property. Arranging for approvals of interim leases, rights-of-way easements, program changes, disposal of improvements not needed for continued program use, abrogation of restrictive conditions, and enforcement of transfer conditions prohibiting encumbrance of properties without prior approval regarding improper use of conveyed real property.

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 overall operations. Planning for long-range improvement and expansion of the surplus property utilization program.

"i. Establishing liaison with the various components of the Department as well as with other Federal agencies, such as General Services Administration, Department of Defense, Department of Agriculture, Federal Aviation Agency, and other Federal agencies, as may be necessary.

"i. Maintaining a continuing appraisal and analysis of program performance and taking such steps as are necessary to improve the efficiency and effectiveness of program operations.

2. The Director, Office of Surplus Property Utilization, by delegation of authority from the Director, OFEPM, is authorized to make determinations and allocations for educational, public health, and civil defense 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 5, take such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational and public health purposes pursuant to section 203(k) 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.

"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 in program policies, procedures, or regulations;

"d. Coordinating with the General Services Administration in connection with the securing of assignments of properties from it to the Department for conveyance to eligible applicants;

"e. Liaison with members of Congress and their staffs, both by telephone and in person, and with high officials of other Federal agencies, State and local governments and other organizations to discuss conveyance and/or problems involving conveyance of real property for health or educational purposes;

"f. Reviewing and evaluating applications for surplus real properties; post audit of all applications and conveyance instruments processed by the regional representatives; establishing of standards and guidelines for eligible programs and the coordination of proposed programs with the respective Office or Division of the Department and other Federal agencies in order to secure professional advice and evaluation of proposed programs and facilities needed to carry out such programs;

"g. Carrying out a continuing program of compliance reviews to insure that restrictions as to the use of real properties conveyed are in accordance with the program set forth in the transferee's application. Arranging for approvals of interim leases, rights-of-way, easements, program changes, disposal of facilities not needed for use in the program and abrogation of restrictions; and

"h. Maintaining a continuing appraisal and analysis of the program performance; reviewing the real property functions in the regional offices to determine whether their operation is in accordance with the regulations, procedures, and delegations of authority, and making spot-check inspections of properties conveyed to discover whether the transferee is utilizing the facilities pursuant to the program of use set forth in its application.

"4. *Division of Surplus Personal Property.*—a. Operating, on a nationwide basis, the personal property portion of the surplus property utilization program;

b. Developing techniques for the use of surplus property, and training programs for the inspection and screening of surplus personal property to determine potential need and usability in health, education, and civil defense programs.

"c. Reviewing and evaluation of regional representatives' program operations to determine whether they are functioning pursuant to the regulations, procedures, and delegations of authority, in performing the following: (1) Action concerning requests (HEW form 156) for surplus personal property from State agencies for surplus property; (2) freezing and allocation of surplus property and submission to General Services Administration applications for approval of the properties to the Department for allocation to State agencies; (3) keeping of the register of allocations; (4) filing of applications and related forms; (5) checking cooperative agreements; (6) spot checking the utilization of property transferred to donees; and (7) taking corrective action as appropriate;

d. Supervising the allocation, processing of applications, and the preparation of appropriate instruments to consummate transfers of airplanes, boats, and other special items controlled at the national level, as well as actions relating to 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;

e. 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;

f. Planning for long-range improvement and expansion of the surplus personal 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;

g. Establishing and maintaining liaison with the various components of the Department, General Services Administration, Department of Defense, Department of Agriculture, Federal Aviation Agency, and other Federal agencies as required; and

h. Establishing guidelines for State agencies for surplus property 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 OFEPM by the regional representatives for determination of the eligibility of applicants that cannot be resolved in the regional offices.

SEC. 1T80.30 *Delegations of authority.*—A. The Director, OFEPM, is delegated: 1. The authorities vested in the Secretary by law (or delegated to the Secretary from 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 costruction, and

building service functions (execuive of the financial management authority delegated to the Assistant Secretary, Comptroller).

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, and civil defense 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 5, take such action as may be necessary in connection with the assignment, transfer, and utilization of surplus property for educational and public health purposes pursuant to section 203(k) 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 91-646.

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.

Dated June 18, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-12509 Filed 6-21-73;8:45 am]

OFFICE OF GRANTS AND PROCUREMENT MANAGEMENT

Statement of Organization, Function, and Delegation 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 Part 1T60, "Office of Grants and Procurement Management," Chapter 1U14, Office of Procurement and Materiel Management is superseded. The functions of the Division of Policy Development, Office of Grant Administration Policy are assigned to the Office of Grants and Procurement Management.

SEC. 1T60.00 *Mission.*—The Office of Grants and Procurement Management develops departmental policy in the areas of grants, procurement, and materiel; supervises and oversees the grants, procurement, and materiel functions of the constituent agencies and evaluates the grants, procurement, and materiel 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 staff support and technical assistance to the Office of the Secretary and to constituent agencies in implementing departmental policies and in instituting necessary changes in grants, procurement, and materiel management; and monitors the entire system to insure effective implementation of departmental policy.

SEC. 1T60.10 *Organization.*—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 the following:

Division of Grants Policy and Regulations Development.
Division of Procurement and Material Policy and Regulations Development.
Division of Analysis, Review, and Compliance.
Division of Grants and Procurement Management Information and Reports.

SEC. 1T60.20 *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 other officials throughout the Department.

1. Serves as the Secretary's manager for grants, procurement, and materiel programs. Insures, 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 materiel 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 materiel 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, the Congress, and professional 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 simplified and standard grant forms for departmental use.

"B. *Division of Grants Policy and Regulations Development.*—1. Develops Department-wide administrative and fiscal policies governing the award and administration of grant and publishes these as departmental regulations or in the DHEW grants administration manual.

2. Makes special studies of 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.

4. 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.

5. 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.

6. Provides advice and technical assistance to the operating agencies, regional offices, and staff offices of OS on matters relating to grant administration.

7. Reviews and approves all operating agency grant administration policies and procedures prior to publication.

8. 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 issues 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 OFESPM concerning material involving architectural/engineering and construction-related matters.

"2. Provides staff guidance to activities of the Department on all procurement and materiel management matters.

"3. Approves all 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 Interagency Procurement Policy Committee, Small Business Administration, and the Office of Management and Budget Procurement Committee.

"5. Conducts research, originates, and develops innovations in procurement and materiel concepts, philosophies, and practices.

"6. Directs and provides departmental training to procurement and materiel management personnel, or program or project officials engaged in the procurement and materiel process.

"7. Reviews and makes recommendations on determinations and findings required by statutes or regulations to be made at the Office of the Secretary level such as advance payment, research and development, etc.

"8. Reviews and takes necessary action on cases involved with mistakes in bid, protests of awards, and late proposals or modifications.

"9. Recommends proposed delegations of procurement and materiel authority to operating agencies.

"D. *Division of Analysis, Review, and Compliance.*—1. Provides special policy, management, and operations analyses.

"2. Monitors the entire funding system for quality control, production flow, and efficiency.

"3. Conducts indepth review and studies of the policies and practices of all grant, procurement, and material functions of the Department including those of the operating agencies and regional offices.

"4. Reviews operating agency and regional office funding procedures for grants and contracts in order to assure timely obligation of appropriated funds.

"5. Determine whether adequate utilization is made of reports, studies and analyses provided to the Department as a result of grants and contracts, including appropriate publication or dissemination of materials by grantees and contractors.

"6. Conducts studies on the overall activities of the program contracting and discretionary grants functions of the Department in order to foster standardization in the award and administration functions, development of criteria for selective utilization of their instruments, and maximum use of common terminology and processes.

"7. Insures that the operating agency and other personnel involved in grant, procurement, and materiel activities comply with the applicable laws, standards, and procedures.

"8. Recommends, and where necessary institutes corrections and improvements to carry out findings of the foregoing analyses, studies and reviews.

E. *"Division of Grants, Procurement Materiel 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 management.

"3. Provides data and information on grant, procurement and materiel activities, as required, to the Congress, the Executive Office of the President, industry, the 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 data necessary for informing the operating components of the Department and the general public on the procurement, materiel and grant activities of the Department."

Dated June 12, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR 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 11986) and add new section 1T70, Office of Investigations and Security. The new section reads as follows:

"SEC. 1T70 *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 for management 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. 1T70. *Organization.*—The Office of Investigations and Security under the supervision of a Director consists of:

Office of the Director
Investigations Division
Security Division

"SEC. 1T70.20 *Functions.*—1. *Office of the Director.* Provides executive leadership, policy direction, planning, coordination and management of the investigations and security programs of the Department; reports the results of investigations to departmental officials; serves as the liaison official for the Department on all investigative and security matters with agencies within the Department and with other Government agencies; provides departmentwide policy for personel 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) Ascertains the need for, formulates, recommends and implements 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 their official duties and by departmental grantees and contractors; (3) With the approval of the Secretary or Under Secretary, conducts investigations of alleged cases of malfeasance, fraud, misuse of funds, equipment or facilities, violations of terms or conditions of fundings, 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 may direct.

"B. *Analysis and Education Branch:* (1) Reports improper practices with appropriate recommendations to the Assistant Secretary for Administration and Management; (2) Evaluates the results of investigations conducted and recommends corrective action; (3) Under provisions of 28 U.S.C. 535(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 as appropriate.

"3. *Division of Security.* A. *Personnel Security Branch.* (1) Establishes and maintains an internal employee security program pursuant to and in accordance

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 extent of investigation of 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 investigative 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 the Secretary or operating agency officials for subversive-type information as to individuals, organizations, or other matters of interest to the Department. Maintains liaison with other Federal agencies and outside organizations on matters pertaining to security. (5) Carries out any other functions as assigned for the establishment and maintenance of personnel security within the Department. B. *Physical Security Branch.* (1) Establishes and maintains an internal physical security program including document security and facility protection pursuant to and in accordance with the provisions of Executive Order 11652, General Services Administration FPMR 101-19.5—Physical Protection, Department security regulations and other applicable laws and regulations. (2) Controls all investigative files and records relating to security, loyalty, and subversion and the Investigations Division. (3) Carries out any other functions as assigned for the establishment and maintenance of physical and document security within the Department. (4) Maintains an up-to-date facility self-protection operational plan for the southwest building complex and provides policy guidance on facility protection to all departmental installations in the field.

"SEC. 1T70.30 *Delegations of Authority.*—The Secretary has delegated through the Assistant Secretary for Administration and Management to the Director, Office of Investigations and Security, the authority specified for the head of the Department in Executive Order 10450, as amended, and Executive Order 11652 except as set forth in section 1T0410.40.

"SEC. 1T70.40 *Reservation of Authority.*—The Secretary reserves authority: 1. To determine that the suspension or termination of any employee is necessary in the interests of national security. 2. For original classification of information or material pursuant to Executive Order 11652.

"SEC. 1T70.50 *Redelegation of Authority.*—The Assistant Secretary for Administration and Management and the Director, Office of Investigations and Security may redelegate the authorities and functions set forth in 1T70.20 and 1T70.30."

Dated June 13, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-12511 Filed 6-21-73;8:45 am]

OFFICE OF MANAGEMENT PLANNING AND TECHNOLOGY

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 is hereby amended to delete chapters 1T05 and 1T06 and to substitute therefor a new chapter 1T40, "Office of Management Planning and Technology." The Management Planning Group, established by the Assistant Secretary for Administration and Management on July 17, 1972, and reporting directly to him, is hereby abolished and its functions transferred to the above-named new Office. The Department telecommunications functions formerly in the Office of Administration are hereby transferred to the above-named new office. The new chapter reads as follows:

"SEC. 1T40.00 *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, procedures, and systems of the Department contribute to the effective and efficient achievement of the Department's goals. Specifically the objectives of the organizations 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.

"E. Recommend 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 offices of the Department in accordance with directives of the Office of Management and Budget and the Secretary's directions.

"SEC. 1T40.10 *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 ADP and Telecommunications Resources.
Management Control Staff.

"SEC. 1T40.20 *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

"1. Serves as the principal element of the office with respect to: organizational planning, review, approval, and documentation; management development; industrial management; agency management improvement program; and agency staffing standards program. With respect to the foregoing: (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.

"3. Develops solutions to management problems using the systems approach to agency management, including the use of various analytical and managerial techniques for problem-solving and decision-making.

"4. Conducts technical studies using industrial management engineering practices, operations research analyses, mathematical techniques, scheduling and control systems such as PERT, Critical Path Method, and other program control and evaluation techniques.

"5. Using approved work measurement methods and staffing standards, conducts studies to validate existing staffing

standards and their relationships to manpower productivity and program output.

"6. Develops and administers the agency system for approval and documentation of organization changes, functional assignments, delegations of authority, and creation and dissolution of committees.

"7. Develops, recommends, and evaluates agency policies, standards, systems, procedures, and program plans with respect to agency directives, records, reports, and other paperwork management programs.

"8. Works closely with the Office of Management Technology staff to apply latest technological developments to Department and agency problems and programs, involving records systems, file equipment and supplies, records and forms (including design, storage and disposal), directives, correspondence, and staff manual distribution programs.

"9. Publishes reports and forms catalogs, directives checklists, official glossaries, and other similar reference documents.

"10. Review and coordinates all public reporting and recordkeeping requirements with the Office of Management and Budget and other Goverment agencies under the provisions of 44 U.S.C. 3501 et seq.

"11. Manages the DHEW directives system. Provides guidance to directives management officers. Maintains identification and control of DHEW directives and the master reference file.

"C. Office of Management Technology

"1. Provides leadership, policy direction, and technical assistance in evaluating and applying management science to departmental operations and evalutions.

"2. Develops and enforces policies and standards for information systems throughout the Department.

"3. Determines and enforces mathematical and statistical policies and standards for the Department.

"4. Develops systems to ensure accountability measurement of departmental managers.

"5. Develops ADP and telecommunication policies, standards, systems, and procedures.

"6. Develops long-range plans for future automatic data processing and departmental telecommunications systems and resources.

"7. Reviews existing ADP and departmental telecommunications systems for performance against approved plans and for conformity with policy and standards.

"8. Provides departmental leadership to improve management evaluation and methodology by use of technological improvements.

"9. Sets specifications for equipment and resources against required performance.

"10. Coordinates the integration of program and management data needs and automatic data processing systems across functional and organizational lines.

"11. Coordinates ADP resources requirements with available or proposed funding and establishes priorities.

"12. Develops measures of current program performance and provides technical leadership in application of these measures to management evaluation.

"13. Develops work measurement methods, and productivity and staffing standards and provides technical assistance in application of the measures to internal operations.

"D. Management Control Staff

"1. Operates the departmental Operational Planning System (management by objectives) and provides the staff assistance for the Secretary's Management Conferences.

"2. Serves as the Secretary's staff to review and evaluate proposed policy implementation plans and monitors the execution of the plans.

"3. Directs the institutionalization of results-oriented management throughout the Department.

"4. Develops a pool of expertise on the programs and management of each agency of the Department.

"5. For each agency, provides the Secretary and his key staff with recommendations to solve management problems and with suggestions to improve agency management.

"6. Advises OS on the management constraints and problems of each particular agency and their impact on policy decisions, legislation, budget, forward planning, and evaluation.

"7. Provides the Secretary with a quick response capability for issues regarding management problems or issues where rapid answer is necesary."

Dated May 25, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-12514 Filed 6-21-73;8:45 am]

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: Change Office of Labor Relations to read Labor Relations staff and Office of Upward Mobility to read Upward Mobility staff.

Dated June 12, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-12512 Filed 6-21-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-175; Administrative Proceedings Division File No. Z-169]

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:

A. Marshall J. Stewart has filed a statement of record for Colony Hill located in Massachusetts (OILSR No. 1069-25-5) effective May 6, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Marshall J. Stewart is the developer.

C. The address of the developer is P.O. Box 95, Monument Beach, Bourne, Mass. 02532.

D. No amendments have been filed by the developer since November 22, 1972.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, The Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Departments public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of November 22, 1972 the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2, C3.
   Part IV.D.
   Part VIII.A.8.d.
   Part IX.A.4.
   Part XI.C.
2. Section 1710.110:
   Paragraph 2.a.
   Paragraph 2.b.
   Paragraph 8.(c).
   Paragraph 8.(d).
   Paragraph 15.(b).
   Paragraph 15.(c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *it is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 7th Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. 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 determined to be true, and an order suspending the statement 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]

[Docket No. N-73-176; Administrative Proceedings Division File No. Z-179]

PATRICIAN SHORES

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that:

On December 13, 1972, the Department of Housing and Urban Development, 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 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:

A. Patrician Shores, Inc. has filed a statement of record for Patrician Shores located in New Hampshire (OILSR No. 0-1141-34-17) effective June 30, 1970, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

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. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR, part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of December 13, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
   Instructions for completion of statement of record, paragraph c.
   Part IV.B.2, C3.
   Part IV.D
   Part VIII.A.8.d.
   Part IX.A.4.
   Part XI.C.
2. Section 1710.110:
   Paragraph 2.a.
   Paragraph 2.b.
   Paragraph 8.(c).
   Paragraph 8.(d).
   Paragraph 15.(b).
   Paragraph 15.(c).
   Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. 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 determined to be true, and an order suspending the statement 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.73-12537 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 11671, the Advisory Committee on the Medical Uses of Isotopes will hold a meeting at 9 a.m. on June 29, 1973, in room 372, 4350 East-West Highway, Bethesda, Md.

The following constitutes 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.

1. Status of AEC—FDA regulatory control.

2. Amendment to 10 CFR part 35.

3. Reporting requirement for adverse reactions.

III. Medical licensing discussion by Committee.

1. Reactions to Tc 99m iron hydroxide (Diagnostic Isotopes, Inc. kit).

2. Final criteria for licensing of Yb 169 DTPA for cisternography as well-established procedure.
3. Certification by Board of Nuclear Medicine as evidence of user training and experience.

IV. Status reports.
1. Californium 252 treatment of cancer.
2. Radiopharmaceutical testing program.
3. Radioisotope 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 consideration 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, if possible, no later than June 28, 1973, to Mr. R. 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 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 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.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(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. R. 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 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Barnwell Nuclear Fuel Plant will hold a meeting on July 11, 1973, in room 1046, 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 ACRS. In addition, prior to the executive session at the end of the day, the Subcommittee may hold a closed session with the regulatory staff and applicant to discuss privileged 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 item 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 comments 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. 20545, 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, and the time allotted, can be obtained by a prepaid telephone call on July 9, 1973, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) 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 inspection 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 6-21-73;8:45 am]

[Dockets Nos. 50-369, 50-370]

DUKE POWER CO.

Notice of Reconvening 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 Licencing Appeal Board remanded 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.

Wherefore, *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 at 10 a.m., local time, on Tuesday, July 10, 1973, in the U.S. Court of Claims, room 309, 717 Madison Place NW., Washington, D.C. 20005.

Issued at Washington, D.C., this 18th day of June 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.73-12517 Filed 6-21-73;8:45 am]

[Docket No. 50-346B]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order for Prehearing Conference

In the matter of Toledo Edison Co. and Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station).

Take notice, that by agreement of the parties, the prehearing conference in the above-captioned proceeding, now scheduled for June 26, 1973, will be postponed until June 28, 1973. Said prehearing conference will be held at the Lucas County Courthouse, courtroom No. 4, Adams Street at Erie Street, Toledo, Ohio 43624, commencing at 10:30 a.m., local time.

The purpose of the prehearing conference is to deal with:

(1) Simplification and clarification of the issues;

(2) Obtaining of stipulations and admissions of fact, and agreement as to the authenticity of documents to avoid unnecessary proof;

(3) Identification of witnesses;

(4) Establishment of schedules for further actions; and

(5) Such other matters as may aid in the orderly disposition of the instant proceeding.

In accordance with agreement among the parties, approved by the Board, the following schedule will be adhered to:

(1) The written direct testimony of all parties will be filed on or before July 11, 1973; and

(2) The first day of the evidentiary hearing will commence on July 17, 1973, at the vicinity of the site.

It is so ordered.

Issued at Washington, D.C., this 18th day of June, 1973.

THE ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
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.

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. 20006, telephone 202-223-3040. 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. 25445; Order 73-6-72]

TEXAS INTERNATIONAL AIRLINES, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of June 1973.

By application filed on April 20, 1973, Texas International Airlines, Inc. (TXI) has requested amendment of its certificate of public convenience and necessity for route 82 so as to delete Sanata 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 proposes to grant 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.[1] Passenger traffic has declined continuously from a peak of 7,966 enplanements, or 6.7 per departure, in 1968. By 1971, the figures were 5,352 and 4.3, respectively, and by the first 6 months of 1972, TXI was experiencing only 3.3 enplanements per departure.

The deletion of Santa Fe will avoid a substantial subsidy need, which we estimate to be over $80,000 for fiscal year 1972 or $10.85 per passenger.[2] 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.[3] There is frequent and conveniently timed Greyhound bus service between the two cities at $2.80 one way and $5.35 round trip. Therefore, Santa Fe would not be an

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[1] TXI acquired Santa Fe authority as a result of its substitution for Continental Air Lines in the *Southwestern Area Local Service Case*, 37 C.A.B. 469 (1963), and inaugurated service at the point during October 1963. TXI suspended service at Santa Fe on June 24, 1972, due to hazardous runway conditions. Frontier, Santa Fe's only other scheduled carrier made the same decision on Sept. 1, 1972. No repairs are presently underway nor have any plans been made to make the necessary repairs in the near future. Prior to suspension by TXI, the carrier was offering 2 weekday round trips (less service on weekends) between Dallas/Fort Worth and Albuquerque, with a number of intermediate stops including Santa Fe.

[2] The latter figure is substantially above TXI's system average subsidy of $5.95 per passenger for fiscal year 1972, and greater than the subsidy need per passenger which the Board found excessive in granting Piedmont's request to delete Elizabeth City, N.C., in order 72-4-96 dated Apr. 18, 1972. Moreover, deletion of Santa Fe should attract aditional passengers to TXI through flights, resulting in a net financial benefit to the remainder of the carrier's system.

[3] Albuquerque is served by Continental, Trans World Airlines, Frontier, and TXI. Together they presently offer 92, 68, and 55 weekly flights to, respectively, Denver (Continental and Frontier), Dallas/Fort Worth (Continental, Frontier, and TXI), and Los Angeles (TWA and TXI), Santa Fe's largest markets (based upon 1971 O. & D. passenger figures). OAG, June 1, 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.[4]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector shall state in detail why such a hearing is considered 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 an 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 82 so as to delete Santa Fe, N. Mex., therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections, together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [5]

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, State of New Mexico; and the Postmaster General.

[4] We further tentatively find that TXI is a citizen of the United States within the meaning of the act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the act and the Board's rules, regulations, and requirements thereunder.

[5] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-12626 Filed 6-21-73;8:45 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, 1972 (37 FR 26628).

Pursuant to the above notice the following service is added to procurement list 1973, March 12, 1973 (38 FR 6742).

SERVICE	Price per month
Industrial Class 7349	
Janitorial/custodial serivce (JO), Homestead Air Force Base, Fla.	
Hospital (building 990)	$8,700
Dental Clinic (building 686)	826

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-12673 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 Secretary 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.73-12620 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.73-12621 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 Director, Office of Tax Legislative Counsel, Office of Assistant Secretary for Tax Policy, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-12619 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.73-12618 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), 68 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.

Dated June 13, 1973.

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

[FR Doc.73-12642 Filed 6-21-73;8:45 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.

409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5029) 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 hydrochloride (*m* - [[(dimethylamino) methylene]amino] phenyl methylcarbamate hydrochloride) and its metabolites containing the *m*-aminophenol moiety (calculated as formetanate hydrochloride) in dried apple pomace at 30 parts per million resulting from application of the insecticide to the growing raw agricultural commodity apples.

Dated June 13, 1973.

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

[FR Doc.73-12643 Filed 6-21-73;8:45 am]

STAUFFER CHEMICAL CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1379) has been filed by Stauffer Chemical Co., 1200 South 47th Street, Richmond, Calif. 94804, proposing establishment of tolerances (40 CFR, pt. 180) for combined negligible residues of the insecticide *O*-ethyl *S*-phenyl ethylphosphonodithioate and its oxygen analog *O*-ethyl *S*-phenyl ethylphosphonothioate in or on the raw agricultural commodities, fruiting vegetables, seed and pod vegetables, sorghum (grain, fodder, and forage), bean forage, bean vine hay, peanut forage, peanut hay, pea forage, pea vine hay, soybean forage, and soybean hay at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedure using a phosphorus-sensitive rubidium sulfate flame detector.

Dated June 13, 1973.

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

[FR Doc.73-12644 Filed 6-21-73;8:45 am]

DEPARTMENT OF INTERIOR

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3H5030) has been filed by the U.S. Department of Interior, Bureau of Reclamation, Washington, D.C. 20240, proposing establishment of a food additive tolerance (21 CFR, pt 121) for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water at 0.2 part per million when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation canal and ditch banks.

Dated June 13, 1973.

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

[FR Doc.73-12645 Filed 6-21-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 18128, 18684; FCC 73-630]

AMERICAN TELEPHONE & TELEGRAPH CO.

Order Regarding Oral Argument

In the matter of American Telephone & Telegraph Co., Long Lines Department, revisions of tariff FCC No. 260 Private Line Services, Series 5000 (TELPAK), docket No. 18128; American Telephone & Telegraph Co., revision of American Telephone & Telegraph Co., tariff FCC No. 260 Series 6000 and 7000 Channels (program transmission services), docket No. 18684.

1. In accordance with our order FCC 73-502, 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 considered the written notices of intention to appear and participate in oral argument, *It is ordered:*

(a) That the parties here designated are authorized to present oral argument in the following order for the times designated:

	Minutes
Bell System respondents	60
American Broadcasting Cos., Inc., Columbia Broadcasting System, Inc., and National Broadcasting Co., Inc	45
Hughes Sports Network, Inc	60
Commissioner of Baseball	20
State Mutual Broadcasting Corp	20
Association of Independent Television Stations	20
National Hockey League	15
TVS, Inc	5
Detroit Tigers Television Network	5
UPITN Corp	20
Corporation for Public Broadcasting and Public Broadcasting Service	5
European Broadcasting Union	10

(b) That the Bell System respondents may reserve part of their time for rebuttal thus closing the argument.

Adopted June 13, 1973.

Released June 19, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12609 Filed 6-21-73;8:45 am]

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 Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secertary, 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.

In the matter of American Export Lines, Inc., Atlantic Container Line, Ltd., Atlantica Line, Dart Containerline Co., Ltd., Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., United States Lines, Inc., and Zim Israel Navigation Co., Ltd.

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 named, establishes a 12-month nonbinding arrangement to cooperate in the exchange of information and proposals relating to cargo movements, shipper requirements, costs, rates, rules, and receipt and delivery practices including interchange with land carriers and other intermodal activities. Procedures are to be established for consulting with shipper and port interests and no substantive agreement is to be carried out without securing the prior approval of the Federal Maritime Commission.

Dated June 15, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12602 Filed 6-21-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators 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,

[1] Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

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
01065	Reederei Richard Schroder: *Lutz Schroder.*
01252	A/S Havtor: *Havkong, Havtroll.*
01306	Shaw Savill & Albion Co. Ltd.: *Darro, Drina.*
01314	Maralada Compania Naviera S.A.: *Rio Mar.*
01423	Charente Steamship Co. Ltd.: *Wanderer.*
01428	Ocean Transport & Trading Ltd.: *Alcinous, Ascanius, Asphalion, Bellerophon, Idomeneus.*
01466	Common Bros. Management Ltd.: *Dorli.*
01758	Chotin Transportation, Inc.: *M/G 20, M/G 22, M/G 25.*
02038	Polskie Linie Oceaniczne: *Jastarnia Bor.*
02260	Garibaldi So. Cooperativa Di Navigazione A Responsabilita Limitata: *Mata Prima.*
02332	Lykes Bros. Steamship Co., Inc.: *LY–174, LY–178, LY–179, LY–180, LY–804, LY–172, LY–173, LY–175, LY–176, LY–177, LY–2.*
02428	The Kinsman Marine Transit Co.: *Thomas Wilson, J. Burton Ayers, Ben Moreell, A. T. Lawson, C. L. Austin, Frank R. Denton.*
02472	Texasgulf, Inc.: *TG 16, TG 17, TG 18, TG 19.*
02473	Irish Shipping Ltd.: *Irish Oak.*
02501	Standard Oil Co. of California: *Chevron Hawaii.*
02862	Ocean Shipping & Enterprises, Ltd.: *Ocean Hope.*
03047	E. I. du Pont de Nemours & Co. Inc.: *EIDC 9.*
03180	Branch Lines Ltd.: *Arsene Simard.*
03467	Nichiro Gyogyo K. K.: *Kaiko Maru No. 1, Kathushio Maru No. 301.*
03614	A/S Kristian Jebsens Rederi: *Frines.*
03625	Hygrade Operators, Inc.: *Hygrade No. 34.*
03754	Carbonavi Societa' Per Azioni Di Navigazione: *Giovanna Lolli-Ghetti, Annalisa, Lolli-Ghetti, Maria Amelia Lolli-Ghetti, Drin.*
03968	Zim Israel Navigation Co., Ltd.: *Zim Montreal.*
04040	Halfdan Ditlev-Simonsen & Co.: *Varvara.*
04184	M/G Transport Services, Inc.: *M/G 11 A.*
04235	Bollinger & Boyd Barge Service, Inc.: *CAGC No. 1, CAGC No. 2.*
04406	Alter Co.: *Phyllis.*
04433	Allied Chemical Corp.: *Hot Oil 17.*
04558	Daiei Gyogyo Kabushiki Kaisha: *No. 51 Daiei Maru.*
05004	Flowers Transportation, Inc.: *Kevin Flowers.*
05367	Eiko Kisen Kabushiki Kaisha: *Hayatsuki Maru.*
05374	Compania Argentina De Navegacion Intercontinental Sociedad Anonima Comercial Inmobiliaria Y Financiera: *Greenville.*
05429	Navegacion Goya, S.A.: *Sea Lady.*
05430	Navegacion Negvas S.A.: *Sea Lord.*
05522	Burmah Oil Trading Ltd.: *Burmah Beryl.*
05577	Far-Eastern Shipping Co.: *Kapitan Bondarenko.*
05624	P. N. Pertambangan Minjak Dan Gas Bumi Nasional (Pertamina), Djakarta, Indonesia: *Permina Supply No. 1, Sally II.*
05857	Coral Marine Enterprise Panama Co. S.A.: *Coral White.*
06502	Rederij Theodora Bv: *Stella Orion, Stella Rigel.*
06570	Kristian Jebsen (U.K.) Ltd.: *Sharpnes.*
06775	Whitco (Marine Services) Ltd.: *Liverpool Clipper, Cardiff Clipper, Bristol Clipper.*
07062	Sail Fisheries Co., Ltd.: *Woohung No. 3, Woohung No. 5.*
07313	Merivienti Oy: *Finnsailor, Finnwood, Finntrader, Finnalpino.*
07377	Societe Maritime Nationale (S.A.): *Sete.*
07404	Hanseatic Shipmanagement Ltd.: *Johann Christian Schulte, Caroline Schulte, Franciska Schulte, Clamor Schulte.*
07600	Angelina Transportation Corp.: *LSC–41.*
07618	Ouse Shipping Co. Ltd.: *Sea Ranger.*
07634	Remco Marine, Inc.: *BBT–978.*
07654	Compania de Navegacion Levantino S.A. Panama: *Levantino.*
07779	Apollo Shipping Co. Inc.: *Apollo II.*
07835	Stimon Shipping Co. Ltd.: *Stimon.*
07930	Asteroid Shipping Co. Inc.: *Sotir.*
07951	Aquarella Navigation Co. Ltd.: *Marivic.*
07952	Marisira Navigation Co. Ltd.: *Marisira.*
07980	Shunwind Co., Ltd.: *Shunwind.*
07985	Buenaventura Marine Inc.: *Sequoia.*
07987	W. T. Burton Co., Inc.: *C–1.*
07995	Lee Shipping Co., Ltd.: *Yalton.*
07996	Hemisphere Navigation Corp.: *Armonia.*
08013	Lindinger Facet K/S: *Lindinger Facet.*
08029	Barcola Shipping Corp.: *Barcola.*
08058	Industrial Sea Transport Corp.: *Anemos.*
08059	San Isidro Compania Naviera S.A.: *Kythnos.*
08060	National Sealanes Corp.: *Antiparos.*
08061	Compania Reginald S.A.: *Mary.*
08063	Milton Shipping Co. Ltd.: *Moidart, Mingary.*
01103	Poseidon Schiffahrt Gesellschaft mit Beschrankter Haftung: *Parzival.*
01152	Neptune Maritime Co. of Monrovia: *Katherine.*
01185	AKS Jeselskapet Kosmos: *Javara, Jakinda.*
01221	Skips A/S Nordhav, Skibs A/S Sydhav, Skibs A/S Osthav: *Sydhav.*
01224	A/S Inger: *Ingertre.*
01245	Ellert Lund's Rederi A/S: *Susanne.*
01306	Shaw Savill & Albion Co., Ltd.: *Cretic, Carnatic.*
01328	Pergamos Shipping Co., Ltd.: *Chryssi A.S.*
01331	Poling Transportation Corp.: *Poling Bros. No. 14.*
01334	American President Lines, Ltd.: *President Wilson.*
01340	Compagnie Auxilianire De Nav.: *Esmeralda.*
01359	Ohio River Co.: *ORT 134, ORT 136.*
01423	Charente Steamship Co., Ltd.: *Journalist.*
01428	Ocean Transport & Trading, Ltd.: *Anchises, Akosombo.*
01487	Sunbeam Shipping Co., Ltd.: *Atlantic Sunbeam.*
01599	Terry Shipping Co., Ltd.: *Terry.*
01638	Sademar Veneziana Di Armamento S.P.A.: *Mare Aegeum.*
01714	Elios S.P.A.—Palermo: *Elios.*
01758	Chotin Transportation, Inc.: *Chotin 2841X.*
01791	Voleaon Shipping Corp.: *Voleon.*
01861	BP Tanker Co., Ltd.: *British Trader.*
01875	Sicula Sarda—Compagnia Armatoriale Siciliana S.p.A.: *Pugliola.*
01877	Carbocoke-Societa di Navigazione S.p.A.: *Arcola.*
01878	"Messana" Societa di Navigazione, SPA: *Antonio.*
01893	Silver Line, Ltd.: *Siversand.*
01919	Aksjeselskapet Pelagos: *Pedro.*
01935	Interessentskab Mellem Aktieselskabet Dampskibselskabet Svendborg & Dampskibselskabet AF 1912 Adtieselskab: Johannes Maersk.
02257	Sicilarma, Societa Di Navigazione Per Azioni: *Drin.*
02312	Interessentskapet Saga Sea: *Anco Sea.*
02463	H. Peters: *Hinrich Peters.*
02565	American Foreign Steamship Corp.: *American Falcon.*
02627	Patendeederi M.W. Wolfgang Russ: *Wolfgang Russ.*
02642	Fidelity Shipping Co., Ltd.: *Chistina II Maiha.*
02715	Allied Towing Corp.: *ATC 21.*
02733	Victoria Maine Co.: *Carchester.*
02846	Heritage Navagation Co., Ltd.: *Narita.*
02958	Kawasaki Kisen K.K.: *Silver Arrow.*
03208	Amadores Marielei S.A.: *Marielli.*
03209	Blue Arrow Shipping Co., Ltd.: *Panaghia Eleousa.*
03376	Carnation Compania Naviera S.A.: *Irene S Lemos.*
03380	Nava Strovili Compania Naviera S.A.: *Polydoros.*
03383	Spalmatori Compania Naviera S.A.: *Spalmatori Captain.*
03438	Inui Kisen Kabushiki Kaisha: *Kenyo Maru.*
03441	Japan Line K.K.: *Japan Camellia.*
03501	Osaka Shosen Mitsui Senpaku K.K.: *Kanagawa Maru.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12603 Filed 6-21-73;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to certificates of financial responsibility (oil pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to part 542 of title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessels
03521	Tokushima Kisen K.K.: *Tokushima Maru.*
03534	Zapata Naess (Holland) B.V.: *Dociver, Naess Enterprise, Armand Hammer, Naess Pride, Naess Spirit, Naess Norseman, Frances Hammer, Naess Mariner, Russell H. Green, Naess Leader, Naess Courier, Naess Liberty, Anco Norness, Stolt Dragon, Stolt Norness, Stolt Sydnes, Naess Ranger, Trachodon.*
03540	Herlofson & Hvattum (P.D. Herlofson): *Tank Baroness.*
03558	Reidar Rods Rederi A/S: *Bernhard.*
03562	Interessentskapet "Kongsholm" (Stavanger, Norway): *Kongsholm.*
03631	Seatrain Lines, Inc.: *Seatrain New Jersey, Seatrain Texas.*
03755	Oilnavi Societa Per Azioni Di Navigazione: *Anna Lisa Lolli-Ghetti, Giovanna Lolli-Ghetti, Maria Amelia Lolli-Ghetti.*
03798	Liberian Halo Transports, Inc.: *Halo.*
03878	Ingram Barge Co.: *White Bear.*
03980	Moran Towing & Transportation Co., Inc.: *Delaware.*
03987	Hans-Edwin Reith (H. E. Reith): *Carola Reith.*
04184	M/G Transport Services, Inc.: *Barge M/G II, M/G 20, M/G 21, M/G 22, M/G 23, M/G 24, M/G 25.*
04399	Armement Deppe S.A.: *Escaut.*
04412	Carsten Rehder: *Anna Rehder.*
04413	Leif Hoegh & Co. A/S: *Hoegh Laurel.*
04441	Pacific Hawaiian Line, Inc.: *Koko Head.*
04564	Yamashita Shinnihon Kisen Kaisha: *Yamakimi Maru.*
04568	United Venture Navigation Company Limited: *Grand Holly.*
04627	Inland Tugs Co.: Steamer *Gona, WF-12.*
05298	Erich Drescher: *Ede Wittorf.*
05379	River Lines Co.: *Humboldt.*
05393	Okinawa Reito Suisan Kabushiki Kaisha: *No. 18.*
05429	Navegacion Goya S.A.: *Sabine.*
05430	Navegacion Negvas, S.A.: *Midlake.*
05456	D/S A/S Ask: *Ask.*
05457	Interessentskapet Ako: *Ako.*
05524	Carena Fuerte Shipping Co. S.A. Panama: *Agni.*
05525	Franks Dredging Co.: *Seattle.*
05577	Far Eastern Shipping Co.: *Jubileinyy, Oktyabrskiy, Suchan.*
05612	Liberation Steamship Co., Inc.: *Philippine Admiral.*
05755	Hercei Navigation Co., Ltd.: *Kashihara.*
05854	Levin Metals Corp.: *DE 349, DE 363, DE 409, DE 417.*
05961	Aries Tanker Corp.: *Aries.*
06209	Mr. Kohei Murakami: *Kaisei Maru No. 7.*
06299	Marine & Marketing International Corp.: *Floridian.*
06327	Calas Shipping Co.: *Geneve.*
06328	Champel Shipping Co.: *Hamburg.*
06354	Habomai Gyogyo Kyodo Kumiai: *Habomai Maru No. 53.*
06462	Saint Olga Maritime Co. Ltd., Monrovia, Liberia: *St. Olga.*
06470	Jerelina Compania Naviera S.A.: *Melissa.*
06496	Whaling City Dredge & Dock Corp.: Steel Barge *Hughes 137.*
06511	Associated Shipping Corp. Ltd.: *Ever Success.*
06543	Nashbulk, Inc.: *Nashbulk.*
06578	Van Nievelt, Goudriaan & Co. N.V.: *Asmidiske, Asterope.*
06789	Lily Maritime Corp. (Monrovia) Liberia: *Mirfak.*
06804	Taurus Navigation Corp.: *Tauros.*
06903	Sun Shipbuilding and Dry Dock Co.: *Notre Dame Victory.*
07306	Kong Heung Industrial Co. Ltd.: *Kum Yong No. 103.*
07342	United Maritime Management Co. (PTE) Ltd.: *Choy Fung, Lien Ming, Min Fong, Wah Fung.*
07377	Societe Maritime Nationale (S.A.): *Ile Saint Louis.*
07460	Sofrana New Guinea Line: *Capitaine Bougainville.*
07517	C.V. Scheepvaartbedrijf "Santa Lucia": *Santa Lucia.*
07535	Clarister C.ia Naviera S.A. Panama: *Mata.*
07633	La Paloma Shipping Enterprises S.A. Panama: *Barbadinos.*
07566	Pantokrator Compania Naviera S.A.: *Platon.*
07841	Caribbean Shipping Limited: *Mereghan IV.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12604 Filed 6-21-73;8:45 am]

[Docket No. 73-35]

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; possible violations of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933.

The port district included within the generic term, "Port of Philadelphia," encompasses the Ports of Philadelphia, Camden, Gloucester, Marcus Hook, and Paulsboro. Authority over this district has been vested in the Delaware River Port Authority, a public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey which was created by compact between the States with the consent of Congress.

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 inland transportation costs (dockets Nos. 71-70 and 73-13). Preliminary injunctive relief was requested of and granted by the U.S. District Court for the Eastern District of Pennsylvania in connection with the Commission proceedings. That court found that the Federal Maritime Commission has exclusive primary jurisdiction to determine the legality of these practices, and issued the injunctive relief in aid of the Commission's administrative process. See, *Delaware River Port Authority, et al.* v. *Seatrain Lines, Inc.*, Civil No. 73-715 (filed Mar. 28, 1973), and *Delaware River Port Authority, et al.* v. *United States Lines, Inc., et al.*, 331 F. Supp. 441 (1971).

Specifically, the Delaware River Port Authority has complained that these common carriers by water have been and are, inter alia: 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 on so-called Philadelphia bills of lading, whereas the carriers do not provide such regularly scheduled service to Philadelphia; giving special rates and advantages, controlling competition, restricting port traffic and providing preferential arrangements; encouraging, inducing and persuading shippers and consignees not to move cargo via the normal port of exit or entry; and drawing away from the Port of Philadelphia traffic which originates or terminates in areas naturally tributary to the Port.

It now appears that carriers in addition to those named as respondents in these two Commission dockets may have been or may now be serving the Port of Philadelphia other than by direct ocean vessel calls. There is reason to believe that this service may include rail, motor and/or water carriage of cargo to and from the Port of Philadelphia from and 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 container and lighter or barge operators purporting to serve Philadelphia, warrant the conclusion that the practices have become so widespread that any effective solution cannot be reached on an ad hoc, complaint basis, but that a full investigation and hearing must be held with respect to the practices of all container and lighter or barge operators at the Port since January 1, 1971. Moreover, the determination of these matters is of prime importance for the guidance of the shipping industry as well as for the well-being of the Port of Philadelphia.

Therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation shall be instituted to determine whether the practices, past or present, by container or barge type of operators serving Philadelphia other than by direct ocean vessel calls, whether it be by rail, highway, or water:

(1) Violate section 14, Shipping Act, 1916, by making any unfair or unjustly discriminatory contract with any shipper based on the volume of freight offered or by discriminating against any shipper in the matter of cargo space accommodations or other facilities;

(2) Are authorized by approved agreements and, if so, whether the agreements, to the extent that they authorize such practices, should be disapproved,

cancelled or modified pursuant to section 15, Shipping Act, 1916; or are in implementation 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 prejudice or disadvantage;

(4) Violate section 17, Shipping Act, 1916, by resulting, through the absorption of inland transportation costs, in demanding, charging or collecting rates or charges which are unjustly discriminatory between shippers or ports;

(5) Violate section 18, Shipping Act, 1916, or section 2 of the Intercoastal Shipping Act, 1933, by providing services not authorized by applicable tariffs;

(6) Are contrary to the policy of section 8, Merchant Marine Act, 1920;

(7) Are contrary to the provisions of section 205, Merchant Marine Act, 1936.

It is further ordered, That the steamship companies and conferences as listed in the appendix hereto, are hereby named respondents in this proceeding; and

It is further ordered, That a public hearing be held before an administrative law judge of the Commission's office of administrative law judges, and that the hearing be held at a date and place to be determined by the presiding administrative law judge; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon all parties and upon the Commission's Bureau of Hearing Counsel; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; 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 502.72) of the Commission's rules of practice and procedure.

[SEAL] FRANCIS C. HURNEY,
Secretary.

UNITED STATES ATLANTIC TO PUERTO RICO

Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.

Seatrain Lines, Inc., Port Seatrain, Weehawken, N.J. 07087.

Indian Towing Co., Inc., 2216 Surekote Rd., P.O. Box 8217, New Orleans, La. 70122.

Gulf Atlantic Transport Corp., P.O. Box 4908, Jacksonville, Fla. 32201.

Cargo Lines Ltd., Via Motta 18, Chicasso, Switzerland.

Maritime Container Line, Ltd. and Navibel International, Ltd., c/o N.V. Euro American Agency S.A. EURAMA 122 Italielei, 2000 Antwerp, Belgium.

NORTH ATLANTIC MEDITERRANEAN FREIGHT CONFERENCE (AGREEMENT 9548) 17 BATTERY PLACE, NEW YORK, N.Y. 10004

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.

Atlantica S.p.A., Compagnie Fabre-Societe Generale de Transports Maritimes, Deutsche Dampfschifffahrts-Gesellschaft "Hansa", Villain and Fassio e Compagnia Internazionale Di Genova, Societa Reunite Di Navigazione S.p.A. (as one member [or party] only), Via E. De Amicis No. 2 16122 Genoa, Italy.

Concorida Line, Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dampskibsaktieselskabet Idaho, Skipsaksjeselskapet Hilda Kundsen, Skipsaksjeselskapet Samuel Bakke (as one member [or party] only), Christian Haaland, managing owners, Haugesund, Norway.

Constellation Line, GCC Shipping Co., Ltd., 53 Filinos St., Piraeus, Greece.

Hellenic Lines, Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.

Nordana Line, D.F.D.S. A/S, Sankt Annae Plads, 30 1295 Copenhagen, K Denmark.

Italian Line, "Italia"—Societa Per Azioni Di Navigazione of Genova, Piazza De Ferrari 1, Genoa, Italy.

Prudential-Grace Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.

Sea-Land Service, Inc., Terminal and Fleet Sts., P.O. Box 1050, Elizabeth, N.J. 07207.

Torm Lines, Dampskibsselskabet Torm A/S, Holmens Kanal 42, Copenhagen, Denmark.

Zim Israel Navigation Co., Ltd., 7-9 Ha'atsmaut Road, Haifa, Israel.

PORTUGAL/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9616) 10, PLACE DE LA JOLIETTE, MARSEILLES 2, FRANCE

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.

Atlantica Line, Atlantica, S.p.A., Compagnie Febre-Societe Generale de Transports Maritimes, Deutsche Dampfschifffahrts-Gesellschaft "Hansa," Villain and Passio e Compagnia Internazionale Di Genova, Societa Reunite Di Navigazione S.p.A. (as one member [or party] only), Via E. De Amicis No. 2, 16122 Genoa, Italy.

Companhia Nacional De Navegacao, Rua Do Comercio, 85, Lisbon, Portgual.

Compania Trasatlantica Espanola, S.A. (Spanish line), Paseo de Calvo Sotelo 4, Madrid 1, Spain.

Dart Containerline Co., Ltd., Reid House, Reid St., Hamilton, Bermuda.

D.B. Turkish Cargo Lines (D.B. Deniz Nakliyati T.A.S.), Findikli, Meclisi Mebusan, Cad. 93, 95, 97, Istanbul, Turkey.

Empresa Insulana de Navegavcao, Av. 24 de Julho, 132, Lisbon, Portugal.

Fresco Line (Stockholms Rederiaktiebolag Svea) (Rederiaktiebolaget Fredrika) (as one member only), Fresco Line Limited A/B, Tysta Gatan 4, Stockholm, Sweden.

Jugolinija (Jugoslavenska Linijska Plovidba), P.O. Box 379, Rijeka, Jugoslavia.

Torm Lines (Dampskibsselskabet Torm A/S), Holmens Kanal 42, Copenhagen, Denmark.

United States Lines, Inc., One Broadway, New York, N.Y. 10004.

Zim Israel Navigation Co., Ltd., 7-9 Haatzmaut Road, Haifa, Israel.

NORTH ATLANTIC BALTIC FREIGHT CONFERENCE (AGREEMENT 7670), 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.

Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.

Norwegian America Line, Den Norske Amerikalinje A/S, Jernbanetorget No. 2, Oslo, Norway.

Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.

Seatrain International, S.A., Port Seatrain, Weehawken, N.J. 07087.

United States Lines, Inc., One Broadway, New York, N.Y. 10004.

NORTH ATLANTIC FRENCH ATLANTIC FREIGHT CONFERENCE (AGREEMENT 7770), 17 BATTERY PLACE, NEW YORK, N.Y. 10004

American Export Lines, Inc., 17 Battery Pl., 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.

Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.

Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.

Seatrain International, S.A., Port Seatrain, Weehawken, N.J. 07087.

United States Lines, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

NORTH ATLANTIC ISRAEL EASTBOUND FREIGHT CONFERENCE (AGREEMENT 8220), 17 BATTERY PLACE, 22D FLOOR, NEW YORK, N.Y. 10004

American Export Lines, Inc., 17 Battery Pl., New York, N.Y. 10004.

Zim Israel Navigation Co., Ltd., 7-9 Haatzmaut Rd., Haifa, Israel.

NORTH ATLANTIC PORTUGAL FREIGHT CONFERENCE (Agreement 9293), 11 Broadway, Room 868, New York, N.Y. 10004

Atlantica S.p.A., Genoa, Italy.

Companhia Nacional De Navegacao, S.A.R.L., Rua De Comercio, 85, Lisbon, Portugal.

Fresco Line, Stockholme Rederiaktiebolag Svea, Rederiaktiebolaget Fredrika.

Fresco Line Ltd. A/B, Tysta Gatan 4, Stockholm, Sweden.

Italian Line, "Italia"—Societa Per Azioni Di Navigazione of Genoa, Genoa, Italy.

Portuguese Line E.I.N., Avenida D. Carlos I, 42, Lisbon, Portugal.

Torm Lines, Dampskibsselskabet Torm A/S, Holmens Kanal 42, Copenhagen, Denmark.

NORTH ATLANTIC UNITED KINGDOM FREIGHT CONFERENCE (Agreement 7100), 17 Battery Place, New York, N.Y. 10004

American Export Lines, Inc., 17 Battery Pl., New York, N.Y. 10004.

Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005.

Dart Containerline, Dart Containerline Co. Ltd., Reid House, Reid St., Hamilton, Bermuda.

Furness Warren Lines, Johnson Warren Lines, Ltd., 30 James St., Liverpool 2, England.

Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.

New England Express Line, N.V., Frankrijklei 70 B 2000, Antwerp, Belgium.

Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.

Seatrain International, S.A., Port Seatrain, Weehawken, N.J. 07087.

United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

SCANDINAVIA BALTIC/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9982), 74 ST. JAMES STREET, LONDON SW1A 1PS, ENGLAND

American Export Lines, Inc., 17 Battery Pl., New York, N.Y. 10004.

Atlantic Container Line Ltd., Overline House, Central Station, Southampton SO9 1 HA, 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 1050, Elizabeth, N.J. 07207.
Seatrain International S.A., Port Seatrain, Weehawken, N.J. 07087.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION (AGREEMENT 5850) 74 ST. JAMES'S STREET, LONDON SW1A 1PS, ENGLAND

American Export Lines Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Container Line Ltd., Overline House, Central Station, Southampton.
Atlantic Gulf Service AB, Packhusplatsen 6, Gothenburg, Sweden.
Combi Line—a joint service of Hapag-Lloyd, AG., Ballindamm 25, Hamburg 1, Germany, and Holland America Line, P.O. Box 486, Rotterdam, Holland.
Dart Containerline Co. Ltd., Meir 1, Antwerp, Belgium.
Hapag-Lloyd AG, Ballindamm 25, Hamburg 1, Germany.
Independent Gulf Line, de Ruyterkade 107, Amsterdam, Holland.
Johnston Warren Lines, Ltd., Furness Warren Line, Pacific Building, James St., Liverpool 3, and Gulf Container Line, 14 Leadenhall St., London E.C.3.
New England Express Line, N.V., Frankrijklei 70, B 2000 Antwerp, Belgium.
Sea-Land Service Inc., P.O. Box 1050, Elizabeth, N.J. 07207.
Seatrain International S.A., Port Seatrain, Weehawken, N.J.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

REGIONAL COOPERATION FOR DEVELOPMENT (R.C.D.) SHIPPING SERVICES (AGREEMENT 9490) TESVIKIYE CAD. 103, MACKA-ISTANBUL-TURKEY

D. B. Deniz Nakliyati Tas (D.B. Turkish Cargo Lines), Genel Mudurlugu, Findikli Meclisi Mebusan cad. 93, Istanbul, Turkey.
Kirlangic Sanayi, Ticaret Ve Nakliyat Anonim Sirketi, Isci Sigortalari Hani No: 412 Kat 4, Finkikli, Istanbul, Turkey.
Cerrahogullari Umumi Nakliyat Vapurculuk Ve Ticaret T.A.S., Cumuriyet Meydani Koseoglu Apt. 3/3, Taksim, Istanbul, Turkey.
National Shipping Corporation, National Shipping Corporation Building, Moulvi Tameezuddin Road, Karachi, Pakistan.
Pan-Islamic Steamship Co., Ltd., Writers Chambers, Dunolly Road, P.O. Box 4855, Karachi 2, Pakistan.
Muhammadi Steamship Co., Ltd., Valika Chambers, Altaf Hussain Road, P.O. Box 4128, Karachi 2, Pakistan.
ARYA National Shipping Lines S.A., Arya Building, Karim Khanzand Ave., P.O. Box 353, Tehran, Iran.
South Shipping, Iran Line, 130 Avenue Sorraya, P.O. Box 1224, Tehran, Iran.

MARSEILLES NORTH ATLANTIC U.S.A. FREIGHT CONFERENCE (AGREEMENT 5660) 10, PLACE DE LA JOLIETTE, MARSEILLE, 2

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
American President Lines, Ltd., 601 California Street, San Francisco 8, Calif.
Atlantica, S.p.A., Via de Amicis, 2, Genoa, Italy.
Concordia Line, Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dempskibsaktieselskabet Idaho, Skipsaksjeselskapet Hilda Knudsen, Skipsaksjeselskapet Samuel Bakke (as one member or party only), Haugesund, Norway.
Hansa Line, Deutsche Dampfschiffahrts Gesellschaft "Hansa", Schlachte, 6, Bremen 1, West Germany.
Prudential-Grace Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.
Sea-Land Service, Inc., Corbin and Fleet Streets, P.O. Box 1050, Elizabeth, N.J. 07207.
Zim Israel Navigation Company, Ltd., 7-9, Haatzmaut Road, Haifa, Israel.

ISRAEL/U.S. NORTH ATLANTIC PORTS WESTBOUND CONFERENCE (AGREEMENT 8420) ADDRESS INDIVIDUAL LINES

American Export Lines, Inc., Via D. Fiasella 1/13, Genoa, Italy.
Zim Israel Navigation Co., Ltd., Rehov Ha'atzmaut 7-9, Haifa, Israel.

SALONIKA (YUGOSLAV CARGO)/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9461) C/O AMERICAN EXPORT LINES, INC.

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Hellenic Lines Ltd., Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.

GREECE/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9238) 1 NEW YORK PLAZA, NEW YORK, N.Y. 10004

American Export Lines, 17 Battery Place, New York, N.Y. 10004.
Concordia Line, (Dampskibsaktieselskabet Alaska) (Aktieselskabet Atlas) (Dampskibsakieselskabet Idaho) (Skipsaksjeselskapet Hilda Knudsen) (Skipsaksjeselskapet Samuel Bakke), Haugesund, Norway.
Hellenic Lines, Ltd., Akti Miaouli, Piraeus, Greece.
Prudential-Grace Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.
Zim Israel Navigation Co., Ltd., Ha'atzmauth Road, Haifa, Israel.

TURKEY/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9239) 1 NEW YORK PLAZA, NEW YORK, N.Y. 10004

American Export Lines, 17 Battery Place, New York, N.Y. 10004.
Concordia Line, (Dampskibsaktieselskabet Alaska) (Aktieselskabet Atlas) (Dampskibsakieselskabet Idaho) (Skipsaksjeselskapet Hilda Knudsen) (Skipsaksjeselskapet Samuel Bakke), Haugesund, Norway.
Hellenic Lines, Ltd., Akti Miaouli, Piraeus, Greece.
Prudential-Grace Lines, Inc., 1 New York Plaza, New York, N.Y. 10004.
Zim Israel Navigation Co., Ltd., Ha'atzmauth Road, Haifa, Israel.

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (AGREEMENT 8210) 74, ST. JAMES'S STREET, LONDON SW1A 1PS, ENGLAND

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Container Line Services, Ltd., Overline House, Central Station, Southampton SO9 1 HA, Great Britain.
Dart Containerline Company, Ltd., Reid House, Reid Street, Hamilton, Bermuda.
Hapag-Lloyd Aktiengesellschaft, Ballindamm 25, 2000 Hamburg 1, Germany.
Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.
Seatrain International S.A., Port Seatrain, Weehawken, N.J. 07087.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

RUMANIA/U.S.A. WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9577) C/O AMERICAN EXPORT LINES, INC.

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Hellenic Lines, Ltd., Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.

SPAIN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE (AGREEMENT 9615) 10, PLACE DE LA JOLIETTE, MARSEILLES 2, FRANCE

American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantic Container Line, Ltd., 80 Pine St., New York, N.Y. 10005.
Atlantica Line, Atlantica, S.p.A., Compagnie Fabre-Societe Generale de Transports Maritimes, Deutsche Dampfschiffahrts-Gesellschaft "Hansa", Villain and Fassio e Compagnia Internazionale Di Genova, Societa Reunite Di Navigazione S.p.A., (as one member [or party] only), Via E. de Amicis No. 2, 16122 Genoa, Italy.
Companhia Nacional de Navegacao, Rua Do Comercio, 85, Lisbon Portugal.
Compania Trasatlantica Espanola, S.A. (Spanish line), Paseo de Calvo Sotelo 4, Madrid 1, Spain.
Concordia Line, Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dampskibsaktieselskabet Idaho, Skipsaksjeselskapet Hilda Knudsen, Skipsaksjeselskapet Samuel Bakke (as on member or party only), Christain Haaland, Managing Owners, Haugesund, Norway.
Constellation Line, GCC Shipping Company, Ltd., 53 Filinos St., Piraeus, Greece.
Costa Line (Costa Armatori S.p.A.), Via G. d'Annunzio, 2, 16121 Genova, Italy.
Dart Containerline Co., Ltd., Reid House, Reid St., Hamilton, Bermuda.
D. B. Turkish Cargo Lines (D. B. Deniz Nakliyati T.A.S.), Findiliki, Meclisi Mebusan, Cad. 93, 95, 97, Istanbul, Turkey.
Empresa Insulana de Navegacao, Av. 24 de Julho, 132, Lisbon, Portugal.
Hansa Line, Deutsche Dampfschiffahrts-Gesellschaft "Hansa", Schlachte 6, Bremen, Germany.
Hapag Lloyd, A.G., Ballindamm 25, Hamburg, Germany.
Jugolinija, Jugoslavenska Linijska Plovidba, P.O. Box 379, Rijeka, Jugoslavia.
Prudential-Grace Lines, Inc., 1 Whitehall St., New York, N.Y. 10004.
Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.
Seatrain International, S.A., Port Seatrain, Weehawken, N.J. 07207.
Torm Lines (Dampskibsselskabet Torm A/S), Holmens Kanal 42, Copenhagen, Denmark.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.
Zim Israel Navigation Co., Ltd., 7-9 Haatzmaut Rd., Haifa, Israel.

THE WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS, NORTH ATLANTIC RANGE CONFERENCE—"W.I.A.C." (AGREEMENT 2846), 16100 GENOVA—P.O. BOX 1070, GENOA, ITALY

Achille Lauro, Via C. Colombo, 45 (Palazzo Lauro), 80133 Napoli, Italy.
American Export Lines, Inc., 17 Battery Place, New York, N.Y. 10004.
Atlantica S.p.A., Via E. De Amicis, 2, 16122 Genova, Italy.
Concordia Line, Dampskibsaktieselskabet Alaska, Aktieselskabet Atlas, Dampskibsaktieselskabet Idaho, Skipsaksjeselskapet Hilda Knudsen, Skipsaksjeselskapet Samuel Bakke (As One Member (or party) only), Christian Haaland, Managing Owner, Haugesund, Norway.
Constellation Line, G.C.C. Shipping Co., Ltd., 53, Filonos St., Piraeus, Greece.
Costa Line (Costa Armatori S.p.A.), Via G. d'Annunzio, 2, 16121 Genova, Italy.
D.B. Turkish Cargo Lines, Findiliki, Meclisi Mebusan, Cad. 93, 95, 97, Istanbul, Turkey.
Hansa Line, Deutsche Dampfschiffahrts-Gesellschaft "Hansa", Schlachte 6, Bremen, Germany.

Hellenic Lines, Hellenic Lines Limited of Piraeus, Greece, Akti Miaouli, Piraeus, Greece.
"Italia" Societá Per Azioni Di Navigazione, Piazze de Ferrari, 1, 16121 Genova, Italy.
Jugolinija, Jugoslavenska Linijska Plovidba, P.O. Box 379, Rijeka, Jugoslavia.
N.V. Nedlloyd Lijnen, P.O. Box 359, Amsterdam, The Netherlands.
Prudential-Grace Lines, Inc., 1 Whitehall St., New York, N.Y. 10004.
Sea-Land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07207.
Zim Israel Navigation Co., Ltd., 7-9 Haatzmaut Rd., Haifa, Israel.

NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE (AGREEMENT 9214), 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 Street, New York, N.Y. 10007.
Dart Containerline Co. Ltd., Reid-House, Reid Street, Hamilton, Bermuda.
Hapag Lloyd Aktiengesellschaft, Ballindamm 25, Hamburg, Germany.
Sea-land Service, Inc., P.O. Box 1050, Elizabeth, N.J. 07087.
Sea-Train International, S.A., Port Seatrain, Weehawken, N.J. 07207.
United States Lines, United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.

NORTH ATLANTIC/WEST EUROPE RATE AGREEMENT (AGREEMENT 9552), ADDRESS INDIVIDUAL LINES

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.
Polish Ocean Lines, c/o Gdynia America Line, 115 Broadway, New York, N.Y. 10006.

GERMANY NORTH ATLANTIC PORTS RATE AGREEMENT (AGREEMENT 9427), 14 SCHAARSTEINWEG, P.O. Box 11 0309, HAMBURG 11, 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.
Polish Ocean Lines, c/o Gdynia America Line, 115 Broadway, New York, N.Y. 10006.

U.S. ATLANTIC & GULF/AUSTRALIA-NEW ZEALAND CONFERENCE, 19 RECTOR STREET, NEW YORK, N.Y. 10006

(Atlanttrafik Express Service) Trader Navigation Co., Ltd., 6/8 Crutched Friars, London E.C. 3—England.
(Columbus Line) Hamburg-Sudamerikanishe Dampfshiffahrts Gesellshaft, Eggert & Amsink, 2000 Hamburg 11, Ost-West Stasse 59, 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., 136 Penchurch St., London EC3M6DD, England.
Australia Coastal Shipping Commission trading as the Australian National Line, 8 Bridge St., Sydney, N.S.W., Australia.
The Bank Line Ltd., 21 Bury St., London, E.C. 3—England.

AUSTRALIA/U.S. ATLANTIC & GULF CONFERENCE

17/19 Bridge St., Sydney, N.S.W. 2000, Australia.
(Atlanttrafik Express Service) Trader Navigation Co., Ltd., 6/8 Crutched Friars, London E.C. 3, England.
Columbus Line, Ost-West Strasse 59, 2000 Hamburg 11, West Germany.
Farrell Lines, Inc., 1 Whitehall St., New York, N.Y. 10004.
Maritime Fruit Carriers Co., Ltd., 53 Shderot Hameginim, P.O. Box 1501, Haifa, Israel.
Pacific America Container Express Line (Pace Line), the Joint Service of Associated Container Transportation (Australia), Ltd., 136 Fenchurch St., London EC3M6DD, England.
Australian Coast Shipping Commission trading as the Australian National Line, 65/79 Riverside Ave., South Melbourne, Victoria, 3205 Australia.
Refrigerated Express Lines (A'asia) Pty., Ltd., 37 Pitt St. (G.P.O. Box 5044, Sydney, 2001), Sydney, N.S.W. 2000, Australia.

MINI-BRIDGE OPERATORS NOT CONFERENCE MEMBERS

Orient Overseas Container Line, c/o Eckert Overseas Agency, Inc., 19 Rector St., New York, N.Y. 10006.
Phoenix Container Liners, Ltd., suite 2900, 1 California St., San Francisco, Calif. 94111.
Seatrain International, S.A., 1395 Middle Harbor Rd., Oakland, Calif. 94607.
Showa Shipping Co., Ltd., c/o Norton, Lilly & Co., Inc., 425 California St., San Francisco, Calif. 94104.
Far East Conference, 11 Broadway, New York, N.Y. 10004.
American Export Lines, Inc., 26 Broadway, New York, N.Y. 10004.
American President Lines, Ltd., International Bldg., 601 California St., San Francisco, Calif. 94108.
Barber Lines, A/S, P.O. Box 1330, Vika, Oslo 1, Norway.
Blue Sea Line—Joint Service: Blue Funnel Line, Ltd., India Bldg., Water St., Liverpool L20RB, England.
The Swedish East Asia Co., Ltd., P.O. Box 2524, 403 17 Gothenburg 2, Sweden.
Japan Line, Ltd., Kishimoto Bldg., 2-18 Marunouchi, Chiyoda-ku, Tokyo, Japan.
Kawasaki Kisen Kaisha, Ltd., 8 Kaigan-Dori, Ikuta-ku, Kobe, Japan.
Lykes Bros. Steamship Co., Inc., P.O. Box 53068, New Orleans, La. 70150.
Maritime Co. of the Philippines, Inc., 205 Juan Luna, Manila, Philippines.
Mitsui—O.S.K. Lines, Ltd., 3-3, 5-chome, Alasaka Minato-ku, Tokyo, Japan.
A.P. Moller-Maersk Line—Joint Service, Dampskibsselskabet Af 1912 Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg, A. P. Moller, 8 Kongens Nytorv, Copenhagen K, Denmark.
Nippon Yusen Kaisha, Ltd., 3-2, Marunouchi 2 Chome, Chiyoda-ku, Tokyo, Japan (Postal Code 100).
Sea Express Service—Joint Service, Thai Mercantile Marine Ltd., P.T. Samudera Indonesia, Fiduciario Bldg. via Espana 200, Apartado 6307, City of Panama, Republic of Panama.
Sea-Land Service, Inc., Fleet and Corbin Sts., P.O. Box 1050, Elizabeth, N.J. 07207.
States Marine Lines—Joint Service, States Marine International, Inc., Global Bulk Transport Inc., Isthmian Lines, Inc., High Ridge Park, P.O. Box 1540, Stamford, Conn. 06904.
United Philippine Lines, Inc., United Philippine Lines Bldg., Santa Clara St., Walled City, Manila, Philippines.
United States Lines, Inc., (American Pioneer Line), 1 Broadway, New York, N.Y. 10004.
Waterman Steamship Corp., 140 Broadway, New York, N.Y. 10005.
Yamashita-Shinnihon Steamship Co., Ltd., sixth floor, Palace-Side Bldg., No. 1, Takehira-cho, Chiyoda-ku, Tokyo, Japan.
Zim Israel Navigation Co., Ltd. (Zim Container Service Division) (Zim-American Israeli Shipping Co., Inc., General Agents), 207-209 Hameginim Ave., Haifa, Israel.

JAPAN-ATLANTIC & GULF FREIGHT CONFERENCE

James E. Mazure, Chairman, Sumitomo Seimei Yaesu Bldg., 3, Yaesu 4-chome, Chuo-ku, Tokyo 104, Japan.
American Export Lines, Inc., 17 Battery Pl., New York, N.Y. 10004.
American President Lines, Ltd., 601 California St., San Francisco, Calif. 94108.
Barber Lines A/S, Dronning Mauds Gate No. 1, Oslo 2, Norway (P.O. Box No. 1330—Vika, Oslo 1).
Blue Sea Line:
The Swedish East Asia Co., Ltd., 403 17 Gothenburg 2, Sweden (Box 2524).
Ocean Transport & Trading Ltd., India Bldgs., Liverpool, L2-ORB, England (as one member or party only).
Japan Line, Ltd., Kokusai Bldg., 1-1, Marunouchi 3-Chome, Chiyoda-ku, Tokyo, 100 Japan.
Kawasaki Kisen Kaisha, Ltd., 8 Kaigan Dori, Ikuta-ku, Kobe, 650 Japan.
Lykes Bros. Steamship Co., Inc., Lykes Center, 300 Poydras St., New Orleans, La. 70130.
Mitsui O.S.K. Lines, Ltd., 3-3, Akasaka 5-chome, Minato-ku, Tokyo, 107 Japan.
A. P. Moller-Maersk Line, Dampskibsselskabet af 1912 Aktieselskab, Aktieselskabet Dampskibsselskabet Svendborg (as one party only), 8, Kongens Nytorv, Copenhagen K., Denmark.
Nippon Yusen Kaisha, 3-2, Marunouchi 2-chome, Chiyoda-ku, Tokyo, 100 Japan.
Sea-Land Service, Inc., Fleet and Corbin Sts., Elizabeth, N.J. 07207.
United States Lines, Inc., 1 Broadway, New York, N.Y. 10004.
Yamashita-Shinnihon Steamship Co., Ltd., Palaceside Bldg., 1-1, Hitotsubashi 1-chome, Chiyoda-ku, Tokyo, 100 Japan.
Zim Container Service F.E. (a division of Zim Israel Navigation Co., Ltd.), 207/209 Hameginim Ave., Haifa, Israel.

[FR Doc.73-12605 Filed 6-21-73;8:45 am]

DEPPE LINE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 12, 1973. Any person desiring a hearing on the propose 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:

Edwin Longcope, Esq., Hill, Betts & Nash, 1 World Trade Center, suite 5215, New York, N.Y. 10048.

Agreement No. 9891-2, 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.

Dated June 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12599 Filed 6-21-73;8:45 am]

EVERETT ORIENT LINE AND AMERICAN MAIL LINE LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, 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. W. R. Purnell, Assistant Vice President, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, Calif. 94108.

Agreement No. 10060, between Everett Orient Line and American Mail Line, Ltd., establishes 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 at Hong Kong or ports in Japan, under terms and conditions set forth in the agreement.

Dated June 18, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12597 Filed 6-21-73;8:45 am]

[Docket No. 73-34]

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 approvability 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, 821), 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 the New York Shipping Association, and its members shall be respondents in this proceeding.

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. Future notices issued by or on behalf of the Commission in the proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12601 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. 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 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 covenants, conditions, and terms as set forth in the agreement.

Dated June 15, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-12600 Filed 6-21-73;8:45 am]

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 (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, 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. 10059, 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, Hawaii, and British Columbia, Canada, to the ports of Malayasia and Singapore with transshipment at Hong Kong, British Crown Colony, under terms and conditions set forth in the agreement.

Dated June 18, 1973.

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 [1]

JUNE 13, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

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. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per thousand cubic feet*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI73-304	Atlantic Richfield Co.	28	41	El Paso Natural Gas Co. (Spraberry Field, Midland, Glasscock, Upton, and Reagan Counties, Tex. (Permian Basin)).	$2,284	5-14-73		1-1-74	20.8538	21.3023	RI72-264.
	do	29	21	El Paso Natural Gas Co. (Payton-Devonian Field, Ward and Pecos Counties, Tex. (Permian Basin)).	148	5-24-73		8-2-73	19.3278	19.8364	RI72-264.
	do	140	18	El Paso Natural Gas Co. (University Block 9 Field, Andrews County, Tex. (Permian Basin)).	534	5-24-73		8-2-73	17.8019	18.3105	RI72-264.
	do	208	15	El Paso Natural Gas Co. (Headlee Plant, Ector County, Tex. (Permian Basin)).	(1)	5-24-73		1-1-74	20.6768	21.1811	RI72-264.
	do	240	14	El Paso Natural Gas Co. (Spraberry Field, Upton et al. Counties, Tex. (Permian Basin)).	6	5-24-73		1-1-74	20.8536	21.3623	RI72-264.
	do	243	[2] 22	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex. (Permian Basin)).	(1)	5-24-73		8-2-73	[3] 19.4368	[3] 19.9483	RI72-264.
	do	245	14	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex. (Permian Basin)).	266	5-24-73		8-2-73	[3] 19.4368	[3] 19.9483	RI72-264.
	do	17	17	El Paso Natural Gas Co. (South Eunice Field, Lea County, N. Mex. (Permian Basin)).	282	5-24-73		8-2-73	19.4368	19.9483	RI72-264.
	do	18	19	El Paso Natural Gas Co. (Justice Field, Lea County, N. Mex. (Permian Basin)).	23	5-24-73		8-2-73	19.4368	19.9483	RI72-264.
	do	36	19	El Paso Natural Gas Co. (Slaughter Gas Plant, Hockley County, Tex. (Permian Basin)).	923	5-24-73		1-1-74	20.6553	21.1596	RI72-264.
	do	611	3	Northern Natural Gas Co. (Northeast Gates Devonian Field, Pecos County, Tex., Permian Basin).	55,375	5-29-73		8-2-73	14.1820	17.5656	
RI73-305	Gulf Oil Corp.	205	10	Phillips Petroleum Co. (Fradean Field, Upton County, Tex., Permian Basin).	1,050	5-14-73		8-2-73	17.25	[4] 17.75	RI72-271.
RI73-306	Phillips Petroleum Co.	9	27	El Paso Natural Gas Co. (Crane Plant, Crane County, Tex., Permian Basin).	22,763	5-29-73		8-2-73	17.4407	17.9465	RI72-265.
RI73-307	Atlantic Richfield Co.	566	[5] 10	Northern Natural Gas Co. (Eldorado Plant, Schleicher County, Tex., Permian Basin).		5-21-73	6-21-73	[12] Accepted			
	do		[5] 11	do	(6)	5-21-73		11-21-73	17.5525	[4] 35.0	RI72-31.
RI73-260	Gulf Oil Corp.	259	[10] 1 to 8	El Paso Natural Gas Co. (West Jal Unit, Lea County, N. Mex., Permian Basin).	5,169	[13] 5-18-73	[14] 9-19-73	[15] Accepted	[11] [12] 30.1800	[11] [12] 31.9029	RI73-60.
RI73-308	Shell Oil Co.	253	11	El Paso Natural Gas Co. (James Ranch Field, Eddy County, N. Mex., Permian Basin).	31,536	5-22-73		11-22-73	20.8	28.0	RI73-293.
RI73-309	Atlantic Richfield Co.	11	18	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex., Permian Basin).	21	5-24-73		8-2-73	[16] 19.4368	[16] 19.9483	RI72-264.
	do	15	18	do	153	5-24-73		8-2-73	[16] 19.4368	[16] 19.9483	RI72-264.
	do	19	17	do	103	5-24-73		8-2-73	19.4368	19.9483	RI72-264.
	do	20	21	do	18,818	5-24-73		8-2-73	[11] [12] 19.4368	[11] [12] 19.9483	RI72-264.
RI73-310	Phillips Petroleum Co.	32	44	El Paso Natural Gas Co. (Gold Smith Fullerton and Eunice Plants, Ector and Andrews Counties, Tex., and Lea County, N. Mex.) (Permian Basin).	136,074	5-29-73		8-2-73	[17] 17.6936	[17] 18.1994	RI72-265.
	do			do	26,902	5-29-73		8-2-73	[18] 17.7579	[18] 18.2655	RI72-265.
	do	33	25	do	48,056	5-29-73		8-2-73	[17] 17.6936	[17] 18.1994	RI72-265.
	do			do	0	5-29-73		8-2-73	[18] 17.7579	[18] 18.2655	RI72-265.
	do	363	23	El Paso Natural Gas Co. (Tunstill Plant, Reeves County, Tex., Permian Basin).	8,003	5-29-73		8-2-73	18.8191	19.3352	RI72-265.
	do	10	24	El Paso Natural Gas Co. (Keystone Plant, Winkler County, Tex., Permian Basin).	6,069	5-29-73		8-2-73	19.8364	[19] 20.3422	RI72-265.
	do	7	21	El Paso Natural Gas Co. (Goldsmith Plant, Ector County, Tex.) (Permian Basin).	(20)	5-29-73		8-2-73	17.6936	18.1994	RI72-265.
	do	359	28	El Paso Natural Gas Co. (Winkler Field, Winkler County, Tex.) (Permian Basin).	4,555	5-29-73		8-2-73	19.7523	[21] 20.2584	RI72-265.
	do	243	31	El Paso Natural Gas Co. (Hobbs and Lee Plants, Lea County, N. Mex.) (Permian Basin).	20,948	5-29-73		8-2-73	17.7579	18.2655	RI72-265.
	do			do	39,086	5-29-73		8-2-73	18.2656	18.7732	RI72-265.
	do	64	24	El Paso Natural Gas Co. (Eunice Plant, Lea County, N. Mex.) (Permian Basin).	43,652	5-29-73		8-2-73	17.7579	18.2655	RI72-265.

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] No gas currently available for delivery.
[2] Not applicable to sales under Supplement No. 12.
[3] Subject to 0.4467 c/m ft³ compression charge where applicable.
[4] Not used.
[5] Not used.
[6] 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.
[7] Contract agreement.
[8] Limited to gas reserves underlying acreage set forth in agreement dated Apr. 30, 1973 (Supp. No. 10).
[9] No present production.
[10] Substitute increase for increase filed Mar. 19, 1973, and suspended in docket No. RI73-260 until Sept. 19, 1973.
[11] Includes upward British thermal unit adjustment.
[12] Applicable to production from formations below the Strawn Formation.
[13] Original filing made Mar. 19, 1973.
[14] Date original filing would become ESR.
[15] Not applicable to production under supplement No. 32.
[16] Subject to 0.4467 c/m ft³ compression charge.
[17] Goldsmith & Fullerton Plants.
[18] Eunice Plant.
[19] Includes 1 c/m ft³ deduction for quality.
[20] No gas currently available for delivery.
[21] Includes reduction of 1 c/m ft³ for quality.
[22] Accepted to be effective on the date shown in the "Effective Date" column.
[23] Accepted, to be effective Sept. 19, 1973, subject to the existing suspension proceeding in docket No. RI73-260.

The proposed increases of Atlantic Richfield Co. under FPC Gas Rate Schedules Nos. 28, 208, 240, 26, and 566, and Shell Oil Co. under its FPC Gas Rate Schedule No. 253 are suspended for 5 months since they exceed the rate limit for a 1-day suspension.

Gulf Oil Corp. under FPC Gas Rate Schedule No. 259 has submitted a substitute increase for a prior increase that was suspended until September 19, 1973. The substitute increase reflects tax reimbursement that was inadvertently omitted on the prior filing. The substitute increase is accepted subject to the existing suspension proceeding to be effectve subject to refund as of the date prior 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 processes the gas and resells it to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 9. Although Gulf's proposed rate is below the applicable area 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 remaining proposed increases do not exceed the rate limit for a 1-day suspension and, are, therefore, suspended for 1 day.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, § 2.56).

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. 11695, 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

JUNE 15, 1973.

Take notice that on May 30, 1973, American Electric Power Service Corp. (AEPSC) on behalf of Ohio Power Co. (OPC) tendered for filing modification No. 2, dated May 1, 1973, to the facilities and operating agreement, dated May 1, 1967, between Dayton Power & Light Co. (DPLC) and OPC.

Modification No. 2 cancels existing service schedules B, C, E, F, and G, supersedes them with rewritten service schedules and provides for a new service schedule H. Service Schedule C, Coordination of Scheduled Maintenance of Generating Facilities and Service Schedule E, Interchange Power are substantially the same with a clause being added pertaining to taxes. New service schedule B adds a minimum charge which is applicable only if the supplying party elects the available alternative of settlement by cash payment rather than by return of equivalent energy. The new Service Schedule F, Short Term Power, increases the demand charge from $0.30 to $0.40 per kilowatt per week. New service schedule H provides a new service between the parties—Limited Term Power. 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 installed generation and transmission facilities, increased capital costs, and higher operation and maintenance costs. AEPSC also states that the proposed terms of compensation are the result of extensive, arms-length negotiations between the parties and that both parties feel that the proposed charges are fair and reasonable.

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 §§ 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 proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12566 Filed 6-21-73;8:45 am]

[Docket No. E-8246]

CONSUMERS POWER CO.

Notice of Cancellation

JUNE 15, 1973.

Take notice that Consumers Power Co. (CPC) on May 15, 1973, filed notice that effective May 10, 1973, its rate schedule FPC No. 18 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 §§ 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 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12567 Filed 6-21-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Notice Postponing Hearing and Deferring Action on Motions

JUNE 15, 1973.

On May 22, 1973, the Commission issued an order denying request for separate hearing on limited issue and restoring original procedural dates. On May 25, 1973, Cities/Co-ops filed a motion requesting that a date be set for filing testimony on the anticompetitive issue. On June 4, 1973, Consumers Power Co. filed a motion for reconsideration of May 22, 1973, order and alternatively for a change in the procedural schedule.

Upon consideration, notice is hereby given that the hearing scheduled to commence on Tuesday, June 19, 1973, is postponed, and action on the motions is deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12568 Filed 6-21-73;8:45 am]

[Docket No. E-7188]

DEPARTMENT OF THE INTERIOR AND SOUTHEASTERN POWER ADMINISTRATION

Request for Approval of Rates and Charges

JUNE 14, 1973.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Southeastern Power Administration (SEPA) and pursuant to section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), filed with the Federal Power Commission on June 7, 1973, a request in docket No. E-7188 for confirmation and approval of wholesale power rate schedules CR-1-C and CR-2-C for the sale of capacity and energy generated at eight Federal hydroelectric projects located on the Cumberland River and its tributaries in the States of Tennessee and Kentucky to the Tennessee Valley Authority (TVA) and four electric cooperatives, including Big Rivers Rural Electric Cooperative Corp. (Big Rivers); Indiana Statewide Rural Electric Cooperative, Inc., Hoosier Energy Division (Indiana Statewide); Southern Illinois Power Cooperative (Southern Illinois); and East Kentucky Rural Electric Cooperative Corp. (East Kentucky), all as more particularly described below. The projects are known collectively as the Cumberland projects and include Dale Hollow, Center Hill, Wolf Creek, Old Hickory, Cheatham, Barkley, J. Percy Priest, and Cordell Hull projects. The proposed rate schedules, for which the Secretary seeks Commission approval for the 5-year period beginning July 1, 1973, are designed to supersede certain existing rate schedules of SEPA which have been approved by the Commission through June 30, 1973.

The Secretary represents that the proposed rate schedules reflect certain changes which have occurred or are expected to occur since the Commission approved SEPA's existing rate schedules for the sale of the output of the Cumberland projects. In general, the principal changes include (1) increased costs and expenses in the operation and maintenance of the Cumberland projects; (2) costs of remedial work on the earth embankment at Wolf Creek Dam, which is scheduled to begin in fiscal year 1974; (3) commencement of commercial operation of Cordell Hull project, the first

unit of which is scheduled to begin generation prior to July 1, 1973; and (4) deliveries of electric power and energy to East Kentucky, which are scheduled to begin in November 1975.

Proposed wholesale power rate schedule 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 substantially 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 retained by SEPA for sale to Big Rivers, Indiana Statewide, Southern Illinois, and East Kentucky under proposed wholesale power rate schedule CR–2–C. It is estimated that the total annual payments by TVA to SEPA over an extended period of years under rate schedule CR–1–C will average $12,600,000, 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, (1) variations in the unregulated 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 placing into commercial operation any of the three generating units of the Cordell Hull project. The amount of $12,600,000 is denominated in rate schedule CR–1–C as the "Basic annual charge."

Proposed wholesale power rate schedule CR–2–C of SEPA will supersede its currently approved wholesale power rate schedule CR–2–A (revised) for electric service to Big Rivers, Indiana Statewide, Southern Illinois, and East Kentucky from the electric generating capacity and accompanying energy of the Cumberland projects which is retained by SEPA and not sold to TVA. In general, under rate schedule CR–2–C, SEPA will make wholesale sales of peaking power, standby power, and "special" emergency standby power, together with accompanying energy generated at the Cumberland projects, to the four cooperatives. The demand charge for capacity sold under this rate schedule is (a) $12 per supply year for each kilowatt of the contract peaking demand, payable $1 per billing month; (b) $3.10 per supply year for each kilowatt of the contract standby demand, payable in equal monthly installment payments of one-twelfth of the annual charge; and (c) $0.045 per calendar day (or fraction thereof) per kilowatt of standby power delivered for emergency purposes in November, April, May, June, September, and October of each supply year, and $0.07 per calendar day (or fraction thereof) per kilowatt of standby power delivered for emergency purposes during any other period of the year. A supply year is a year beginning November 1. The rate for energy sold under this rate schedule is (a) 3 mills per kilowatt-hour for all peaking energy; (b) 2.30 mills per kilowatt-hour for all maintenance standby energy; and (c) 3.75 mills per kilowatt-hour for all emergency standby energy. Rate schedule CR–2–C provides that the total bill for any month as determined from the application of such demand and energy rates and charges shall be increased to include an appropriate portion of the costs incurred for remedial work at Wolf Creek project in accordance with the formula specified in the rate schedule. It is further provided in rate schedule CR–2–C that "special" emergency standby power from the Cumberland projects' capacity can 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 schedules will produce revenues which, together 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 Federal investment allocated to power within 50 years from the time that this investment becomes revenue producing.

Proposed wholesale power rate schedules 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 person desiring to make comments or suggestions for the Commission's consideration with respect to said rate schedules should submit the same in writing on or before June 25, 1973, to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–12565 Filed 6–21–73;8:45 am]

[Dockets Nos. E–7824, E–8038]

CENTRAL MAINE POWER CO.

Notice of Extension of Time and Postponement of Hearing

JUNE 15, 1973.

On June 7, 1973, the Connecticut Light & Power Co., the Hartford Electric Light Co., and Western Massachusetts Electric Co., interveners, filed a motion for an extension of time to file their direct case as required by the order issued April 10, 1973, in the above-designated matter. The motion states that Staff Counsel, Boston Edison Co., Central Maine Power Co., New England Power Co., and Public Service Co. of New Hampshire consent to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Direct case of interveners, July 2, 1973.
Direct case of Staff, July 23, 1973.
Applicant's rebuttal evidence, August 9, 1973.
Prehearing conference and Hearing, August 22, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–12575 Filed 6–21–73;8:45 am]

[Docket No. E–8211]

CENTRAL TELEPHONE & UTILITIES CORP.

Notice of Interconnection Agreement

JUNE 15, 1973.

Take notice that on May 18, 1973, Central Telephone & Utilities Corp. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, an interconnection contract and service schedule B (providing for emergency service) dated April 10, 1973, between Applicant and the city of Beloit, Kan.

Any person 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, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–12576 Filed 6–21–73;8:45 am]

[Docket No. CP71–290]

CONSOLIDATED SYSTEM LNG CO.

Notice of Further Extension of Time

JUNE 15, 1973.

On June 11, 1973, Consolidated System LNG Co. filed a motion for a further extension of time for submitting its direct evidence in the reopened proceedings ordered in opinion No. 622–A, as extended by notice issued December 8, 1972.

Upon consideration, notice is hereby given that the date is extended to August 1, 1973 within which Consolidated System LNG Co. shall file its direct evidence in the reopened proceedings. The

other procedural dates are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12577 Filed 6-21-73;8:45 am]

[Docket No. E-8121]

GULF STATES UTILITIES CO.

Order Suspending Proposed Rate Increase, Setting Matter for Hearing, and Instituting Investigation

JUNE 14, 1973.

On April 10, 1973, Gulf States Utilities Co. (Gulf States) tendered for filing the following revised rate schedules:

Schedule 423, Other Electric Corporations For Resale.
Rate Schedule SR-1, Electric Service to Sam Rayburn Dam Electric Cooperative For Resale to Member Municipals.
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 purportedly 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 increases 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 rate 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 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 Corp.; Kirbyville 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 9, 1973, by the Houston County Electric Cooperative, and untimely protests were filed on May 7, 1973, by the city of St. Martinville, and on May 14, 1973, by the city of Kirbyville. These petitions and protests contained various allegations as to: (1) The reasonableness of the proposed rates; (2) discrimination; (3) the lawfulness of the proposed fuel clause; (4) compliance with applicable price guidelines; (5) anticompetitiveness; and (6) contract provisions regarding unilateral rate changes. In view of the action we are taking 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 fixed-rate nature of the contract between Gulf States and the Sam Rayburn Dam Electric Cooperative (Sam Dam). In the motion to reject filing, protest, and petition to intervene of Sam Dam and its members, Sam Dam argues that its contract with Gulf States is a fixed rate contract despite the existence of what appears to be a Memphis clause in articles III and IV, section 4, subsection (c).[1] The basis for this argument is that subsection (b), when read in conjunction with subsection (a), provides a mechanism for the parties to review and redetermine rates upon written request of Gulf States, but not more often than once every 5 years. Sam Dam views subsection c) as merely addressing itself to the implementation before the proper regulatory body of whatever agreement might be arrived at through the mechanism of subsection (b). We are not persuaded by this argument. Our reading of the contract provisions is that they simply set out alternate procedures by which that contract rate may be adjusted by Gulf States—either by negotiations with its customers or through direct application to the proper regulatory body.

Review of the rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. Accordingly, we shall suspend the proposed increases and set the matter for hearing as hereinafter provided. 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. We note that 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 revised 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.[2] We find that three of these may be terminated by the company in the near future or the company may, by their terms, put into effect a rate increase on a specified date in the near future.[3] 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 or upon Gulf States properly terminating such contracts and notice of such termination being filed with this Commission. (See our order of May 17, 1973, in Alabama Power Co., docket Nos. E-8126 and E-8143). As to the other fixed rate contracts,[4] we shall institute an investigation under section 206 of the Federal Power Act to determine if the rates contained therein are in the public interest. With regard to deliveries in excess of the maximum contractual commitments of Gulf States under these fixed rate contracts, we shall accept the new rates applied for herein as an initial filing to become effective June 15, 1973, the requested effective date, and institute an investigation under section 206 to determine if such rates are in the public interest.[5]

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 it affects this rate schedule, subject to one day suspension as a part of the proceeding under section 205.

Finally, we note that the contract with Cajun Electric Cooperative, Inc. (FPC No. 104) was suspended one day 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

[1] See appendix A for the relevant provisions of the Sam Dam contract.

[2] See the relevant language of all affected contracts as set out in appendix A.

[3] These contracts are: FPC No. 51 (town of Welsh, La.), terminable November 21, 1973; FPC No. 54 (city of Kaplan, La.), terminable November 1, 1973; FPC No. 81 (Kirbyville Light and Power Co.), terminable June 1, 1974.

[4] These other contracts are: FPC No. 69, 71, 72, 76, 79, and 87.

[5] 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 the Commission enter 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) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination 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 the city of Kaplan, La. (FPC No. 54), 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 being filed with this Commission or upon Gulf States properly terminating such contracts and 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 accepted for filing subject to the conditions hereinafter specified.

(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 I), 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 NE., 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) At the prehearing conference on October 23, 1973, Gulf States' prepared testimony together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of §1.18 of the Commission's rules of practice and procedure.

(D) On or before September 10, 1973, the Commission staff 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.s.t.

(E) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(F) Pending hearing and a final decision thereon Gulf States' proposed tariff sheets as they affect EPC rate schedule Nos. 20, 24, 30, 49, 85, 86, 93, 95, 96, 98, 99, 101, 104, and 105 are suspended for 1 day and the use thereof deferred until June 16, 1973.

(G) As to those contracts which do not allow for unilateral changes in rates (FPC rate schedule Nos. 69, 71, 72, 76, 79, and 87), 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 and 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. 69, 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 proceeding 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. PLUMB, *Secretary.*

APPENDIX A

RELEVANT PROVISIONS OF THE AFFECTED CONTRACTS WITH REGARD TO THE POSSIBLE "FIXED-RATE" CONTRACT QUESTIONS PRESENTED BY THE RATE APPLICATION

Rate schedule numbers and system and relevant provisions

FPC No. 20—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, 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. 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 3, 1959, has expired. Superseding rate schedule not filed.

FPC No. 51—Town of Welsh; contract dated October 11, 1945, to be effective not later than November 21, 1945:

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 the class of service being furnished under this agreement shall be subject to a general rate increase or decrease, it is agreed that such increased or

decreased rates shall become applicable to the service rendered hereunder on the next following anniversary date of this agreement in the case of increased rates, or from the effective date thereof in the case of decreased rates."

FPC No. 54—City of Kaplan, La.; contract not dated:

Article I

"The term of this agreement shall be for a period of three (3) years from the date of the Customer first takes service hereunder, which date, subject to the provisions of Articles VII and IX, shall be not later than November 1, 1946, 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 of any renewal thereof."

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 the class of service being furnished under this agreement shall be subject to a general rate increase or decrease, it is agreed that such increased or decreased rates shall become applicable to the service rendered hereunder on the next following anniversary date of this agreement in the case of increased rates, or from the effective date thereof in the case of decreased rates."

FPC No. 69—Sam Houston Electric Cooperative, Inc.; contract dated May 25, 1950, amended by letter of July 9, 1963, 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 of July 9, 1963, 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 Corp.; contract dated July 7, 1950, amended by letter dated July 12, 1963, 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. 76—Mid-South Electric Cooperative Assn.; contract dated September 21, 1950, which is ". . . subject to all valid laws and governmental regulations . . ." (Article XI), 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—Houston County Electric Cooperative; contract dated May 10, 1951:

Article XI

"It is subject to all valid laws and governmental regulations . . . Contract amended by letter of July 1, 1963, which states that:

"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 Co.; contract dated September 26, 1951:

Article I

"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, and Rider D shall be not later than June 1, 1952, 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 of any renewal thereof."

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 the class of service being furnished under this agreement shall be subject to a general rate increase or decrease by the Company, it is agreed that such increased or decreased rates shall become applicable to the service rendered hereunder on the next following annual anniversary date specified in Article I in the case of increased rates, or from the effective date thereof in the case of decreased rates."

FPC No. 85—City of Newton, Tex.; contract dated January 15, 1953:

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."

FPC No. 86—City of Livingston, Tex.; contract dated February 20, 1953:

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."

FPC No. 87—Robertson Electric Cooperative, Inc.; contract dated April 7, 1955, states in Article XI that:

"It is subject to all valid law and governmental regulations . . ."

Amended by letter of March 1, 1965, which states that:

"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. 93—City of Abbeville, La.; contract dated May 21, 1960:

Article IV

"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."

FPC No. 95—City of Jasper, Tex.; contract dated January 4, 1963:

Article IV

"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."

FPC No. 96—City of Liberty, Tex.; contract dated December 10, 1963:

Article IV

"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."

FPC No. 98—Sam Rayburn Dam Electric Cooperative, Inc.; contract dated February 13, 1964:

Article III

"Section 4. *Compensation by the Sam Dam Coop to Gulf States.*

(a) Subject to the provisions of Subsection (b) below, the Sam Dam Coop shall compensate Gulf States monthly for power and energy delivered to Member Municipals pursuant to this Article III, at the schedule of rates set forth in the said Rate Schedule 'SR-1'.

(b) The schedule of rates paid by the Sam Dam Coop to Gulf States for power and energy delivered to Member Municipals under this Article III as set forth in Subsection (a), above, shall be reviewed and redetermined by the parties hereto at the time of any modification, amendment, or supersession, under Section 4, Article II, of the 'SPA-Sam Dam Coop Contract," of the then existing schedule of rates and compensation to be paid by the Sam Dam Coop in connection with the purchase by the Sam Dam Coop from SPA of "Hydro Power and Energy" upon written request of:

(i) the Sam Dam Coop, if such modification, amendment or supersession puts into effect a decrease in the cost to the Sam Dam Coop for Hydro Power & Energy; and if, within five months after the receipt of such notice from SPA, the Sam Dam Coop and Gulf States are unable to agree upon a new schedule of compensation to be paid by the Sam Dam Coop to Gulf States for service rendered by Gulf States under this Article III, the Sam Dam Coop may, at its option terminate this contract in its entirety upon written notice to Gulf States at any time within one year after the end of such five-month period, such termination to be effective on the date specified by the Sam Dam Coop, but not later than thirty-six months from the date of such notice; or

(ii) Gulf States, if such modification, amendment, or supersession puts into effect an increase in the cost to the Sam Dam Coop for Hydro Power & Energy; and if, within five months after the receipt of such notice from SPA, the Sam Dam Coop and Gulf States are unable to agree upon a new schedule of compensation to be paid by the Sam Dam Coop to Gulf States for service rendered

by Gulf States under this Article III, Gulf States, may, at its option, terminate this Contract in its entirety upon written notice to the Sam Dam Coop at any time within one year after the end of such five month period, such termination to be effective on the date specified by Gulf States, but not later than thirty-six months from the date of such notice. During the period until the effective date of termination by Gulf States or the Sam Dam Coop pursuant to parts (i) and (ii), above, the amount of compensation owed by the Sam Dam Coop to Gulf States for service to Member Municipals shall be at the rates and subject to the terms and conditions of Rate Schedule 'SR-1'.

(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."

Article IV

"Section 4. *Compensation by the Sam Dam Coop to Gulf States.*

(a) Subject to the provisions of Subsection (b), below, the Sam Dam Coop shall compensate Gulf States monthly for power and energy delivered to Member Cooperatives pursuant to this Article IV, at the schedule of rates set forth in the said 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, shall be reviewed and redetermined by the parties hereto at any time after January 1, 1970, or from time to time thereafter, but not more often than once every five years, upon written request of Gulf States to the Sam Dam Coop. If within ninety days from the date of such request from Gulf States, the Sam Dam Coop and Gulf States are unable to agree upon a schedule of rates to be paid by the Sam Dam Coop for power and energy delivered to Member Cooperatives under this Article IV, Gulf States may by written notice to the Sam Dam Coop at any time within ten days after the end of such ninety-day period, at its sole option, terminate this Contract in its entirety, such termination to be effective on the first day of the month following thirty-six months from the date of receipt of such notice of termination by the Sam Dam Coop. During the period until the effective date of such termination by Gulf States, power and energy sold by Gulf States and purchased by the Sam Dam Coop under this Article IV shall be at the rates and subject to the terms and conditions of Rate Schedule 'SR-2'.

(c) If a rate decrease or increase 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."

FPC No. 99—City of Caldwell, Tex.; contract dated December 21, 1965:

Article IV

"It is understood and agreed that the rates charged the Customer hereunder shall be the Company 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."

FPC No. 101—New Roads, La.; contract dated June 28, 1968:

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."

FPC No. 104—Cajun Electric Cooperative, Inc.; contract of December 12, 1972, suspended 1 day until March 23, 1973, and subject to hearing in docket No. E-7676 by order of March 1, 1973, in docket No. E-8003:

Article XII

"*Section 1. Redetermination of Rates.* Gulf States' rate for transmission service as provided in Article V Section 3 may not be changed prior to July 1, 1977, without the mutual consent of the parties, but such rate is based upon and shall only apply to use of existing Gulf States' transmission facilities connected to Big Cajun No. 1 and to the delivery of the existing capacity of Big Cajun No. 1.

Except as provided in the preceding paragraph of this Article, anything in this Agreement or the Schedules hereto to the contrary notwithstanding, it is agreed that all rates to be charged and paid hereunder and under effective Service Schedules for each type of service by Gulf States hereunder, including rates for transmission service after July 1, 1977, and all rates for additional power and energy, emergency service, and replacement energy shall be as provided herein, or in any effective superseding rate schedules for such type of service which is approved or accepted for filing by the regulatory agency having jurisdiction thereof, it being the intention of the parties that during the entire term of this contract Gulf States shall have and hereby specifically reserves the right to change such rates in accordance with applicable law and procedures prescribed by the regulatory agency having jurisdiction over such rates."

FPC No. 105—Town of Rayne, La.; contract filed April 27, 1973, but has not yet been accepted for filing by the Commission.

[FR Doc.73-12591 Filed 6-21-73;8:45 am]

[Docket No. E-8202]

KANSAS GAS & ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

JUNE 15, 1973.

Take notice that on May 10, 1973, Kansas Gas & Electric Co. (KGEC) tendered for filing a letter agreement dated March 28, 1973, and effective on June 1, 1973, which supplements the Power Interchange Agreement dated July 19, 1962, designated Rate Schedule FPC No. 92.

The agreement provides that KGEC offers to sell 50 mw to Omaha Public Power District (OPPD) for a period of 12 months beginning June 1, 1973, under the terms and conditions of the Power Interchange Agreement between the parties, dated July 19, 1962. KGEC states that the rate to be paid shall be $1.50 per kilowatt per month, payable regardless of the specific unit's availability. The associated energy shall be paid for at a rate of 3.50 mills per kilowatt hour. The company states that offer and acceptance is contingent upon approval by all appropriate regulatory bodies have jurisdiction.

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 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 proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12578 Filed 6-21-73;8:45 am]

[Docket No. E-8228]

NEW YORK STATE ELECTRIC & GAS CORP.

Notice of Filing of Proposed Initial Service Agreement

JUNE 15, 1973.

Take notice that New York State Electric & Gas Corporation (NYSEG) on May 24, 1973, tendered for filing an Initial Service Agreement (Agreement) dated May 1, 1973, between NYSEG and Rochester Gas & Electric Corp. (RG&E) under which NYSEG shall make available to RG&E capacity of its transmission system which is surplus to its own requirements for transmission of electricity from the pump-operating unit of the Blenheim-Gilboa Pumped Storage Project of the Power Authority of the State of New York (PASNY). The proposed effective date is May 28, 1973. NYSEG requests waiver of the 30-day filing requirement to permit service under this Agreement to commence on that date. NYSEG 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, 825 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 July 2, 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 the filing

are on file wtih the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12579 Filed 6-21-73;8:45 am]

[Docket No. E-8253]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

JUNE 15, 1973.

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 Cormorant Corp., a Montana corporation, a wholly owned subsidiary of Applicant. The principal amount of such 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, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12580 Filed 6-21-73;8:45 am]

[Docket No. E-8231]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Filing of Agreement

JUNE 15, 1973.

Take notice that on May 25, 1973, Pennsylvania Power & Light Company (Penn) tendered for filing a new agreement relating to wholesale for resale service provided by Penn at FPC Rate Schedule No. 26 to the Borough of Lehington. Penn states that the new agrement was negotiated to remove objections of the Antitrust Division of the Department of Justice to current agreements, that the new agreement meets these objections, and the new agreement refers to and has attached the currently effective rate schedule and fuel adjustment clause, which the company avers is not being changed by this filing.

Any person desiring to be heard or to protest said application 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 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 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12581 Filed 6-21-73;8:45 am]

[Docket No. E-8229]

PORTLAND GENERAL ELECTRIC CO.

Notice On Filing of Assignment Agreement

JUNE 15, 1973.

Take notice that on May 22, 1973, Portland General Electric Co. (Portland) tendered for filing as supplement I to its Initial Rate Schedule FPC No. 22 and Pacific Gas and Electric Company's (Pacific) Rate Schedule FPC No. 51, an Assignment Agreement, executed on February 9, 1973, and to become effective upon acceptance for filing by the Commission.

The Assignment provides that Pacific assigns to Southern California Edison Co. (SCEC) 25 percent of Pacific's rights and obligations under the Pacific-Portland Sales and Exchange Agreement. On or after May 15, 1975, SCEC's assigned interest shall be the lesser of 25 percent or the percentage equal to 100 megawatts of capacity. The Assignment further provides that delivery and receipt of power by Portland shall be proportionate between Pacific and SCEC. The Assignment with respect to payment for capacity sold by Portland is modified with respect to transactions between Portland and SCEC, so that, beginning with the 1976–77 contract year, payment shall be made by exchange of capacity by SCEC during the period November 1 through March 31 of each contract year. Portland states that except as to the conditions noted above, the Agreement and Initial Rate Schedules remain unchanged.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20425, 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 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12582 Filed 6-21-73;8:45 am]

[Docket No. CP72-52]

SOUTHERN NATURAL GAS CO.

Order Setting Matters for Formal Hearing, Permitting Intervention, Prescribing Procedures, and Fixing Date of Hearing

JUNE 15, 1973.

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 a settlement between itself and Mississippi and the hearing was postponed indefinitely. On March 26, 1973, Southern and Mississippi jointly 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 executed between Southern and Mississippi. The main agreement dated February 14, 1972, would allow Southern to abandon service to Mississippi but maintain the facilities that provide that service on a "standby" basis until June 30, 1973. Now Southern and Mississippi jointly move the Commission to approve the settlement, as amended, and to include in its final order, a condition that Mississippi may continue to receive deliveries of 29,000 M ft^3 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), Atlanta Gas Light Co. (Atlanta), Alabama Gas Corp. (Alabama), Columbia Nitrogen Corp. (CNC), and Nipro, 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 ft^3/d.

Atlanta opposes the proposed amendment, demanding that Shell Oil Co. (Shell) as a potential supplier to Mississippi repay within a reasonable time all volumes of gas provided by Southern to Mississippi after June 30, 1973, and that Southern make such repaid volumes available to its jurisdictional customers. Alabama's opposition relates to allegations that firm service to Mississippi will adversely affect the supplies of gas available to Alabama, and requests that if continued service is granted even on an interruptible basis, Shell should be required to return equivalent volumes to Southern. CNC and Nipro state that they are the sources of fertilizer for Georgia and other contiguous States, and in analogy to Mississippi's position assert that they who purchase gas from Atlanta should not be curtailed while the full requirements of Mississippi are served.

The Commission finds

(1) It is necessary and proper in the public interest that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on July 11, 1973, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether or not abandonment should be granted as requested, or upon different terms and conditions.

(B) All of the aforementioned parties who filed timely petitions to intervene herein are hereby permitted to become intervenors, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; *And provided further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The applicant and all other parties shall file 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 stated respective positions.

By the Commission.

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

[FR Doc.73-12583 Filed 6-21-73;8:45 am]

[Dockets Nos. RP72-91, etc.]

SOUTHERN NATURAL GAS CO.

Certification of Proposed Settlement Agreement

JUNE 20, 1973.

Take notice that on May 29, 1973, the presiding administrative law 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 (PGA) cost component) of $122,875,872 and jurisdictional revenues (less PGA component) of $121,305,326. The settlement rate of return is 8.75 percent with a return on common equity of 10.95 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 hearing on May 23, 1973.

Comments on the stipulation and agreement may be filed with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 29, 1973.

Copies of the proposed stipulation and agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12674 Filed 6-21-73;8:45 am]

[Dockets Nos. E-8235, E-8236]

SOUTHERN SERVICES, INC.

Notice of Cancellation

JUNE 15, 1973.

Take notice that Southern Services, Inc. (SSI) on May 29, 1973, filed notice that effective June 1, 1973, that its rate schedule FPC No. 15.7 (effective June 1, 1972) and its rate schedule FPC No. 15.12 (effective June 1, 1972) would be 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 sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 110). All such petitions or protests should be filed on or before June 25, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-12584 Filed 6-21-73;8:45 am]

[Docket No. CP73-315]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

JUNE 11, 1973.

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. CP37-315 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transfer, reinstallation, and operation of compression facilities to accomodate 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 hereinabovementioned facilities were the subject of its application of April 2, 1972, filed in docket No. CP67-349, in which it sought authorization to abandon 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 and reinstall 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 ft³ of gas per day to Transcontinental Gas Pipe Line Corp. (Transco) at the Falfurrias Station and 174,000 M ft³ per day at the Rodriquez station downstream of the Freer Station.

Applicant estimates the cost of the relocation to be $150,000 to be financed with cash on hand.

Applicant states that Shell et al., were authorized in an order issued by the Commission in docket No. RI72-240, et al., on January 10, 1973, to increase their deliveries to Applicant to 100,000 M ft³ 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 on or 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.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12585 Filed 6-21-73;8:45 am]

[Docket No. CP73-309]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

JUNE 11, 1973.

Take notice that on May 17, 1973, United Gas Pipe Line Co. (United), 1525 Fairfield Avenue, Shreveport, La. 71101, and Transcontinental Gas Pipe Line Corp. (Transco), P.O. Box 1396, Houston, Tex., filed in docket No. CP73-309 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United and Transco state that they have entered into an exchange agreement under which United is to deliver up to 2,000 M ft³ of natural gas daily at an existing delivery point in Jefferson Davis Parish, La., to Transco and Transco is to return equal volumes to United at the inlet of the Continental Oil Co.'s plant in Acadia Parish, La. United and Transco state that the exchange will be made through existing facilities and is proposed to continue for a term of 2 years. United and Transco may increase the quantity of gas to be exchanged depending on the availability of gas and the capacity of Transco to handle new volumes.

United and Transco allege that this exchange will add flexibility to their systems and eliminate their need for additional facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 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.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12586 Filed 6-21-73;8:45 am]

[Docket No. E-8177]

VERMONT ELECTRIC POWER CO., INC.

Notice of Filing of Proposed Rate Schedule

JUNE 15, 1973.

Take notice that on May 3, 1973, Vermont Electric Power Company, Inc. (Velco) filed in docket No. E-8177 a proposed rate schedule providing for the sale by Velco to Consolidated Edison Co. of New York, Inc., of certain of Velco's entitlement to power produced from the Vermont Yankee Nuclear Powerplant.

The service proposed to be rendered consists of the sale of 150,000 kW of firm capacity at the rate of $224.06/mw/day and associated energy at the rate of 1.9 mills/KWH to which Velco is entitled from the Vermont Yankee Nuclear Power Corp. for the month of May 1973 only. Velco requests waiver of the Commission's regulations to permit the proposed rate schedule to become effective May 1, 1973.

Velco states that copies of the filing were mailed to Consolidated Edison, the Public Service Board of Vermont, Public Service Co. of New Hampshire, and Northeast Utilities.

Any person desiring to be heard or to protest Velco's filing in this docket 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 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 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Velco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12588 Filed 6-21-73;8:45 am]

[Docket No. E-8190]

VERMONT ELECTRIC POWER CO., INC.

Notice of Filing of Proposed Rate Schedule

JUNE 15, 1973.

Take notice that on May 3, 1973, Vermont Electric Power Co., Inc. (Velco) filed in docket No. E-8190 a proposed rate schedule providing for the sale by Velco to Consolidated Edison Co. of New York, Inc., of certain of Velco's entitlements to power from the Merrimac No. 2 plant of Public Service Co. of New Hampshire. Velco 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 Velco is entitled from the Merrimack No. 2 plant of Public Service Co. of New Hampshire from May 1 to October 31, 1973.

Velco states that copies of the filing were mailed to Consolidated Edison Co. of New York, the Public Service Board of Vermont, Public Service Co. of New Hampshire, and Northeast Utilities.

Any person wishing to be heard or to protest Velco's filing in this docket 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 §§ 1.8 or 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 29, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Velco's filing is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12587 Filed 6-21-73;8:45 am]

[Docket No. E-8201 et al.]

WISCONSIN ELECTRIC POWER CO. ET AL.

Notice of Applications

JUNE 15, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Filing date	Name of applicant
E-8201.....	May 14, 1973	Wisconsin Electric Power Co.

Applicant files April 24, 1973, amendment to the interconnection agreement dated June 7, 1971 between Wisconsin Electric Power Co. and Wisconsin Power Light Co., designated Wisconsin Electric Rate Schedule FPC No. 31. The amendment, effective May 1, 1973, modifies the agreement to provide for: (1) replacement of Service Schedule A—Reserved Power by a new class of power defined as Limited Term Power to be power and associated energy from temporarily surplus generating capacity in either party's system that may from time to time be sold to the other party for the purpose of providing increased flexibility in the planning and installation of generating capacity additions; (2) addition of a minimum charge of 17½ mills per kilowatt-hour in the compensation for Emergency Energy, Service Schedule B, plus the option of returning equivalent energy; (3) changes in Service Schedule D—Short Term Power consisting of a new subsection providing for reservations of power for periods of one or more calendar days, an increase in the capacity charge from 33 cents per-kilowatt, per-week to the greater of 40 cents per-kilowatt, per-week or the cost per kilowatt to the supplying party of capacity purchased from other systems and the option of returning equivalent energy in lieu of the payment of the energy charge; and (4) the option of returning equivalent energy in lieu of the payment of the compensation specified in Service Schedule F—General Purpose Energy.

Docket No.	Filing date	Name of applicant
E-8204.....	May 14, 1973	Wisconsin Public Service Corp.

Applicant files May 9, 1973, Interconnection and Electrical Energy Agreement between the city of Mansfield, Wis. and Wisconsin Rate Schedule FPC No. 21. ing a June 27, 1956 Agreement designated Wisconsin Rate Schedule FPC No. 21. The revised agreement reflects current conditions and facilities, and is to take effect at the close of the calendar month of June 1973.

Docket No.	Filing date	Name of applicant
E-8226.....	May 23, 1973	Niagara Mohawk Power Corp.

Applicant files Transmission Agreement dated April 12, 1973, between Niagara 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 Authority'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 located between Niagara's New Scotland Substation connection with the Gilboa Plant and Niagara's 345 kV No. 92 transmission line interconnection with the Pleasant Valley Substation of Consolidated Edison Co. of New York, Inc. The agreement takes effect when the first unit of the Gilboa Plant is placed in commercial operation, estimated to be June 1973, and terminated when the 345 kV transmission line interconnection between the Gilboa Plant and Niagara's Leeds Substation becomes commercially operative. Estimated total revenue to be obtained over the life of the agreement is $163,898.75.

Docket No.	Filing date	Name of applicant
E-8230.....	May 22, 1973	Northern States Power Co. (Minnesota)

Applicant files May 7, 1973, supplement No. 11 to the Interconnection and Interchange Agreement dated March 1, 1963, between Dairyland Power Cooperative, Northern States Power Co. (Minnesota), and Northern States Power Co. (Wisconsin), designated Northern States (Minnesota), rate schedule FPC No. 169 and Northern States (Wisconsin) rate schedule FPC No. 25, supplement No. 11 provides for an 11th revised exhibit A (establishing 40 points of interconnection and deleting 10th revised exhibit A in its entirety), an 11th revised page B-1, and circuit diagram sheet 41 adding the Leon interconnection.

Docket No.	Filing date	Name of applicant
E-8233.....	May 29, 1973	Illinois Power Co.

Applicant files May 7, 1973, Appendix E to the Facility Use Agreement between Central Illinois Light Co. and Illinois Power Co., dated June 16, 1972, and filed with the Commission on June 21, 1972. Appendix E provides for the use of one side of 69 kV steel tower line, approximately 2.9 miles in length, near Riverton, Ill. by Central Illinois Light Co. for a new 34.5 kV circuit to Riverton, for an annual charge of $3,900, which is 15 percent of one-half of the estimated capital savings of $26,000. Appendix E becomes effective when Central Illinois Light completes its Riverton 34.5 kV circuit, estimated to occur before June 1, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12589 Filed 6-21-73;8:45 am]

[Docket No. CI73-674]

JONES & PELLOW OIL CO.

Notice of Postponement of Hearing

JUNE 15, 1973.

By order issued May 21, 1973, in the above-designated matter, a hearing was scheduled to commence on June 18, 1973. 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 withdrawal 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.

[FR Doc.73-12569 Filed 6-21-73;8:45 am]

[Docket No. E-8251]

NEW ENGLAND POWER SERVICE CO.

Notice of Proposed Rate Schedule Supplements

JUNE 15, 1973.

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. 162.
The Narragansett Electric Co., FPC No. 161.
Granite State Electric Co., FPC No. 163.
Green Mountain Power Corp. (Stamford, Vt. District), FPC No. 164.
Manchester Electric Co., FPC No. 165.
Town of Littleton, N.H., FPC No. 167.
Town of Ashburnham, FPC No. 182.
Town of Boylston, FPC No. 177.
Town of Danvers, FPC No. 179.
Town of Georgetown, FPC No. 169.
Town of Groton, FPC No. 176.
Town of Groveland, FPC No. 166.
Town of Hingham, FPC No. 184.
Town of Holden, FPC No. 187.
Town of Hudson, FPC No. 202.
Town of Hull, FPC No. 173.
Town of Ipswich, FPC No. 189.
Town of Littleton, Mass., FPC No. 175.
Town of Mansfield, FPC No. 170.
Town of Marblehead, FPC No. 181.
Town of Merrimac, FPC No. 174.
Town of Middleton, FPC No. 171.
Town of North Attleborough, FPC No. 185.
Town of Paxton, FPC No. 178.
City of Peabody, FPC No. 186.
Town of Princeton, FPC No. 183.
Town of Shrewsbury, FPC No. 207.
Town of Sterling, FPC No. 172.
Town of Templeton, FPC No. 180.
Town of Wakefield, FPC No. (pending approval).
Town of West Boylston, FPC No. 188.
New Hampshire Electric Cooperative, Inc., FPC No. 200.
Department of the Army, Fort Devens, Mass., FPC No. 199.

New England proposes that the new schedule be made effective on August 1, 1973. According to New England, the amendments are in accordance with paragraph B of the general terms and conditions of its uniform contract for primary service for resale as amended, currently in effect, which is said to allow rate changes by New England at any time upon appropriate notice to customers and filing with the Commission. New England states that it has notified each of its customers affected as well as the applicable State commissions.

According to New England, the proposed changes to its present R-6 rate will increase the demand charge from $2.96/kW/mo to $3.18/kW/mo and the energy charge from 6.9 mills per kilowatt-hour to 7.3 mills per kilowatt-hour. According to New England, the rate increases are essential for the high cost of new capital and increased operating expenses involved in the necessary construction of generation and transmission facilities needed for the projected increases in demands for services by New England's customers.

Any person desiring to be heard or to protest said application 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 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. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12590 Filed 6-21-73;8:45 am]

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 20, 1973.

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, in that 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 tendered 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 differences in cost of gas purchased from Sea Robin for the period April 16, 1973, through June 30, 1973, will be handled through the provisions of § 17.4 (Purchased gas adjustment—surcharge adjustments) of the general terms and conditions of Southern's FPC Gas Tariff, Sixth Revised Volume No. 1.

Any person desiring to comment upon the filing should file such comment in writing with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 26, 1973. A copy of the filing is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12727 Filed 6-21-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[FEDERAL PROPERTY MANAGEMENT REGULATIONS, TEMPORARY REGULATION G-12]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a transportation rate proceeding.

2. *Effective Date.*—This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Interstate Commerce Commission in a proceeding entitled *The American Export Lines, Inc. et al. v. Alabama Great Southern Railroad Company, et al.* (docket No. 35835), involving interchange agreements between railroads operating in the Southeastern United States and oceangoing steamship lines.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

JUNE 15, 1973.

[FR Doc.73-12544 Filed 6-21-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLINCHFIELD COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Correction

In FR Doc. 73-11389 appearing at page 14987 in the issue for Thursday, June 7, 1973, and corrected on page 15672 in the issue for Thursday, June 14, 1973, in the second line of paragraph (10), "Federal No. 2 Mine", should read "Delmont Mine".

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an ad

hoc 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 a.m.

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. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-12542 Filed 6-21-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5360]

ALABAMA POWER CO. AND GEORGIA POWER CO.

Proposed Purchase and Sale of Transmission Line

JUNE 18, 1973.

Notice is hereby given that the Alabama Power Co. (Alabama), P.O. Box 2641, Birmingham, Ala. 35291, 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 the Public Utility Holding Company Act of 1935 (Act), designating sections 9, 10, and 12(d) of the Act and rule 43 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, $233,674.31, less accrued depreciation, through June 30, 1973, $69,760.38.

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 and incurred 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 13, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it 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]

[811-1405]

EXETER SECOND FUND, INC.

Filing of Application

JUNE 18, 1973.

Notice is hereby given that Exeter Second 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 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 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 common stock of Exeter on the basis of the relative net asset value per share. Applicant represents that it has no assets; that 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 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 communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailings) 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 contemporeaneously 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.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12557 Filed 6-21-73;8:45 am]

[811-1440]

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

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 November 6, 1966, and registered under the Act by filing a Form N–8A Notification of Registration on November 15, 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 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 it has no assets; that there are no unclaimed distributions; 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 communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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 hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73–12559 Filed 6–21–73;8:45 am]

[811–2119]

WINDSOR FUND INVESTMENT PLANS

Filing of Application

JUNE 18, 1973.

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 the Plan, organized as a mechanism for selling shares of Windsor Fund, Inc., under a periodic payment plan, presently has no assets or planholders; is engaged in no business activity; has issued no securities; and does not intend to make a public offering of its securities. Its registration statement filed under the Securities Act of 1933 was withdrawn on July 6, 1972.

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 ceased 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 communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon 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.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73–12558 Filed 6–21–73;8:45 am]

[File No. 500–1]

AADAN CORP.

Order Suspending Trading

JUNE 15, 1973.

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 Aadan 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 17, 1973, through June 26, 1973.

By the Commission.

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

[FR Doc.73–12551 Filed 6–21–73;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 18, 1973.

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 June 19, 1973, through June 28, 1973.

By the Commission.

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

[FR Doc.73–12545 Filed 6–21–73;8:45 am]

[File No. 500-1]

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 being traded on the New York Stock Exchange; 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 the above mentioned 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.73-12548 Filed 6-21-73;8:45 am]

[File No. 500-1]

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 on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 17, 1973, through June 26, 1973.

By the Commission.

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

[FR Doc.73-12552 Filed 6-21-73;8:45 am]

[File No. 500-1]

GIANT 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 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 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]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JUNE 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, 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 16, 1973, through June 25, 1973.

By the Commission.

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

[FR Doc.73-12547 Filed 6-21-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JUNE 18, 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.73-12546 Filed 6-21-73;8:45 am]

[70-5359]

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), 2 Broadway, 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 and rule 50 promulgated thereunder as 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 principal 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 to be determined not less than 72 hours prior to the opening of the bids. The interest rate on the bonds (which shall be a multiple of one-eighth of 1 percent and the price to be paid to Ohio Power which shall not be less than 99 percent nor more than 102¾ 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 heretofore 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 prohibition until August 1, 1978, against refunding the issue with the proceeds of funds borrowed at an effective interest cost lower than that of such bonds.

Ohio Power also proposes to issue and sell, subject to the competitive bidding requirements of rule 50 under the Act,

300,000 shares of a new series of cumulative preferred stock, par value $100 per share. The dividend rate of the preferred stock (which will be expressed in a multiple of .04 of 1 percent) and the price to be paid to Ohio Power (which shall be not less than $100 per share and shall not exceed $102.75) will be determined by the competitive bidding. The terms of this new series of the preferred stock include a prohibition until August 1, 1978, against refunding 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 consideration 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 $115 million will be outstanding. The company estimates that construction costs aggregating approximately $170 million, exclusive of construction costs in connection with the General James M. Gavin Plant being constructed by its wholly owned subsidiary, Ohio Electric Co. (file No. 70-5142), will be incurred in 1973.

It is stated that the Public Utilities Commission of Ohio 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.

Notice is further given, that any interested person may, not later than July 11, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-12555 Filed 6-21-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

JUNE 14, 1973.

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 from June 15, 1973, through June 24, 1973.

By the Commission.

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

[FR Doc.73-12554 Filed 6-21-73;8:45 am]

[File No. 500-1]

STAR-GLO INDUSTRIES INC.

Order Suspending Trading

JUNE 15, 1973.

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 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 18, 1973, through June 27, 1973.

By the Commission.

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

[FR Doc.73-12553 Filed 6-21-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JUNE 15, 1973.

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.

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

[FR Doc.73-12550 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.	
1364	Acorn Pipe Line Co., P. O. Box 5008, Houston, Tex. 77012.
1414	Allegheny Pipeline Co., P.O. Box 2521, Houston, Tex. 77001.
1302	Amoco Pipeline Co., P.O. Box 6110-A, Chicago, Ill. 60680.
1378	Arapahoe Pipe Line Co., 200 East Golf Road, Palatine, Ill. 60067.
1329	ARCO Pipe Line Co., ARCO Building, Independence, Kans. 67301.
1291	Ashland Pipe Line Co., 1409 Winchester Avenue, Ashland, Ky. 44101.
1381	Badger Pipe Line Co., P.O. Box 300, Tusa, Okla. 74102.
1425	Black Lake Pipeline Co., P.O. 308, Independence, Kans. 67301.
1322	Buckeye Pipe Line Co., P.O. Box 368, Emmaus, Pa. 18049.
1382	Butte Pipe Line Co., P.O. 2648, Houston, Tex. 77001.
1404	Calnev Pipe Line Co., 1901 Slover Avenue, Bloomington, Calif. 92316.
1368	Cheyenne Pipeline Co., P.O. Box 370, Cody, Wyo. 82414.
1371	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	Chicap Pipe Line Co., 200 East Golf Road, Palatine, Ill. 60067.

1972 REPORTS—Continued

Valuation docket No.	
1312	Cities Service Pipe Line Co., P.O. Box 300, Tulsa, Okla. 74102.
1422	Colonial Pipeline Co., P.O. 18855, Atlanta, Ga. 30326.
1316	Continental Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1426	Cook Inlet Pipe Line Co., P.O. Box 900, 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 1759, Houston, Tex. 77001.
1365	Crown-Rancho Pipe Line Corp., P.O. Box 1759, Houston, Tex. 77001.
1349	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79105.
1411	Dixie Pipeline Co., P.O. Box 2220, Houston, Tex. 77001.
1385	Emerald Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79105.
1338	Eureka Pipe Line Co., 963 Market Street, Parkersburg, W. Va. 26101.
1394	Exxon Pipeline Co., P.O. Box 2220, Houston, Tex. 77001.
1389	Four Corners Pipe Line Co., P.O. 2648, Houston, Tex. 77001.
1333	Gulf Refining Co., P.O. Drawer 2100, Houston, Tex. 77001.
1409	Hess Pipeline Co., P.O. Box 502, Woodbridge, N.J. 07095.
1406	Jayhawk Pipeline Corp., P.O. Box 1030, Wichita, Kans. 67201.
1413	Jet Lines, Inc., 522 Cottage Grove Road, Bloomfield, Conn. 06002.
1375	Kaneb Pipe Line Co., P.O. Box 22029, Houston, Tex. 77027.
1299	KAW Pipe Line Co., P.O. Box 52332, Houston, Tex. 77052.
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.
1395	MAPCO, Inc., 1437 South Boulder Avenue, Tulsa, Okla. 74119.
1392	Marathon Pipe Line Co., 539 South Main Street, Findlay, Ohio 45840.
1357	Michigan-Ohio Pipeline Corp., 600 West Pickard Street, Mount Pleasant, Mich. 48858.
1353	Mid-Valley Pipeline Co., P.O. Box 2039, Tulsa, Okla. 74102.
1311	Mobil Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221.
1292	Ohio River Pipe Line Co., 1409 Winchest Avenue, Ashland, Ky. 41101.
1380	Okan Pipeline Co., P.O. Box 2100, Houston, Tex. 77001.
1417	Olympic Pipe Line Co., P.O. Box 900, Dallas, Tex. 75221.
1420	Paloma Pipe Line Co., 2500 First National Bank Building, Dallas, Tex. 75202.
1321	Phillips Petroleum Co., Adams Building, Bartlesville, Okla. 74004.
1320	Phillips Pipe Line Co., Adams Building, Bartlesville, Okla. 74004.
1372	Pioneer Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.
1343	Plantation Pipe Line Co., P.O. Box 18616, Atlanta, Ga. 30326.
1367	Platte Pipe Line Co., 539 South Main Street, Findlay, Ohio 45840.
1410	Portal Pipe Line Co., 1401 Elm Street, Dallas, Tex. 75202.
1347	Portland Pipe Line Corp., 335 Forest Avenue, Portland, Maine 04101.
1327	Pure Transportation Co., 200 East Golf Road, Palatine, Ill. 60067.
1369	Shamrock Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79105.

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Valuation docket No.	
1326	Shell Pipe Line Corp. P.O. Box 2648, Houston, Tex. 77001.
1402	Skelly Pipe Line Co., P.O. Box 1650, Tulsa, Okla. 74101.
1335	Sohio Pipe Line Co., P.O. Box 5774, Cleveland, Ohio 44101.
1424	Southcap Pipeline Co., 200 East Golf Road, Palatine, Ill. 60067.
1393	Southern Pacific Pipelines, Inc., 610 South Main Street, Los Angeles, Calif. 90014.
1370	Sun Oil Line Co. of Michigan, 907 South Detroit Avenue, Tulsa, Okla. 74120.
1315	Sun Pipe Line Co., P.O. Box 2039, Tulsa, Okla. 74120.
1386	Tecumseh Pipe Line Co., P.O. Box 308, Independence, Kans. 67301.
1300	Texaco-Cities Service Pipe Line Co., P.O. Box 52332, Houston, Tex. 77052.
1293	Texas-New Mexico Pipe Line Co., Box 52332, Houston, Tex. 77052.
1330	The Texas Pipe Line Co., P.O. Box 52332, Houston, Tex. 77052.
1379	Trans Mountain Oil Pipe Line Corp., 400 East Broadway, Vancouver 10, B.C., Canada.
1412	Trans Ohio Pipeline Co., P.O. Box 2521, Houston, Tex. 7701.
1400	Wabash Pipe Line Co., c/o Marathon Pipe Line Co., 539 South Main Street, Findlay, Ohio 45840.
1388	West Emerald Pipe Line Corp., P.O. Box 631, Amarillo, Tex. 79105.
1396	West Shore Pipe Line Co., 910 South Michigan Avenue, Chicago Ill. 60680.
1362	West Texas Gulf Pipe Line Co., P.O. Drawer 2100, Houston, Tex. 77001.
1421	White Shoal Pipeline Corp., Kerr-McGee Building, Oklahoma City, Okla. 73102.
1377	Wolverine Pipe Line Co., P.O. Box 2648, Houston, Tex. 77001.
1355	Wyco Pipe Line Co., 910 South Michigan Avenue, Chicago, Ill. 60605.
1373	Yellowstone Pipe Line Co., P.O. Drawer 1267, Ponca City, Okla. 74601.

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1384	Minnesota Pipe Line Co., P.O. Box 2256, Wichita, Kans. 67201.
1332	National Transit Co., 900 Southwest Tower, Houston, Tex. 77002.
1423	Williams Brothers Pipe Line Co., P.O. Drawer 3448, Tulsa, Okla. 74101.

BASIC REPORTS

1430	Belle Fourche Pipeline Co., P.O. Box 1612, Casper, Wyo. 82601 (1968).
1432	UCAR Pipeline, Inc., P.O. Box 22146, Houston, Tex. 77027 (1970).
1433	Collins Pipeline Co., P.O. Box 2511, Houston, Tex. 77001 (1970).

On or before July 23, 1973, persons other than those specifically designated in section 19a(h) 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 shown 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(h) 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]

[Notice No. 281]

ASSIGNMENT OF HEARINGS

JUNE 19, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 30844 sub 450, Kroblin Refrigerated Xpress, Inc., MC 82492 sub 81, Michigan & Nebraska Transit Co., Inc., MC 112822 sub 257, Bray Lines, Inc., MC 113362 sub 251, Ellsworth Freight Lines, Inc., and MC 115331 sub 345, Truck Transport, Inc., continued to July 24, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135524 subs 6 and 7, G. F. Trucking Co., continued to July 26, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12610 Filed 6-21-73;8:45 am]

[Notice 300]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Comission's special rules of practice any interested person may file a petition seeking reconsid-

eration of the following numbered proceedings on or before July 12, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–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 plantsite 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.

No. MC–FC–74467. By order of June 18, 1973, the Motor Carrier Board approved the transfer to Reinhold Reile, doing business as Reile's Transfer, Fargo, N. Dak., of the operating rights in permit No. MC–109571 issued October 6, 1948, to Helmer J. Olson, doing business as Olson Transfer, Moorhead, Minn., authorizing the transportation of such merchandise as is dealt in by retail chain department stores or mail order houses, between Fargo, N. Dak., on the one hand, and, on the other, points in Minnesota within 100 miles of Moorhead, Minn. Robert L. Stroup II, Box 2626, Fargo, N. Dak. 58102, attorney for applicants.

No. MC–FC–74545. By order of June 18, 1973, the Motor Carrier Board approved the transfer to G. Van Buiten & Son, Inc., Oxford, N.Y., of the operating rights in certificates No. MC–128079 (sub-No. 1) and MC–128079 (sub-No. 2) issued November 23, 1966, and October 13, 1966, respectively to Gary Van Buiten and Gary Van Buiten, Jr., doing business as G. Van Buiten & Son, Oxford, N.Y., authorizing the transportation of various commodities from and to specified points and areas in New York and Pennsylvania. Richard H. Pille, 724 Security Mutual Bldg., Binghamton, N.Y. 13901, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–12612 Filed 6–21–73;8:45 am]

[Notice 301]

MOTOR CARRIER TRANSFER PROCEEDINGS

JUNE 19, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR, part 1132:

No. MC–FC–74538. 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. 79760, under section 210a(b). The transfer to THRASHER TRUCKING CO., of the operating rights of J. H. MARKS TRUCKING CO., INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–12611 Filed 6–21–73;8:45 am]

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FRIDAY, JUNE 22, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 120

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

AIR PROGRAMS; IMPLEMENTATION PLANS

Approval of Transportation and/or Land Use Controls

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF 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 these provisions of Federal law.

The presence in 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—is largely attributable to motor vehicles; 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 statutory 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 and identify the measures 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 were required 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 the application of any other transportation and/or land-use measures. In order to assist the States in the development of transportation control strategies, the Environmental Protection Agency conducted numerous studies and made their results available to the States. In addition, contract assistance was provided in developing the strategies for 14 of the affected regions, 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. 72-1522) and seven related cases, hereafter referred to as *NRDC* v. *EPA*. It issued an order which held that 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 the granting of extensions to mid-1977 for attainment of the national primary air standards where plans had not been submitted. The order required the Administrator to formally rescind through notice to the States 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 must submit such 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, 22 States including the District of Columbia were notified by telegram on February 5, 1973, that any extensions granted because of the unavailability of transportation and/or land-use controls were canceled 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 issued on March 20, 1973 (38 FR 7323), to complete the requirements of that court order by specifically amending the provisions of this part with regard to each of the States 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 February 15, 1973, would be required to submit no later than April 15, 1973, transportation and/or land-use controls which will show achievement of the standards by 1975. In addition to those States which were required to submit transportation and/or land-use control strategies on February 15, a number of other States which had regions that would not achieve the standard by 1975 but which had not been required to submit transportation control strategies because the FMVCP was thought capable of achieving the standards by 1977 were required to submit transportation control strategies on April 15. States that were not granted an extension but that had deficient plans were also required to submit transportation control strategies on April 15, 1973. Strategies adopted by the States must provide for attainment and maintenance of these standards by May 31, 1975. At the time of submission of these plans on April 15, the Governors of the States could request an extension up to 2 years for compliance with the provisions of these plans if the specific requirements of section 110(e) are satisfied by the State plan.

To date, 16 States including the District of Columbia have submitted plans. These plans have been reviewed by the Department of Transportation, as well as by the Environmental Protection Agency, and have also been made available for public review and comment. Based upon the comments received and the Agency's evaluation of the plans in light of pertinent legal requirements, the Administrator is taking action to approve or disapprove inadequate portions of these plans.

The approval/disapproval decisions are based on a detailed evaluation of plans submitted by the States. Criteria for this evaluation include adequacy of control strategies, control plan adaption and submission procedures, accuracy of air quality data and emissions inventories, extension request considerations, provisions for air quality and source surveillance, review of legal authority, adequacy of resources, and provisions for intergovernmental cooperation.

Where 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(c) of the act, to propose and subsequently 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 in-

cluded in the evaluation report; in such cases, the Environmental Protection Agency will work with the States to correct the deficiencies.

To the extent possible, 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 the deadline for submittal 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 Administrator's 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 a national standard. In accordance with the statutory mandate, the Environmental Protection Agency will make a continuing evaluation of the State plans and will, as necessary, call upon the States to make revisions.

A discussion of the available transportation control alternatives, and the Administrator's approvals and disapprovals, is set forth below. A more detailed decription of disapproved portions, together with an explanation of the basis for disapproval, will be provided to the States. Copies of these evaluation reports are 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 approved State implementation plans. These reductions are to be accomplished through the implementation of the transportation control alternatives discussed 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 would reduce the emission potential of the individual vehicle, a variety of traffic control measures can be utilized to reduce ambient carbon monoxide levels in high concentration areas. Three general types of traffic controls have been considered—measures to improve traffic flow, programs to reduce total vehicle miles of travel (VMT), and programs to shift traffic away from high concentration areas. Depending upon the local situation, all three can be effective in reducing carbon monoxide levels. However, traffic flow improvements must often be accompanied by restrictions that will prevent the latent travel demand from recongesting traffic arteries. Traffic flow can be improved through various traffic engineering programs as well as through staggered work hours. Strategies to reduce total vehicle miles of travel include auto-free zones, increased parking fees, 4-day workweeks, and improved public transit. Carbon monoxide levels can in many cases 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 presencen 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; therefore, the reduction of oxidant concentrations depends upon reduction in precursor (primary pollutant) emissions over a much wider area than required for the reduction of primary pollutant concentrations. The extent of 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. Control measures such as inspection/maintenance, retrofit, increased parking fees and road tolls, 4-day workweeks, car pooling, improved mass transit, "smog taxes" on automobiles and gasoline, gasoline rationing, etc. can be used to reduce hydrocarbon emissions over a wide area. Traffic flow measures or controls that redistribute the emissions over 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 1467) and promulgated in final form on June 8, 1973 (38 FR 15193). Alternative transportation control measures contained in State plans such as improvements in mass transportation, car pooling, methods of gaining a general reduction in vehicle 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 in most cities, 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 by the stautory deadlines, mass transit strategies must focus on alternative systems, primarily bus transit, and on immediate improvements in existing systems. Much can be done to improve existing fixed-route and bus systems in order to increase their attractiveness to the traveling public. Such improvements could include modifications in schedules, routes, and fare structures; preferential treatment facilities for bus transit, 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, disincentives 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 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 carpools which simultaneously reduce road capacity available to the auto is an example. Other techniques would include priority metering for buses on 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 unduly restricting personal mobility. 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 car-pool locator and information 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 programs will allow trip making 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 tools, 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 is incomplete. It is as 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 Nation's 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 are 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 VMI 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 a 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 standards. The Senate report on the act states that "until the 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 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 come into more widespread use. 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 means of transportation, VMT 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 putting it into effect would cause severe economic and social disruption. Although some reduction in personal travel could certainly be absorbed without such disruption, achievement of a significant VMT reduction will require that the majority of the travel displaced from single-passenger automobiles be absorbed by other modes of transportation such as car pools and public transit, or by walking or bicycling.

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 freeways and other 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 this country in 1972, but the transit industry's production capacity is projected to be more than 6,000 buses a year by 1975.

Sufficient 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 service. In part it exists in the possibility that many short trips now made by car could be made by bicycle or on foot.

A major part of the transportation demand created by VMT reductions can be absorbed by car pools. Private automobiles, which are designed to carry four to six persons, carry an average of one and one-half persons per trip in major urban areas, and thus represent the largest unused pool of transportation capacity 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 to helping solve the problem of localized carbon monoxide pollution in these areas, as noted 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 one or more lanes 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 the favored modes of transportation by reducing traveltime and to discourage the use of private automobiles by reducing the amount of road space available to them. The third is the imposition of gasoline supply limitations 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.

There are indications that the resulting improvement in air quality will be short-lived, since street improvements tend to induce additional traffic. With higher traffic volumes, total emissions would increase. Within a year or two the emissions may in fact be at higher levels than if the traffic flow improvement measures had not been implemented at all.

It may be possible in some areas to counteract the induced traffic by appropriate measures; but, in general, 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 recognze 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.

INSPECTION/MAINTENANCE

Pollutant emissions from in-use vehicles can be reduced by ensuring that engines and emission control devices are maintained in good operating condition. Such reductions 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 be accomplished 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 implemented by May 31, 1975. A loaded-test program (i.e., tests with the vehicle placed on a dynamometer which is programed 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 completion dates for these tests are 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 acceptable in 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 affects 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 insure that the devices are in fact capable of achieving the claimed emission reductions; that the devices do not adversely affect the safety of the automobile; that the devices will be available in sufficient quantity at convenient places; that there are sufficient trained mechanics; that the devices are being properly installed; and, in the case of catalytic devices, that leaded gasoline will not be used and that sufficient quantities of unleaded gasoline of appropriate octane number will be available. These are not easy tasks, and the States that have proposed retrofit strategies may have difficulty implementing their programs.

In light of these difficulties, the Administrator has extensively evaluated the minimum time frame which would be generally required to complete the implementation of the particular retrofit strategies. As a result of this evaluation, the Administrator determined that vacuum spark disconnect strategies could be implemented by May 31, 1975, but that implementation of an air bleed control strategy could not be accomplished before May 31, 1976, or light-duty catalytic retrofit strategies before May 31, 1977. It was further determined that implementation of the heavy-duty catalytic retrofit program cannot be assured, even by May 31, 1977. The general implementation time frame determinations noted above are reflected in the agency's approval/disapproval decisions.

The Administrator, however, also considered the regions' particular ability to implement a designated strategy. For example, the heavy-duty catalytic retrofit strategy was approved for the plan submitted by the State of New York for New York City. The approval was based upon the existence of the city's ongoing program to develop heavy-duty catalytic retrofit devices.

In general, retrofit systems that are capable of high reductions in emissions also involve higher costs, including both installed cost and operating cost. Since a retrofit program would involve large numbers of vehicles, the total cost of such a program can be expected to be large. Accordingly, the Administrator, in his regulation pertaining to the preparation, adoption, and submittal of implementation plans (40 CFR 51.2), has encouraged the States to consider the socio-economic effects which may accompany retrofit control strategies.

ECONOMIC AND SOCIAL IMPACT

The regulations promulgated by the Administrator in August 1971, setting forth the requirements for preparation, adoption, and submittal of State implementation plans included a stipulation that the requirements should not be construed "to encourage a State to prepare, adopt, or submit a plan without taking into consideration the social and economic impact of the control strategy set forth in such plan * * *". In this context, an assessment of the economic and social impacts of the transportation control strategies proposed by the States is being completed.

Each element of a transportation control strategy involves commitments 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 car-owning population, will probably 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 direct personal 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 retail 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 vehicle usage is restricted; 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 to the satisfaction of EPA: (1) He must have presented a plan which is theoretically able to achieve the standards by the 1975 deadline; (2) he must show that certain elements of the control strategies necessary to control certain sources will not be available by 1975; (3) he must show that there are no alternatives to those essential elements in (2) above that will 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 measures for reducing emissions from these sources; and (5) he must show that all strategies in the plan for the control of other sources will be applied

by May 31, 1975. The January 31, 1973, Court of Appeals decision placed particular stress on the requirement for a careful examination of extension 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 extension request 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 plan or revision thereof, 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 control strategies; (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 unjustified 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 for each State plan.

Future State Action Required

As indicated in the March 20, 1973, notice, the complete formulation 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 specifically what will be done. In addition, a plan must contain the specified air quality data and projections of strategy impact, and must meet other requirements of part 51.

Second, States must submit evidence that they will possess the legal authority by July 30, 1973, required to carry out the plan. In those instances where the legislature is still in session, or where the Governor has indicated he will call a special session of the legislature to consider transportation controls, transportation strategies may be approved this date regarding the requirements of § 51.11 (a), (c), (d), (e), and (f) calling for 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 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 kept under continual review and 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 51.6.

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. Though not included 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 22 jurisdictions. The actions taken in these 43 separate cases have been categorized as shown in the following table. This table identifies Air Quality Control regions (AQCR) or subregions with the name of a key metropolitan area associated with the region. For example, the Northern Alaska intrastate is designated Fairbanks and the Texas portion of the El Paso-Las Cruces-Alamogordo interstate region is designated El Paso.

Approval/Disapproval Summary

	Regions[1]
Plans fully approved now:	
Alabama, Birmingham, Mobile	2
New York, NYC, Rochester, Syracuse	3
	5
Plans fully approvable after expiration of comment period:	
Kansas, Kansas City	1
Louisiana, Baton Rouge	1
Missouri, Kansas City	1
	3
	8
Plans with generally approvable control strategy but procedurally deficient:	
Arizona, Phoenix	
D.C., National Capital	
Illinois, Chicago	
Oregon, Portland	
Pennsylvania, Philadelphia, Pittsburgh	
Utah, Salt Lake City	
Virginia, National Capital	
Washington, Seattle, Spokane	
	10
Plans submitted too late to evaluate:	
Colorado, Denver	1
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	
	9
No plan submitted—Expected in July; significant EPA proposals needed:	
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	
	15
Total	43

[1] Air Quality Control Region or portion of Region.

A limited number of State plans are being completely approved today. However, the Administrator has approved portions of most plans submitted and recognizes the commitment and extensive 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 in the near future. Transportation control plans for Alabama and New York are completely approved. Based on evaluation of recent air quality measurements and updated emission inventories, the plan submissions indicate that control measures currently contained in three of the five regions in these States will achieve the standards by May 31, 1975. These regions are the Metropolitan Birmingham intrastate region in Alabama, the Alabama portion of the Mobile (Alabama)-Pensacola-Panama City (Florida)-Southern Mississippi intrastate region, and the central New York region. The two remaining regions in New York State require transportation controls and have submitted approvable plans. The Genesee-Finger Lakes intrastate region requires transportation controls to achieve the standards for photochemical oxidants (hydrocarbons) by May 31, 1975. The New York portion of the New Jersey-New York-Connecticut interstate region, which requires extensive transportation controls, has been granted an extension until December 31, 1976, to achieve the standards for photochemical oxidants and carbon monoxide.

The Administrator is required to disapprove three plans today that have not been available for public comment a full 21 days. It should be noted, however, that the Agency currently expects to approve these plans provided changes are not required in response to public comments. The portions of regions covered by these three plans are the Louisiana portion of 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.

Ten plans submitted by eight States and the District of Columbia cannot be fully approvable today but contain strategies which either will achieve ambient air quality standards or require the addition or modification of several control measures to achieve standards. In some cases, disapproval today results from deficiencies in meeting requirements such as adequate legal and enforcement authority, monitoring and surveillance procedures, and timetables for implementation and enforcement. These plans are the result of extensive efforts by States. The Environmental Protection Agency is continuing to work with each State to revise State plans as necessary for them to be fully approvable.

Colorado recently submitted a detailed plan for Denver. This plan was submitted too late for the Administrator to complete his evaluation. In addition, the plan has not been available for public comment for the required time period. Maryland and Texas submitted plans which are considered to have serious deficiencies in control strategies proposed to meet standards. It is expected that 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 Metropolitan Birmingham intrastate region, and for photochemical oxidants (hydrocarbons) in Alabama's portion of the Mobile (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, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. On April 24, 1973, the State of Alabama submitted a nonregulatory plan revision. This revision was reviewed and evaluated by the Administrator pursuant to 40 CFR part 51. It has been determined after review that the revision submitted adequately insures 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, room 329, 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 hearing was required under 40 CFR 51.6. There were two respondents to the FEDERAL REGISTER of May 4, 1973 (39 FR 11113), "Notice of Opportunity for Public Comment on Proposed Transportation and/or Land Use Control Strategies." A major petroleum company commented on gasoline-loading requirements already adopted by the State of Alabama. The Natural Resources Defense Council challenged as inflated the Alabama figures indicating that the standards would be achieved on schedule without transportation controls through the increasing stringency of controls on new cars. Although, as noted in the evaluation report, EPA has not accepted the State figures in full, the figures even as adjusted indicate in our best judgment that the standards will be met on schedule.

ALASKA

In accordance with *NRDC* v. *EPA*, Alaska 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 Northern Alaska intrastate region by May 31, 1975.

The State of Alaska has neither held public hearings to consider alternate transportation and land use control strategies as part of their implementation plan for the region, nor has the State indicated that it will submit a plan in compliance with the March 20 FEDERAL REGISTER requirements.

As a result of Alaska's unresponsiveness to the Administrator's order of March 20, 1973, the Administrator must at this time indicate that deficiency and list the resultant exemptions to the approvability of the Alaska plan for the Northern Alaska intrastate region.

Should the State of Alaska 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 plan. All comments submitted will be considered in the plan review. The Environmental Protection Agency will then revise this disapproval notice as is deemed appropriate.

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, 1973, that would provide for the attainment and maintenance of the standards as noted above by May 31, 1975. In addition, Arizona was directed to submit a transportation strategy for photochemical oxidants (hydrocarbons) for the Phoenix-Tucson intrastate region.

The State of Arizona held a public hearing on the proposed plan on January 25, 1973. At this hearing 27 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.

EPA received the plan 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 catalytic retrofits. In addition, the Natural Resources Defense Council submitted comments that challenged as too high the estimates of emission reductions to be achieved from retrofit and the establishment of an 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 station underground storage tanks were implemented as proposed, the national standards for photochemical oxidants could be attained by May 31, 1975, but that a 39 percent VMT reduction in addition to all the proposed strategies would be required in order to attain the standards for carbon monoxide by the 1975 deadline. However, the State's implementation dates for several of the proposed strategies are not acceptable.

The Administrator has determined that catalytic retrofits cannot be fully implemented before mid-1977, and that air-bleed retrofits cannot be fully implemented before mid-1976. In the State plan it was indicated that the proposed loaded inspection system cannot be fully implemented before mid-1976, even though the State already has an ongoing program established. EPA agrees with this assessment. Therefore, although these strategies are technically feasible, the Administrator cannot approve them for the Arizona plan because they will not be available to the State for use in attaining the national standards by May 31, 1975. In addition, the proposed retrofit and inspection strategies for heavy duty vehicles cannot be approved because these strategies are not considered implementable even by mid-1977.

A request by the Governor for an 18-month extension for both pollutants was included with Arizona's plan. However, the State failed to satisfy the justification criteria published in the FEDERAL REGISTER (36 FR 15493) for extension requests, namely, the plan contains no VMT reduction measures to be implemented during the extension period. In the judgment of the Administrator, sufficient alternative transportation capacity is presently or potentially 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, an 18-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 Francisco Bay Area, Sacramento Valley, and Southeast Desert intrastate region, and for carbon monoxide in the Sacramento Valley intrastate region.

In acordance with *NRDC* v. *EPA*, this extension was rescinded and California 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, California was directed to submit a transportation strategy for photochemical oxidants (hydrocarbons) in the San Diego and San Joaquin Valley intrastate region and for carbon monoxide in the San Francisco Bay Area, San Diego, and San Joaquin Valley intrastate region. This directive did not include the Metropolitan Los Angeles intrastate region, which was already the subject of separate EPA rulemaking at 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 the lack of timely submittal of California's plan. The Environmental Protection Agency will, when the plan is received, acknowledge its receipt in the FEDERAL REGISTER, and will provide an opportunity for the public to comment on the plan. After evaluation of the plan that is to be submitted by California, and consideration of all comments, this notice will be revised accordingly.

COLORADO

The State of Colorado was granted, pursuant to section 110(e) of the act, an extension of 2 years for the attainment of the standards for photochemical oxidants and carbon monoxide in the Metropolitan Denver Intrastate Region. In accordance with *NRDC* v. *EPA*, this extension was rescinded, and Colorado 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 Colorado held public hearings on its plan on January 19, 1973, and ultimately submitted the plan on May 31, 1973.

The court order required the Administrator to approve or disapprove State plans within 2 months after the date required for submission of a plan. Further, the Administrator must provide a period for public comment after receiving the plan and prior to publication of approval/disapproval notice in the FEDERAL REGISTER. Accordingly, the Administrator must disapprove those portions of the Colorado 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 this plan. All comments submitted by the public on the Colorado State plan will be considered. After considering the plan submitted by the State and all public comments, including the hearing transcript, the Environmental Protection Agency will take such final action as appropriate to approve all portions of the plan submitted by Colorado that are approvable and promulgate Federal regulations for the remainder.

DISTRICT OF COLUMBIA

In accordance with *NRDC* v. *EPA*, the District of Columbia was directed to submit a transportation strategy by April 15, 1973, that would provide for the attainment and maintenance of the photochemical oxidants and carbon monoxide standards in the District of Columbia portion of the National Capital interstate region by May 31, 1975.

In order to develop a comprehensive plan for the National Capital interstate region, the District of Columbia revised and updated its original implementation plan to reflect the recommendations of the National Capital Interstate Air Quality Planning Committee. This committee is composed of representatives from the District of Columbia, the State of Maryland, and the Commonwealth of Virginia, including local jurisdictions. The committee was formed by an administrative agreement among Virginia, Maryland, the District of Columbia, and the Metropolitan Washington Council of Governments, and received a funding grant under section 106 of the Clean Air Act for the prime purpose of developing a region-wide transportation plan.

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 daytime deliveries by 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

bans, the parking surcharge, and the retrofit of gasoline service stations; evidenced substantial concern regarding the technical feasibility and safety implications of 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 commenting sources.

The comments submitted by the Natural Resources Defense Council deserve special mention. These comments challenged as too low the air quality baseline data used by EPA. They urged that the air quality monitoring system proposed by the District of Columbia be increased, and called for a commitment to implementation of a VMT surveillance system. They also urged that a more comprehensive system of vehicle restraints and VMT reduction measures be established. In addition, NRDC stated that a uniform plan for the entire air quality control region must be adopted, and expressed doubts as to the feasibility of the proposed retrofit program. Finally, NRDC stated that legal authority, regulations, timetables for implementation, adequate resources, 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 air quality standards for photochemical oxidants and carbon monoxide by May 31, 1975. Moreover, interim measures are proposed that could be implemented in the event that some of the primary 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 improbable availability or full implementation of several proposed control measures by May 31, 1975, preclude full approval of the plan.

Although no extension was requested, the Administrator is currently of the opinion that the long lead-time required for the principal control measure (catalytic converters) may well make it impossible to achieve national ambient air quality standards by May 31, 1975. Therefore, the Environmental Protection Agency proposes to promulgate a uniform plan that will reflect both the comprehensiveness of the control measures proposed by the District of Columbia and realistic 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, FEDERAL REGISTER, along with a statement that EPA would consider additional comments submitted by the public. A comment from the Clean Air Coordinating Committee of Chicago, Ill., objected to this plan for the following reasons, among others:

(A) Failure to utilize current State procedures in adopting this plan, and

(B) Lack of requisite legal authority for implementation.

Based on an examination of applicable State and Federal law, procedures, and precedents (including the original State implementation plan adoption and submittal), the Administrator has determined that the State of Illinois has not adopted a transportation plan for submission to the Administrator, as required. It was found under sections 4 and 5 of the Illinois Environmental Protection Act that the authority to propose and determine the necessary transportation strategies does not reside unilaterally with the Illinois Environmental Protection Agency.

The Administrator, however, has examined this proposed plan, together with the entire hearing record of the State, and has determined that the proposed plan, had it met the requirements for adoption, would not have provided strategies that have the total capacity for attaining and maintaining the national standards for carbon monoxide. These proposed strategies were the Federal motor vehicle control program, which affects all gasoline-powered vehicles in the region; the Chicago motor vehicle emission inspection program, which affects vehicles in the city of Chicago; and the enforcement of parking restrictions on one side of one-way streets, which will only affect the Chicago central business district. Environmental Protection Agency calculations show that the strategies presented in this proposed plan would result in a total of 44-percent reduction in carbon monoxide emissions in the Chicago central business district instead of the necessary 50-percent reduction, based on measured air quality data reflected in the State's submission. A more detailed review by EPA of this proposed plan will be provided to the State. Copies of this evaluation report will be available for public inspection at the Environmental Protection Agency, region V, 1 North Wacker Drive, Chicago, Ill. 60606, and at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

A proposed EPA regulation setting forth a plan to attain and maintain the CO standards in the Illinois portion of the Metropolitan Chicago interstate region will be published shortly in the FEDERAL REGISTER and will provide an opportunity for the public to comment on the proposed plan.

INDIANA

The State of Indiana was granted, pursuant to section 110(e) of the act, an extension of 2 years from the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards in the Metropolitan Indianapolis intrastate region.

In accordance with *NRDC* v. *EPA*, this extension was rescinded, and Indiana 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 Indiana held public hearings on proposed revisions to its plan for the Metropolitan Indianapolis intrastate region on April 9, 1973. On this date, the State indicated that the proposed plan was adequate to attain and maintain the air quality standards by May 31, 1975, with no application of additional controls for mobile or stationary sources. The Indiana SIP as originally submitted based its need for an extension for attainment of the CO standards upon the fact that a 28-percent reduction in CO emission would be achieved while a 45-percent reduction was needed. The 45-percent emission reduction was calculated using 16.3 parts per million 8-hour concentration as the second highest concentration. A reanalysis indicates that this was not the true second highest concentration because the 8 hours in which it was measured overlapped by 7 hours the period in which the highest concentration was measured. The second highest 8-hour concentration, which did not include any of the time period in which the highest concentration was measured, was 12.1 parts per million and occurred twice, September 7 and July 6, 1971. It has not been equaled since that time. This concentration of 12.1 parts per million would indicate that 25.6 percent reduction in CO emissions would be sufficient to attain the standards.

It was pointed out at the hearing that 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 the second highest 1-hour average photochemical oxidant measurement of 0.13 parts per million recorded in 1971. There was no apparent opposition to the State's implied intent to neither propose any 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 1971 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 of a plan, the Administrator is disapproving those portions of the Indiana 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 and is not meant to reflect

on the content of an expected late submittal. A proposed EPA plan will be published soon for comment.

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, in the FEDERAL REGISTER, 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 anticipated Indiana State 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 2 years 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 a public hearing on April 12, 1973, during which alternative transportation control strategies were considered. Subsequent to that hearing, Kansas submitted a nonregulatory 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 would be sufficient to provide 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 revision, 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 submitted by the public 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 2 years 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 (regulations 22.8 and A 22.8), 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. Submittals by the State must be 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 promptly reported, there is insufficient 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 both the Freedom of Information Center, EPA, room 329, 401 M Street SW., Washington, D.C. 20460, and the Office of Public Affairs, EPA, Region VI, 1600 Patterson Street, suite 1100, Dallas, Tex. 75201.

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 1, 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 public participation through 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 2 years for the attainment of the standards for carbon monoxide in the Metropolitan Baltimore intrastate region and for photochemical oxidants and carbon monoxide in the 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 there. Because more recent data from fully calibrated instrumentation indicated excessive concentrations of photochemical oxidants in the Metropolitan Baltimore intrastate region, the State of Maryland prepared and submitted proposed strategies for both pollutants in both the Metropolitan Baltimore intrastate region and the National Capital interstate 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 objected to bans on heavy-duty truck deliveries and to retrofit of vapor recovery devices.

The Governor of Maryland submitted a plan for the State of Maryland on April 16, 1973, and requested a 2-year extension based on the unavailability of rapid transit, vehicle use control, inspection maintenance system, heavy-duty vehicle retrofit, and service station operation elements. Upon receipt of the plan, EPA published notice of its arrival in the FEDERAL REGISTER, 38 FR 10120 (April 24, 1973), and invited comments. Comments were received from industry, public environmental organizations, 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 source and the inspection and maintenance programs were not described in the required detail. In addition, the failure to include any VMT reduction measures was criticized.

EPA is in agreement with basically all of these comments, and has disapproved portions of the Maryland plan accordingly. These deficiencies also require that Maryland's request for a 2-year extension be denied at this point.

The plan submitted primarily covered the transportation control program in the Metropolitan Baltimore intrastate region. Very limited information was provided for the National Capital interstate region. Thus, evaluation of the latter region is subject to considerable

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 apply equally 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 apply to a National Capital plan had it been prepared in a more rigorous manner and in the proper format.

Although the plan submitted contained a broad spectrum of proposed strategies, they were very general and provided little assurance that they are feasible and capable of implementation. In his transmitted correspondence, the Governor of Maryland states his difficulty in proposing a catalytic converter retrofit program. The supplemental information provided with the plan presents reductions attributable to such a program. This has compounded the Administrator's problem in determining which emission reduction credits may legitimately be claimed. Further compounding the problem of a sound plan evaluation is the totally inadequate consideration given to various social and economic aspects of proposed strategies.

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 Maryland plan that satisfy the requirements of 40 CFR, part 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.

It is expected that the Governor of Maryland will submit additional elements of the proposed plan in the near future. When they are received, EPA will acknowledge, in the FEDERAL REGISTER, receipt of the additions and will provide an opportunity for the public to comment on these additions. After considering 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 Massachusetts 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.

As a result of Massachusetts' unresponsiveness to the Administrator's order of March 20, 1973 (38 FR 7323), the Administrator must at this time indicate that deficiency and list the resultant exception to the approvability of the Massachusetts plans 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 standards as noted above by May 31, 1975.

The State of Minnesota held a preliminary hearing on the proposed plan on January 16, 1973, and 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 were required to be submitted pursuant to paragraph 3 of the court order. This disapproval is based solely upon the lack of timely submittal of the plan and an expected late submittal. A proposed EPA plan will be published soon for comment.

The Governor of Minnesota is expected to submit their plan in the near future. When it is received, the Environmental Protection Agency will acknowledge, in the FEDERAL REGISTER, receipt of the plan and will provide an opportunity for the public to comment on that plan. All comments submitted by the public on both the EPA proposal and the anticipated Minnesota State plan will be considered. After considering the plan submitted by the State of Minnesota and all comments, the Environmental Protection Agency will take such final action as appropriate to approve all portions of any plan submitted by Minnesota that are approvable and promulgate Federal regulations for the remainder.

MISSOURI

The State of Missouri 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 Missouri portion of the Metropolitan Kansas City interstate region.

In accordance with *NRDC* v. *EPA*, this extension was rescinded, and Missouri 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 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 would be sufficient to provide 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 revision, 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 Missouri implementation plan that were to be addressed.

After the period for opportunity 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 is 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 requested by the Governor, pursuant to section 110(e) of the Act, for the attainment of the photochemical oxidant (hydrocarbon) and carbon monoxide standards Jersey-New York-Connecticut interstate region and the New Jersey portion of the 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, 1977, 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 unable 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:

1. Compliance with the Federal motor tor vehicle control program for new vehicles by 1976,
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.

NOTE.—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 2 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 is 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 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 New York held public hearings on its proposed plan for their portion of the New Jersey-New York-Connecticut interstate region on April 9, 1973, and for the Genesee-Finger Lakes intrastate region on April 5, 1973. A hearing was held for the Central New York intrastate region on April 4, 1973.

Pursuant to the March 20, 1973, FEDERAL REGISTER (38 FR 7323), the State of New York submitted the transportation control strategies for its portion of the New Jersey-New York-Connecticut interstate region on April 17, 1973, and for the Genesee-Finger Lakes intrastate region on April 30, 1973. The nonregulatory 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 standards. A summary of the review upon which this determination was made is available at the Public Affairs Office, Environmental Protection Agency, Region II, 26 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 State of New York's Department of Environmental Conservation, as mentioned previously, held a hearing on April 9, 1973, on the State's proposed transportation controls for the attainment and maintenance of the national standards on carbon monoxide and photochemical oxidants (hydrocarbons). A total of 61 people presented oral testimony at the hearing. A number of additional written statements 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 10 spokesmen for various industries. The remainder represented a cross-section of transportation and planning groups and private citizens.

A review of the transcript of the hearing indicates that the majority of those who testified gave strong support to the traffic control measures and emphasized the need to implement the strategies providing for improvements in mass transit. On the other hand, a majority of those who discussed specific strategies were strongly opposed to the light-duty vehicle retrofit measures. These included the representatives of the Nassau County Health Department, the Suffolk County Department of Environmental Conservation, the Automobile Club of New York, representatives of the petroleum industry, and a number of environmental groups.

Strategies requiring the imposition of tolls on all East River and Harlem River bridges and the after-hour delivery to offices and stores (originally presented as maintenance strategies) attracted little comment. Firm opposition to the imposition of tolls on the bridges was voiced by three of five government officials who specifically addressed the issue. Several speakers expressed their serious concern as to whether the plan could or would be implemented because it did not adequately address the issues of institutional and economic hindrances to its implementation and enforcement.

A detailed analysis of the hearing record further substantiated the opinion that pervaded the hearing chamber—that the overwhelming majority of those who testified believed that many of the strategies proposed by the State were in the best interests of New York City and should be implemented whether they would provide any significant reductions in ambient concentrations.

The New York Department of Environment Conservation coordinated a public hearing on the proposed transportation control strategies for the Genesee-Finger Lakes intrastate region on April 5, 1973. A review of the transcript indicates that only three people presented testimony that had a direct bearing on the proposed plan. Each of these criticized the measure that requires retrofit on pre-1968 motor vehicles. Specific alternatives were offered. Some of these were the establishment of a standard inspection system and improvement of mass transit.

Upon receipt of the plan, EPA published notice of its arrival in the FEDERAL REGISTER (38 FR 10465), April 27, 1973, and invited comments. All comments received related to the New York City area. Comments were received from oil companies, environmental groups, private 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 more VMT reduction, criticized the lack of controls over 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 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 vagueness 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, the reduction in parking spaces to which NRDC alludes, 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 the national ambient air quality standards for carbon monoxide in the New York City area, 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 needed 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 controls shows that these will provide sufficient reductions in hydrocarbon emissions to ensure the attainment of the national standard for photochemical oxidants in the Genessee-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) 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 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 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 Toleda interstate regions on May 29 and 30, 1973, respectively. These plans, however, have not yet been submitted to the Administrator.

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 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 submittal 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 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 anticipated Ohio State plan will be considered. After considering the plan submitted by the State of Ohio and all comments, the Environmental Protection Agency will take such final action as appropriate to approve all portions of any plan submitted by Ohio that are approvable and promulgate Federal regulations for the remainder.

Oregon

On October 26, 1972, the State of Oregon submitted to EPA a transportation control strategy to attain the national standards for carbon monoxide and photochemical oxidants by May 31, 1975, in the Oregon portioh of the Portland interstate region. On December 20, 1972, the State was notified by EPA of certain deficiencies to be corrected in the submitted plan before it could be 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 oxdiant (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 announced receipt of 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 at the 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. In the testimony presented at the hearing the only major point of disagreement with the proposed regulation 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 interstate region. EPA has requested copies of the testimony presented at earlier hearings on the transportation control strategy, held by the State on October 25, 1973, 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 Natural Resources Defense Council and from two oil companies in response to the Federal Register notice. NRDC criticized 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 replace all eliminated onstreet parking with new offstreet 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 38 FR 10466, the Administrator has found the Oregon submission to be adequate, with certain exceptions, for attainment of national ambient air quality standards. The basis for this 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 a horsepower surtax 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, in which were 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 carbon monoxide 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 data base presented in the 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 support them with the required timetables, designation of enforcement authorities, and draft regulations. The lack of VMT reduction measures was particularly criticized.

Based on his review of the plan, the Administrator has concluded that the proposed adoption of a diagnostic inspection and maintenance system cannot be justified when more effective systems are available 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 required reductions in 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 achieved by 1975. In addition, 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. On 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 State plans within 2 months 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 granted, pursuant to section 110(e) 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 region.

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 directed 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-Alamorgordo interstate 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, the principal portions or revisions in the control strategy were not made available for public inspection and public comment prior to the hearings. Testimony given at the hearings, as well as written inquiries to the Administrator, substantiate this deficiency. Therefore, it is the opinion of the Administrator that the plan revision submitted by the State of Texas for control of hydrocarbon emissions cannot be considered as having met the minimum requirements of § 51.4.

It has been determined after review that the material submitted by Texas, even if it had been validly adopted, would not adequately insure, except in the Corpus Christi-Victoria intrastate region, that the plan meets the requirements of § 51.14. A summary of this review is contained in "Proposed Control Strategy to Meet Ambient Air Quality Standards for Photochemical Oxidants in Texas," which is available both at the Freedom of Information Center, EPA, room 329, 401 M Street SW., Washington, D.C. 20460, and at the Office of Public Affairs, EPA Region VI, 1600 Patterson Street, Suite 1100, Dallas, Tex. 75201.

The State's control strategy for reducing hydrocarbon emissions in the Corpus Christi-Victoria intrastate region was found to be adequate for attainment of the national standard for photochemical oxidants by May 31, 1975. However, since the State failed to hold adequate public hearings, the Administrator must propose a plan for the region. Upon completion of adequate public hearings by Texas, this notice will be revised accordingly.

Included with the implementation plan revision submitted by Texas was a request by the Governor of Texas for an extension until 1977 for the attainment of the primary standard 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(e) of the act, an extension of 2 years for the attainment of the standards for carbon monoxide 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.

The State of Utah submitted the plan to EPA on April 16, 1973. Upon receipt of the plan, EPA published notice of its arrival in the FEDERAL REGISTER, 38 FR 10120 (Apr. 24, 1973), and invited comments.

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 reductions claimed for them; that they were not supported by the required legal authority, draft regulations, or timetables 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 above determination is available 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 on the National Capital interstate region, thus requiring coordinated action by Virginia and the District of Columbia as well as Maryland. The Virginia plan was coordinated with Maryland and 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 Mayor-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, some determined resistance to any controls that could conceivably destroy the auto-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.

Upon 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 environmental organizations, chambers of 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 special mention. They objected 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. They suggested that bus supply was not nearly the obstacle to expansion of mass transit facilities by 1975 that Virginia had claimed.

Upon review of the plan, the Administrator has determined that detailed description of and sufficient timetable for implementing VMT reductions 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 parts of the plan that are deficient. A proposed EPA plan that remedies these deficiencies will soon be published for comment, and will be promulgated on August 15, 1973, as required by the Clean Air Act.

WASHINGTON

The State of Washington was granted, pursuant to section 110(e) 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 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 with the traffic signal optimization and improved public transportation measures. Opinions on the exclusion of heavy-duty vehicles and the inspection and maintenance of light-duty vehicles varied.

Many individuals expressed concern that the exclusion of heavy-duty vehicles from the central business district would create hardships and economic losses. Most of those commenting at the hearings voiced reservations about the effectiveness, feasibility of implementation, and enforceability of intermittent exclusion of light- and heavy-duty vehicles. The generally held opinion appeared to be that intermittent exclusion, if adopted by the State, should be implemented only as an interim or contingency measure; i.e., all other possible measures should be explored and implemented first. Other comments about intermittent exclusion were that exclusion of light- and heavy-duty vehicles during peak traffic periods may be less detrimental to the viability of the central business district than the proposed exclusion during non-peak periods; that the number of days requiring exclusion may exceed State estimates; and that exclusion may decrease property values and create tax burdens.

Comments made at the hearings on the inspection and maintenance measure dealt with the need for cost control for retrofit installation, the desirability of random rather than mandatory inspections, and the insufficiency of the evidence of retrofit success. Continuous measures such as inspection and maintenance programs appear more acceptable to citizens than intermittent measures.

At the hearings, several persons also indicated that the complete State transportation control plan was not available long enough before the hearing for adequate review. Another frequently expressed concern was that socioeconomic studies and ambient air quality measurements upon which the plan was based were limited.

Upon receipt of the Washington plan, EPA published notice of its arrival in the FEDERAL REGISTER, 38 FR 10465 (Apr. 27, 1973), and invited comments. The comments received in response to the announcement, as well as comments made at the public hearings held by the State of Washington on April 11 and 12, 1973, were considered by EPA in evaluating the transportation control strategies adopted by Washington. The Natural Resources Defense Counsel objected to the proposed use of episodic controls to achieve the CO standard, arguing that they are unreliable; argued that oxidant control measures are needed as well; and called for steps to reduce VMT. The only other comments received were from two oil companies who questioned the availability of catalytic retrofits, among other points.

Based on his review of the material submitted, the Administrator has determined that the intermittent control strategy has not been shown to be an effective means of achieving air quality standards. In addition, other portions of the plan lack the required detail. In the submitted materials, the State indicated that the measurements of oxidant concentrations, upon which the original EPA requirement for a transportation

control strategy for the Pudget Sound intrastate region was based, are invalid and that no reductions in hydrocarbon emission beyond those achievable through the increasingly stringent Fedbon emissions beyond those achievable vehicles will be required to attain the oxidant standard by 1975. EPA has requested further substantiation of this claim and a demonstration that no further reduction in hydrocarbon emissions is required.

Based on his review of the transportation strategy submitted by the State of Washington for the Puget Sound intrastate region and the Washington portion of the eastern Washington-northern Idaho interstate region; of the transcripts from the State hearings held on April 11 and 12, 1973; and of the comments received in response to the announcement in 38 FR 10464, the Administrator has found the Washington submission to be adequate, with certain exceptions, for the attainment of the standards in both the Puget Sound intrastate region and the Washington portion of the eastern Washington-northern Idaho interstate region. The basis for this determination is available to the public in report form 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.

(42 U.S.C. 1857 c-5.)

Dated June 15, 1973.

ROBERT W. FRI,
Acting Administrator.

NOTE.—Pursuant to § 52.02(d), incorporation by reference of approved provisions of State plans was approved by the Director of the Federal Register on May 18, 1972.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart B—Alabama

1. Section 52.50 is amended by revising paragraph (c) to read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) March 21, April 18, and April 28, 1972, by the Alabama Air Pollution Control Commission, and

(2) April 24, 1973.

§ 52.54 [Amended]

2. Section 52.54 is amended by revising the attainment date table as follows: The date "May 31, 1975, e" for attainment of the national standards for carbon monoxide in the Metropolitan Birmingham Intrastate Region and the national standard for photochemical oxidants (hydrocarbons) in the Metropolitan Birmingham Intrastate and the Mobile (Ala.)—Pensacola-Panama City (Fla.)—Southern Mississippi Interstate Regions, is replaced with the date "May 31, 1975".

§ 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 Northern Alaska 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 1, March 2, and May 30, 1972, by the Arizona State Board of Health.

(2) April 11, 1973, and

(3) May 10, 1973.

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 standard 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.

10. Subpart D is amended by adding § 52.135 as follows:

§ 52.135 Resources.

(a) The requirements of § 51.20 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.

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/disapproval decision and complete his evaluation by 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

(3) April 19, 1973.

14. Subpart J is amended by adding § 52.474 as follows:

§ 52.474 Legal authority.

(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, reduction of evaporative losses from gas handling and dry cleaning, and imposition of contingency gas rationing measures.

15. Subpart J is amended by adding § 52.479 as follows:

§ 52.479 Source surveillance.

(a) The requirements of § 51.19(d) of this chapter are not met because the plan does not include adequate procedures for determining emission reductions achieved from any of the proposed transportation control measures.

16. Subpart J is amended by adding § 52.483 as follows:

§ 52.483 Control strategy: Carbon monoxide and photochemical oxidants (hydrocarbons).

(a) The requirements of § 51.14(a)(2) of this chapter are not met because the plan only identifies and does not describe enforcement methods and because the plan does not contain proposed rules and regulations for the selected transportation strategies.

(b) The requirements of § 51.14(c) 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 unduly optimistic. 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-inspection adjustments or modifications. 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.

17. Subpart J is amended by adding § 52.484 as follows:

§ 52.484 Resources.

The requirements of § 51.20 of this chapter are not met because the plan does not include a discussion of additional State resources that may be required, including projections for 5 years.

18. Subpart J is amended by adding § 52.485 as follows:

§ 52.485 Intergovernmental cooperation.

The requirements of § 51.21(b)(2) of this chapter are not met because the responsibilities of various agencies in carrying out 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.

* * * * *

(c) Supplemental information was submitted on:

(1) March 13 and April 18, 1972, by the Illinois Environmental Protection Agency,

(2) May 4, 1972, and

(3) April 27, 1973.

20. Subpart O is amended by adding § 52.729 as follows:

§ 52.729 Control strategy: Carbon monoxide.

(a) The requirements of § 51.14 of this chapter are not met because transportation and/or land-use control strategies and a demonstration that such strategies along with the Federal motor vehicle control program, will attain and maintain the national standards for carbon monoxide in the Illinois portion of the Metropolitan Chicago interstate region by May 31, 1975, have not been adopted for submission as required.

Subpart P—Indiana

21. Subpart P is amended by revising § 52.777 as follows:

§ 52.777 Control strategy: Photochemical oxidants (hydrocarbons).

(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) in the Metropolitan Indianapolis Intrastate region by May 31, 1975.

22. Subpart P is amended by adding § 52.785 as follows:

§ 52.785 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 Metropolitan Indianapolis intrastate region 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.

* * * * *

(c) Supplemental information was submitted on:

(1) March 24, 1972, by the Kansas Department of Health, and

(2) May 29, 1973.

24. Subpart R is amended by adding § 52.881 as follows:

§ 52.881 Control strategy: Carbon monoxide.

(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 his 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.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28 and May 8, 1972, by the Louisiana Air Control Commission, and

(2) March 30, 1973.

26. Section 52.973 is amended by revising paragraph (a) to read as follows:

§ 52.973 Control strategy: Photochemical oxidants (hydrocarbons).

(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 insufficent time to analyze and/or include public comment in the approval/disapproval decision by June 15, 1973.

§ 52.979 [Amended]

27. Section 52.979 is amended by revising the attainment date table as follows:

The date "May 31, 1975, c" for the attainment of the national standard for photochemical oxidants (hydrocarbons) in the southern Louisiana-southeast Texas interstate region is replaced with the date "May 31, 1975".

§ 52.982 [Revoked]

28. Section 52.982 is revoked.

Subpart V—Maryland

29. Section 52.1070 is amended by revising paragraph (c) to read as follows:

§ 52.1070 Identification of plans.

* * * * *

(c) Supplemental information was submitted on:

(1) February 25, March 3, March 7, April 4, April 28, and May 8, 1972, by the

Maryland Bureau of Air Quality Control, and

(2) April 16, 1973, and May 5, 1973.

30. Section 52.1079 is amended by revising paragraph (a)(1) to read as follows:

§ 52.1079 Transportation and land use controls.

(a) * * *

(1) No later than April 15, 1973, transportation and/or land use control strategies and a demonstration that said strategies, along with Maryland's presently adopted stationary source emission limitations for carbon monoxide and hydrocarbons and the Federal motor vehicle control program, will attain and maintain the national standards for carbon monoxide and photochemical oxidants in the Metropolitan Baltimore intrastate and the Maryland portion of the National Capital interstate regions by May 31, 1975. By such date (Apr. 15, 1973), the State also must submit a detailed timetable for implementing the legislative authority, regulations, and administrative policies required for carrying 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 availability 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 oxidants (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 insure that Maryland will achieve the required degree of emission reduction needed to attain and maintain the national standards for photochemical oxidants and carbon monoxide in the Maryland portion of the National Capital interstate region. Except for proposing an annual inspection program, the plan does not include failure criteria, corrective maintenance provisions, or postinspection enforcement procedures. No information on the availability of adequate supplies of lead-free gasoline is provided. The catalytic retrofit control measure cannot be implemented in time to contribute to attainment of the national standards by May 31, 1975. Furthermore, there is inadequate assurance that a heavy-duty retrofit program or a heavy-duty inspection program 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 methods or contain proposed rules and regulations, 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 well enough to insure that buildup of pollutant concentrations will not occur.

(d) The requirements of § 51.14(d) of this chapter are not met for the Maryland portion of the National Capital interstate region because a summary of updated emission data was not provided.

(e) The requirements of § 51.14(g) of this chapter are not met for the Maryland portion of the National Capital interstate region because the plan does not include a 3-month summary of current air quality data together with appropriate justification for use of the data and an explanation of their compatibility with correspondingly current emissions data. The requirements of § 51.14(g) of this chapter are not met for the Metropolitan Baltimore intrastate region because the plan does not provide appropriate justification for the use of current air quality data by virtue of its not providing correspondingly current emissions data.

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 for the Metropolitan Baltimore intrastate region or the Maryland portion of the National Capital interstate region because the plan does not include procedures for determining emission reductions achieved from any of the proposed transportation control measures.

34. Subpart V is amended by adding § 52.1083 as follows:

§ 52.1083 Resources.

The requirements of § 51.20 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 include a discussion of the adequacy of existing State resources and does not say whether any additional State resources, including projections for 5 years, will be required to carry out any of the proposed transportation control measures.

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 responsibilities 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 and maintenance of the national standards for photochemical oxidants (hydrocarbons) and carbon monoxide in the Metropolitan Boston intrastate region and for carbon monoxide in Massachusetts' portion of the Hartford-New Haven-Springfield interstate region by May 31, 1975.

Subpart Y—Minnesota

38. Subpart Y is amended by adding § 52.1228 as follows:

§ 52.1228 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) February 28, March 27, May 2, May 11, July 12, and August 8, 1972, by the Missouri Air Conservation Commission, and

(2) May 11 and 21, 1973.

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 disapproves this portion of the plan because there was insufficient time to analyze and/or include public comment in the approval/disapproval decision and complete his evaluation by June 15, 1973.

Subpart FF—New Jersey

41. Subpart FF is amended by adding § 52.1582 as follows:

§ 52.1582 Control strategy and regulations: Photochemical oxidants (hydrocarbons) and carbon monoxide, New Jersey portions of 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 interstate 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 information was submitted on:

(1) February 9, 11, and 14 and March 10, 1972, and

(2) April 17, 19, and 30, May 2, 16, and 21 and June 11, 1973.

43. Section 52.1672 is amended by adding paragraph (c) as follows:

§ 52.1672 Extensions.

* * * * *

(c) The Administrator hereby extends until December 31, 1976, the attainment date for the:

(1) National standards for carbon monoxide in the New York portion of the New Jersey-New York-Connecticut interstate region.

(2) National standard for photochemical oxidants in the New York portion of the New Jersey-New York-Connecticut interstate region.

44. In § 52.1682 the table is revised to read as follows:

§ 52.1682 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 in New York's plan, except where noted.

POLLUTANTS

Region	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Photochemical oxidants (hydrocarbons)
	Primary	Secondary	Primary	Secondary			
Niagara Frontier Intrastate	(a)	(e)	(b)	(e)	(e)	(a)	(e).
Champlain Valley Interstate	(e)	(e)	(e)	(e)	(e)	(e)	(e).
Central New York Intrastate	(e)	(e)	(e)	(e)	(e)	May *1975*..	(e).
Genesee-Finger Lakes Intrastate.	(e)	(e)	(e)	July *1977*..	(e)	(e)	May *1975*.
Hudson Valley Intrastate	(e)	(e)	(e)	July 1977..	(e)	(e)	(e).
Southern Tier East Intrastate	(d)	(e)	(d)	July *1977*..	(e)	(e)	(e).
New Jersey-New York-Connecticut Interstate.	(b)	(e)	(e)	(e)	(e)	December 1976.	December *1976*.

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.

[a] 3 years from plan approval or promulgation.
[b] 5 years from plan approval or promulgation.
[c] 18-month extension granted.
[d] Air quality levels presently below primary standards.
[e] Air quality levels presently below secondary standards.

45. 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 that 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 KK—Ohio

46. Subpart KK is amended by adding § 52.1877 as follows:

§ 52.1877 Control strategy: Photochemical oxidants (hydrocarbons).

(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) in the Metropolitan Cincinnati interstate, Metropolitan Dayton intrastate, and Metropolitan Toledo interstate regions by May 31, 1975.

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 May 3, 1972, October 26, 1972, and April 13, 1973.

48. Subpart 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, proposed rules and regulations, proposed administrative procedures to be used, and schedule of the dates by which significant steps in certain strategies will be achieved.

(b) The requirements of § 51.14(c) of this chapter are not met because the transportation control plan for the Oregon portion of the Portland interstate region does not assure attainment of the national standard for carbon monoxide and photochemical oxidants (hydrocarbons) by May 31, 1975. Although the measures included in the transportation control plan are generally acceptable to the Administrator, the emissions reductions forecast to result from programs for motor vehicle inspection and maintenance, traffic flow improvement, and increased transit usage are unrealistically high. There are no measures as required by § 51.14(c) of this chapter to prevent traffic flow improvements from leading to an increase in traffic, thereby negating the anticipated emission reduction.

49. Subpart MM is amended by adding § 52.1977 as follows:

§ 52.1977 Resources.

(a) The requirements of § 51.20 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.

50. Subpart MM is amended by adding § 52.1978 as follows:

§ 52.1978 Source surveillance.

(a) 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:

(1) March 17 and 27, and May 4, 1972, by the Bureau of Air Quality and Noise Control, Pennsylvania Department of Environmental Resources,

(2) May 5, 1972, and

(3) April 13, 1973.

52. Section 52.2030 is amended by adding paragraph (c) as follows:

§ 52.2030 Source surveillance.

* * * * *

(c) The requirements of § 51.19(c) 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.

53. Section 52.2031 is amended by adding paragraph (b) as follows:

§ 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.

54. Section 52.2032 is revised to read as follows.

§ 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.

55. Subpart NN is amended by adding § 52.2036 as follows:

§ 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

(3) April 15 and 23, 1973.

57. Subpart SS is amended by adding § 52.2282 as follows:

§ 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 May 8, 1972, and April 13, 1973.

59. Section 52.2322 is amended by adding paragraph (a) as follows:

§ 52.2322 Extensions.

(a) Utah's request for a 2-year extension for attainment of the national standard for carbon monoxide in the Wasatch Front intrastate region cannot be granted since it does not contain adequate information showing why the inspection program cannot be in operation in time to attain the standard by 1975; because the State has not considered and applied reasonably available alternative means of attaining the standard, including measures to reduce vehicle miles traveled, and because a phased implementation of the inspection program consisting of interim steps has not been discussed or proposed.

60. Section 52.2329 is amended by adding paragraph (b) as follows:

§ 52.2329 Resources.

* * * * *

(b) The requirements of § 51.20 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.

61. Subpart TT is amended by adding § 52.2335 as follows:

§ 52.2335 Control strategy: Carbon monoxide.

(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 designation of enforcement responsibilities, proposed rules and regulations, proposed administrative procedures to be used, and schedule of the dates by which significant steps in certain strategies will be achieved.

(b) The requirements of § 51.14(c) of this chapter are not met because the plan does not provide for the attainment and maintenance of the national standards for carbon monoxide in the Wasatch Front Intrastate Region by May 31, 1975.

62. Subpart TT is amended by adding § 52.2336 as follows:

§ 52.2336 Source surveillance.

(a) The requirements of § 51.19(d) of this chapter are not met because the transportation control plan does not indicate how surveillance will be accomplished to determine that the claimed emission reductions are being achieved.

Subpart VV—Virginia

63. Section 52.2420 is amended by revising paragraph (c) to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, by the Virginia Air Pollution Control Board, and

(2) April 11 and May 30, 1973.

64. Section 52.2424 is amended by adding paragraph (b) as follows:

§ 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) 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 actual emission reductions achieved as a result of implementing the proposed transportation control measures.

66. Section 52.2428 is amended by adding paragraph (c) 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 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 laws 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)(2) of this chapter are not met because the plan does not provide a description of enforcement methods for all control measures, proposed rules and regulations for all control measures, or a schedule designating dates by which significant steps of the plan and each control measure will be implemented.

(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.

70. Subpart VV is amended by adding § 52.2432 as follows:

§ 52.2432 Resources.

(a) 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.

71. Subpart VV is amended by adding § 52.2433 as follows:

§ 52.2433 Intergovernmental cooperation.

(a) The requirements of § 51.21 of this chapter are not met because the plan does not adequately identify the State and local agencies, and their responsibilities, involved in carrying out the proposed transportation control measures.

72. Subpart VV is amended by adding § 52.2434 as follows:

§ 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.

* * * * *

(c) Supplemental information was submitted on January 28, 1972, May 5, 1972, April 16, 1973, and May 21, 1973.

74. Subpart WW is amended by adding § 52.2477 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 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, proposed rules and regulations, proposed administrative procedures to be used, and schedule of dates by which significant steps in 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.

(c) The requirements of § 51.14(c) of this chapter are not met because the transportation control plan does not assure attainment of national standards for carbon monoxide in the Puget Sound intrastate region and in the Washington portion of the Eastern Washington-Northern Idaho interstate region and of national standards for photochemical oxidants (hydrocarbons) in the Puget Sound intrastate region by May 31, 1975.

76. Subpart WW is amended by adding § 52.2482 as follows:

§ 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 standards in both the Puget Sound intrastate and Eastern Washington-Northern Idaho interstate regions will be implemented and operated.

77. Subpart WW is amended by adding § 52.2483 as follows:

§ 52.2483 Resources.

(a) The requirements of § 51.20 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.73-12351 Filed 6-21-73;8:45 am]

federal register

FRIDAY, JUNE 22, 1973

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Volume 38 ■ Number 120

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

Area wage determination decisions.—Area wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138) and of Secretary of Labor's orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, 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 within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, pt. 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to area wage determination decisions.—Modifications and supersedeas decisions to area wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing Area Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, 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–280; AP–281	Mar. 30, 1973
AP–287	Apr. 6, 1973
AP–905	May 18, 1973
Georgia:	
AP–149	Jan. 12, 1973
Iowa:	
AM–2,448; AM–2,449; AM–2,451	Aug. 25, 1971
Kansas:	
AP–531	May 25, 1973
Louisiana:	
AP–733	June 1, 1973
Maryland:	
AP–842	Do.
Mississippi:	
AP–159	Feb. 16, 1973
AP–165	Mar. 9, 1973
Montana:	
AP–272	Mar. 23, 1973
AP–278	Mar. 30, 1973
AP–285; AP–286; AP–289	Apr. 6, 1973
Nebraska:	
AP–522	Mar. 30, 1973
AP–524	Apr. 6, 1973
AP–526	Apr. 30, 1973
New Hampshire:	
AP–420	Mar. 23, 1973
AP–498	Apr. 6, 1973
AP–806	May 11, 1973
New Mexico:	
AP–730	Do.
Oregon:	
AP–277	Mar. 23, 1973
Pennsylvania:	
AP–817	May 18, 1973
Tennessee:	
AP–190	May 25, 1973
Florida:	
AP–1100	June 8, 1973
Texas:	
AP–396	Jan. 26, 1973
AP–721; AP–723; AP–726; AP–727	Apr. 27, 1973
Washington, D.C.:	
AP–823	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–1105)	Dec. 1, 1972
AP–153 (AP–1106)	Feb. 9, 1973
Colorado:	
AP–298 (AP–911)	May 4, 1973
AP–900 (AP–911)	May 18, 1973
Maryland:	
AP–455 (AP–856)	Dec. 29, 1972
Montana:	
AP–279 (AP–910)	Mar. 30, 1973
Vermont:	
AP–802 (AP–857)	Apr. 20, 1973

Signed at Washington, D.C., this 15th day of June 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

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 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BRICKLAYERS	$7.18	.45	.25	.25	.02	
CARPENTERS	4.27					
CEMENT MASONS	5.40					
ELECTRICIANS	7.45	.35	1%		2%	
LABORERS	3.30					
PAINTERS, Brush	4.44					
PLUMBERS	6.55					
ROOFERS	4.15					
SHEET METAL WORKERS	4.30					
SOFT FLOOR LAYERS	4.00					
TILE SETTERS	4.00					
TRUCK DRIVERS	3.30					

DECISION #AP-255 - Mod. #3
(37 FR 28808 - December 29, 1972)
San Diego County, California

Modifications P. 1

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
GROUP I Brakeman; Compressor Engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II 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; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02	
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	7.51	.75	1.20	.30	.02	
GROUP IV Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 ton); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman & chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02	
GROUP V A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar & similar); Bit sharpener; Boxman or mixerman (Asphalt or concrete); Concrete Joint machine (Canal & 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); Hydra-hammer-Aero						

DECISION #AP-255 (Cont'd)

Modifications P. 2

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
GROUP V (Cont'd) stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical Berm, curb or gutter (concrete, or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipe-lining machine; Skiploader (wheel or track type over 3/4 yd. up to & incl. 1 1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning & bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	
GROUP VI Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving 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); Crushing plant; Deck engine Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; 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; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg & similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired rail or track type); Piledriver; Pneumatic concrete placing machine						

DECISION #AP-255 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
GROUP VI (Cont'd) (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls & 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., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, up to & incl. 1 cu. yd. MRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	
GROUP VII 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 derricks or similar type up to 100 ton cap. - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail 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.						

DECISION #AP-255 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	C
GROUP VII (Cont'd) MRC); Welder (heavy duty repairman) combination; Wood mixer & other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	
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; Ribber-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 - $.50 p/h additional to base rate); 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	8.15	.75	1.20	.30	.02	
GROUP IX Canal liner op.; Canal Trimmer op.; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator op. (over 750 cy.)	8.50	.75	1.20	.30	.02	
Bricklayers; Stonemasons	8.25	.62	.80		.05	
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	

Modifications P. 5

DECISION #AP-256 - Mod. #3
(37 FR 28814 - December 29, 1972)
San Diego County, California

Change:

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I Brakeman; Compressor Engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02
GROUP II 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; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02
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	7.51	.75	1.20	.30	.02
GROUP IV Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 ton); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman & chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02
GROUP V A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar & similar); Bit sharpener; Boxman or mixerman (Asphalt or concrete); Concrete Joint machine (Canal & 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); Hydra-hammer-Aero					

DECISION #AP-256 (Cont'd) Modifications P. 6

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Or
GROUP V (Cont'd) stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical Berm, curb or gutter (concrete, or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipe-lining machine; Skiploader (wheel or track type over 3/4 yd. up to & incl. 1 1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning & bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	
GROUP VI Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving 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); Crushing plant; Deck engine Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; 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; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg & similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine						

DECISION #AP-256 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Cr
GROUP VI (Cont'd) (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls & 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., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, up to & incl. 1 cu. yd. MRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	
GROUP VII 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 derricks or similar type up to 100 ton cap. - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail 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.						

DECISION #AP-256 (Cont'd)

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Cr
GROUP VII (Cont'd) MRC); Welder (heavy duty repairman) combination; Wood mixer & other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	
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 scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); 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	8.15	.75	1.20	.30	.02	
GROUP IX Canal liner op.; Canal Trimmer op.; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator op. (over 750 cy.)	8.50	.75	1.20	.30	.02	
Bricklayers; Stonemasons	8.25	.62	.80		.05	
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	

Modifications P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-280 - Mod. #4						
(38 FR 8361 - March 30, 1973)						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Bricklayers; Stonemasons:						
Imperial County	$8.25	.62	.80		.05	
Riverside and San Bernardino Cos.	7.37	.65	.70		.07	
Electricians:						
Imperial County						
Electricians	8.55	.50	1¼+.80			
Cable splicers	8.83	.50	1¼+.80			
Line Construction:						
Groundman	6.84	.50	1¼+.80			
Linemen	8.55	.50	1¼+.80			
Cable splicers	8.83	.50	1¼+.80			
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
DECISION #AP-281 - Mod. #4						
(38 FR 8371 - March 30, 1973)						
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California						
Change:						
Bricklayers; Stonemasons:						
Imperial County	8.25	.62	.80		.05	
Riverside and San Bernardino Cos.	7.37	.65	.70		.07	
Electricians:						
Imperial County						
Electricians	8.55	.50	1¼+.80			
Cable splicers	8.83	.50	1¼+.80			
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	

Modifications P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-287 - Mod. #5						
(38 FR 8874 - April 6, 1973)						
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Electricians (Lake Tahoe Area):						
Electricians	$9.84	.53	1¼+.25		.03	
Cable splicers	10.82	.53	1¼+.25		.03	
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
Marble Setters	8.23	.74	.51	1.03		
Plumbers; Steamfitters:						
San Mateo County	8.305	.635	.95	.97	.175	
DECISION #AP-905 - Mod. #3						
(38 FR 13139 - May 18, 1973)						
Alameda, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California						
Change:						
Electricians (Lake Tahoe Area):						
Electricians	$9.84	.53	1¼+.25		.03	
Cable splicers	10.82	.53	1¼+.25		.03	
Ironworkers:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
Plumbers; Steamfitters:						
San Mateo County	8.305	.635	.95	.97	.175	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-1100 - Mod. #1 (38 FR 15237 - June 8, 1973) Escambia, Okaloosa, Santa Rosa and Walton Counties, Florida						
Change:						
Carpenters:						
Carpenters	$5.85	.20			.01	
Millwrights	7.24	.28	.25			
Piledrivermen	6.10	.20			.01	
Stationary saw operator	6.10	.20			.01	
Soft floor layers	5.85	.25			.01	
Cement masons	4.00				.01	
DECISION #AP-149 - Mod. #5 (38 FR 1453 - January 12, 1973) Fulton, Cobb, DeKalb Counties, Georgia						
Change:						
Glaziers	$6.80	.35	.20	.25	.015	
Painters:						
Brush	7.45	.40	.40		.03	
Spray and sandblasting	8.45	.40	.40		.03	
Paperhanging	7.70	.40	.40		.03	
Sheet metal workers	8.00	.35	.25		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-2,448 - Mod. #3 (36 FR 16796 - August 25, 1971) Cerro Gordo County (Mason City), Iowa						
Change:						
Building Construction:						
Asbestos workers	$7.95	.425	.25			
Boilermakers	8.25	.30	1.00		.02	
Bricklayers-Stonemasons	6.65		.25			
Carpenters:						
Carpenters	6.75				.01	
Millwrights; Piledrivermen	7.00				.01	
Cement masons	6.75					
Electricians:						
Electricians	7.45	.20	1%		1%	
Cable splicers	7.90	.20	1%		1%	
Ironworkers:						
Fence erector; Ornamental; Reinforcing; Structural	6.975	.26	.50		.02	
Laborers:						
Common laborers; Power tools; Barco operator; Mortar mixers; Concrete saw; Sand point setter	4.95	.20	.15			
Tenders to the crafts; Caissons (after 6' depth); Dynamite men; Gunniting-nozzlemen; Backup man; Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 35' or over	5.20	.20	.15			
All underground labor (other than compressed air); Swinging stage work, wood hoist tower, scaffolds or ladders at a height of 75' or over	5.45	.20	.15			
Painters:						
Brush	5.10					
Tapers	5.20					
Spray	5.60					
Plumbers-Steamfitters	7.50				.80p/w	
Roofers	5.10					
Soft floor layers	6.75				.01	
Sprinkler fitters	8.75	.30	.50		.05	

Modifications P. 13

DECISION #AM-2,448 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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; Derricks; 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 hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
Classification 2:						
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, backhoes attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); 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 lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	

Modifications P. 14

DECISION #AM-2,448 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction (Cont'd):						
Power Equipment Operators (Cont'd):						
Classification 3:						
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" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	$6.50	.30	.30		.01	
Classification 4:						
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.30	.30	.30		.01	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	
Add:						
Building Construction:						
Plasterers	6.75					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Modifications P. 15

DECISION #AM-2,449 - Mod. #2
(36 FR 16799 - August 25, 1971)
Clinton County (City of Clinton and abutting municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building Construction:						
Asbestos workers	$8.05	.25	.25		.10	
Boilermakers	8.25	.30	1.00		.02	
Bricklayers-Stonemasons	7.40		.20			
Carpenters:						
Carpenters; Soft floor layers	6.55	.30	.20			
Piledrivermen	6.95	.30	.20			
Millwrights	7.55	6%	6%		2%	
Cement masons	6.90		.20			
Electricians:						
Electricians	7.90	.25	1%		.03	
Cable splicers	8.15	.25	1%		.03	
Glaziers	6.8548	.35	.50			
Ironworkers	8.30	.40	.375		.05	
Laborers:						
Common laborers	5.40	.20	.15			
Operator on air or power tools; Mortar mixer man; Work 35' high or over; Cement dumper; Puddlers; Vibrator man; Ditch work 8' below ground level	5.65	.20	.15			
Plaster tender	5.55	.20	.15			
Mason tender	5.55	.20	.15			
Painters:						
Brush	6.67	.25	.30		.05	
Spray; Structural steel	6.92	.25	.30		.05	
Plasterers	7.40		.20			
Plumbers-Steamfitters	7.78	.40	.35		.10	
Roofers	8.40		.20			
Sprinkler fitters	8.75	.30	.50		.05	
Power Equipment Operators:						
All steel hoists and/or steel erection equipment	8.40	.30	.50		.08	

Modifications P. 16

DECISION #AM-2,449 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Building Construction (Cont'd):						
Power Equipment Operators (Cont'd):						
Cranes, Shovels; Clamshells; Draglines; Backhoes; Derricks; Cableways; Dual drum pavers; Concrete spreaders (behind 2 pavers); Asphalt spreaders; Asphalt mixer plant engineers; Dipper dredge op.; Dipper dredge cranemen; Dual purpose trucks (boom or winch) leverman or engine men (hydraulic dredge); Mechanics; Paving mixers (16-E to 34-E) paving mixers with tower attached (2 operators required); Pile drivers; Boom tractors; Stationary, portable or floating mixing plants; Trenching machines; Building hoists (2 drums); Hot paint wrapping machines; Cleaning and priming machines; End loaders (1/2 cu. yd. or over); On basement excavating work; Backfillers (throw bucket); Locomotive engineers	$7.98	.30	.50		.06	
Athey; Barber greene; Euclid or haise loaders; Asphalt pugmills; Firemen & driers; Concrete pumps; Concrete spreaders (behind 1 paver); Bulldozers; Endloaders (other than mentioned above); Fork lifts; Elevating graders; Group equipment greasers; LeTourneaupull & similar machines; Power blades; Power subgraders (on forms & similar machines); Push cats; Tractors pulling elevating graders or power blades; Tractors with power attachments; Rollers on asphalt or blacktop; Single drum hoists; Jaeger mix & place machines; Pipe bending machines; Welding machines (3 or 4); Puller Kenyon cement pumps or similar machines; Automatic cement & gravel batch plants (1 stop set-up)	7.51	.30	.50		.06	

Modifications P. 17

DECISION #AM-2,449 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction (Cont'd):						
Power Equipment Operators (Cont'd):						
Asphalt boosters; Firemen & pump op. at asphalt plants; Compressors (500 cu. ft. & over); Concrete finishing machines; Form graders with rollers on earth; Mixers (3 bag to 16-E); Power operating bull floats; Tractors without power attachments; Dope pots (agitating motor); Dope chop machines; Distributors (back-end); 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	$6.32	.30	.50		.08	
Air compressors (under 500 cu. ft.); Drivers on truck cranes; Conveyors; Light plants; Mixers (1 or 2 bag); Power batching machines (cement auger or conveyor); Boilers engineer or fireman; Water pumps; Welding machines; Mechanical brooms; Automatic cement & gravel batch plants (2 or 3 stop set-up); Small rubber-tired tractors	6.51	.30	.50		.08	
Oilers; Mechanics helpers; Water pumps (pumping water to paver); Mechanical heaters (other than steam boiler)	6.00	.30	.50		.08	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.85		.02	
Add:						
Building Construction:						
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Modifications P. 18

DECISION #AM-2,451 - Mod. #3
(36 FR 16806 - August 25, 1971)
Dubuque County (City of Dubuque and abutting municipalities), Iowa

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Building Construction:						
Asbestos workers	$8.05	.25	.25		.10	
Boilermakers	8.25	.30	1.00		.02	
Bricklayers-Stonemasons	6.60	.25				
Carpenters:						
Carpenters	6.50		.20			
Piledrivermen	6.90		.20			
Millwrights	7.00		.20			
Cement masons	6.75					
Electricians	7.45	.25	1%		1%	
Elevator constructors	6.54	.185	.20	2%+a		
Elevator constructors' helpers	70%JR	.185	.20	2%+a		
Glaziers	6.8548	.35	.50			
Ironworkers (SE portion)	8.30	.40	.375		.05	
Ironworkers (Remainder of County)	7.80					
Laborers:						
Common laborers; Gas distributors	5.10	.15				
All air operated tools; Bricklayers' helpers & tenders; Caisson workers; Carpenters' helpers; Handling & cleaning of all steel floor pans & wall forms; Mortar mixers; Plasterers' helpers & tenders; Tile setters (4"-6"-8")	5.20	.15				
Tile setters (10" & up)	5.35	.15				
Lathers	6.75					
Marble setters; Terrazzo workers; Tile setters	6.35	.25				
Plasterers	6.75					
Plumbers-Steamfitters	7.84	.34	.30		.04	
Roofers	6.55					
Sheet metal workers	7.33	.17			.005	
Sprinkler fitters	8.75	.30	.50		.05	
Truck Drivers:						
Single axle	5.24	9.50p/w				
Tandem axle; Tractors trailers; Winches	5.39	9.50p/w				

Modifications P. 19

DECISION #AM-2,451 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
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; Derricks; 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 hoist; Welders; Mechanics; Locomotive; Dredge (levermen)	$7.20	.30	.30		.01	
Classification 2:						
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, backhoes attachments, etc.); Scrapers (tournapull, etc.); End loaders; Dredge (engineer); 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 lifts (on steel erection and machinery moving or hoisting above one complete story); Concrete pump; Dewatering pumps; Temporary hoist cage operated; Second man on locomotive	7.10	.30	.30		.01	

Modifications P. 20

DECISION #AM-2,451 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Classification 3:						
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" or over; Welding machines 600 amps or combination thereof; Conveyors; Firemen (Boiler); Generator (75 KW & over); Fork lifts (other than above Classification #2); Gunite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8"	$6.50	.30	.30		.01	
Classification 4:						
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators	6.30	.30	.30		.01	
Omit:						
Building Construction:						
Boilermakers' helpers	7.55	.30	.35		.02	
Add:						
Building Construction:						
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Modifications P. 21

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
DECISION #AP-531 - Mod. #1 (38 FR 13929 - May 25, 1973) Cass, Clay, Jackson, Platte, & Ray Counties, Missouri and Johnson & Wyandotte Counties, Kansas					
Change: Heavy & Highway Construction Cass, Clay, Jackson, Platte, & Ray Counties, Missouri Carpenters & Piledrivermen(Cass County)	$8.17	.23	.15		.03
Omit: Line Construction Johnson & Wyandotte Counties, Kansas					
Add: Line Construction Western 3/4 of Johnson County, Kansas					
Line Construction Wyandotte County & remainder of Johnson County, Kansas					

Kansas Line Construction #1

Western 3/4 of Johnson County, Kansas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$6.77	.25	1%		½%
Cable splicers	7.11	.25	1%		½%
Groundman, over 1 year	4.26	.25	1%		½%
Groundman, 1st year	3.30	.25	1%		½%
Powderman	5.64	.25	1%		½%
Line truck & equipment operator:					
1st year	4.37	.25	1%		½%
2nd year	5.19	.25	1%		½%
Over 2 years experience	5.64	.25	1%		½%

Kansas Line Construction #2

Wyandotte County & remainder of Johnson County, Kansas	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Lineman	$7.95	.15	1% + .15		½%
Lineman operator	7.50	.15	1% + .15		½%
Lineman mechanic	6.37	.15	1% + .15		½%
Groundman powderman	5.47	.15	1% + .15		½%
Groundman	5.19	.15	1% + .15		½%
Groundman (1st year)	4.79	.15	1% + .15		½%

Modifications P. 22

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-733 - Mod. #1 (38 FR 14594 - June 1, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change: Carpenters: St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town on Ponchatoula running north and south to Amite, Louisiana in Tangipahoa Parish, including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa and Washington Parishes:						
Carpenters	$5.55					
Piledrivermen	5.85					
Omit: Plumbers-Pipefitters:						
Terrebonne Parish (western 1/2 of Parish)	7.20	.365	.475		.035	
Terrebonne Parish (eastern 2/3 of Parish)	7.90	.30	.40		.06	
Add: Plumbers-Pipefitters:						
Terrebonne Parish (western 2/3 of Parish)	7.20	.365	.475		.035	
Terrebonne Parish (eastern 1/3 of Parish)	7.90	.30	.40		.06	

Modifications P. 23

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-842 - Mod. #2 (38 FR 14503 - June 1, 1973) Anne Arundel County, Maryland						
Change:						
Sheet metal workers	$8.17	.55	.35		.05	
Truck Drivers: (Excavation Bldg.)						
Dump truck	5.31	.35	.30	k+m		
Euclid wagon and dumpster	5.62	.35	.30	k+m		
Drop-frame, goose-neck and trailer	5.51	.35	.30	k+m		
Pick-up	5.13	.35	.30	k+m		
Helpers	5.18	.35	.30	k+m		
Omit:						
Power Equipment Operator's Schedule Building Construction as originally issued						
Add:						
Power Equipment Operator's Schedule Building Construction						
Footnotes:						
k. 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).						
m. Holidays A ghrough 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).						

Modifications P. 24

3-MD-PED-1-e

DECISION NO. AP-842 (Cont'd.) BUILDING Construction POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
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 conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	$7.93	.50	.50	a	.07	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	7.37	.50	.50	a	.07	
Tractor with attachment (2 or more), autopatrol type grader	7.48	.50	.50	a	.07	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	7.14	.50	.50	a	.07	
Front end tractor loader (under 1-3/4 yds.), bulldozer	7.25	.50	.50	a	.07	
Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	6.62	.50	.50	a	.07	
Excavating scoop (under 25 yds.), caterpillar type tractor	6.97	.50	.50	a	.07	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	6.80	.50	.50	a	.07	
Fireman, truck crane oiler, grease truck, fuel truck	6.30	.50	.50	a	.07	
Wheel tractor	6.09	.50	.50	a	.07	
Oiler, deck hand, mechanic's helper	5.98	.50	.50	a	.07	
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.						

Modifications P. 25

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-159 - Mod. #2 (38 FR 4638 - February 16, 1973) Harrison and Pearl River Counties, Mississippi						
Change:						
Elevator constructors	$6.13	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	4.29	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob)	50%JR					
Line Construction:						
Linemen	6.65	.25	20+1%		1/8 of 1%	
Cable splicers	6.90	.25	20+1%		1/8 of 1%	
Groundmen:						
1st 6 months	3.33	.25	20+1%		1/8 of 1%	
Thereafter	3.99	.25	20+1%		1/8 of 1%	
Roofers	5.50					
Helpers	4.00					
Kettlemen	4.55					
Soft floor layers	6.30					
DECISION #AP-165 - Mod. #1 (38 FR 6561 - March 9, 1973) Attala, 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:						
Crane Oiler	$6.59	.45	.45		.03	
DECISION #AP-278 - Mod. #2 (38 FR 8378 - March 30, 1973) Flathead, Lake, Lincoln and Missoula Counties, Montana						
Change:						
Power Equipment Operators:						
Crane Oiler	6.59	.45	.45		.03	

Modifications P. 26

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-285 - Mod. #2 (38 FR 8900 - April 6, 1973) Beaverhead, Dear Lodge, Gallatin and Silver Bow Counties, Montana						
Change:						
Power Equipment Operators:						
Gallatin County						
Crane Oiler	$6.59	.45	.45		.03	
Remaining Counties						
AIR DOCTOR; 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 dispatcher; 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 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; Hot plant fireman (when in operation); Industrial locomotives, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, Loader 1 yd. & under, hoe 1 yd. & under; Mountain logger or similar; Mucking machine; Pavement breaker, Emsco & 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; Roller, steel & self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working weight or over, any type or make; Roller, Wagner & similar; Ross & similar type Carriers (on constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if power unit is not						

Modifications P. 27

DECISION #AP-285 - (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Remaining Counties (cont'd)						
used; Self-propelled sheepsfoot and similar; Shovels, incl. all attachments, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing and screening plant	$7.02	.45	.45		.03	
DECISION #AP-286 - Mod. #3 (38 FR 8908 - April 6, 1973) Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud and Yellowstone Counties, Montana						
Change:						
Big Horn, Custer, Rosebud and Yellowstone Counties						
Power Equipment Operators:						
Crane Oiler-Driver, rubber tire	6.57	.45	.45		.03	
Dawson, Richland, and Roosevelt Cos.						
Crane Oiler	6.59	.45	.45		.03	
DECISION #AP-289 - Mod. #2 (38 FR 8856 - April 6, 1973) Silver Bow County, Montana						
Change:						
Power Equipment Operators:						
AIR DOCTOR; 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 dispatcher; 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 grader;						

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DECISION #AP-289 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cradall; Heavy duty rotary drills (Quarry Master, Joy drills and similar types); Hoist, or air tugger, 2 or more drums; Hot plant; Hot plant; Hot plant fireman (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yd. to and incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, traxcavator and Athey; Loader and Hoe combination, rubber-tired, loader 1 yd. and under, hoe 1 yd. and under; Mountain logger or similar; Mucking machine; Pavement breaker, Emsco and similar; Power auger, large truck or tractor, mounted and punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working weight or over, any type or make; Roller, Wagner and similar; Ross and similar type Carriers (on Constr. site); Scraper DW 10; Scraper, DW 15, 20, 21 & similar if power unit is not used; Self-propelled sheepsfoot and similar; Shovels, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing and screening plant	$7.02	.45	.45		.03	

Modifications P. 29

DECISION #AP-522 - Mod. #2
(38 FR 8391 - March 30, 1973)
Lancaster County, Nebraska

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters:						
Carpenters	$ 6.50	.20	.10			
Piledrivermen	6.75	.20	.10			
Roofers:						
Composition	5.75					
Slate & tile	6.00					

Modifications P. 30

DECISION #AP-524 - Mod. #3
(38 FR 8861 - April 6, 1973)
Douglas & Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Omit:					
Laborers:					
Machine and air tool operator	$4.95	.125	.10		
Change:					
Glaziers	6.75	.35	.20		.01
Laborers:					
Common laborers	5.62	.25	.25		
Buggymobile, Mortar mixers, Mason tenders	5.765	.25	.25		.02
Plasterers tenders	5.935	.25	.25		.02
Pipelayers	5.90	.25	.25		.02
Plasterers	7.15	.25	.20		
Truck Drivers, Single axle	5.875	.25	.20		

1-NEB-PEO-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Oilers, greasers, mechanics helpers	$ 6.33	.25	.25		
Oiler drivers (motor truck crane)	6.34	.25	.25		
Spread oiler	6.95	.25	.25		
Conveyors and heaters; tractors 35 H.P. or under air compressors, pumps and welding machine operators	6.68	.25	.25		
Bulldozers and fork lifts	7.27	.25	.25		
Blades, end loaders, self-propelled scrapers	7.37	.25	.25		
Concrete pumps and tractors over 35 H.P.; one drum hoist; straddle truck	7.27	.25	.25		
Two drum hoist; trenching machines, pile drivers, dredges, heavy duty mechanics; shovels, draglines, clamshells, orange peel; derricks, cranes; backhoe, winch truck and side boom or cat boom; locomotives; firemen used on high pressure boilers in construction work; econonobile; and electric hammers and extractors	7.62	.25	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AP-526 - Mod. #5					
(38 FR 9937 - April 30, 1973)					
Douglas & Sarpy Counties, Nebraska					
Omit:					
Laborers:					
Machine and air tool operator	$4.95	.125	.10		
Change:					
Laborers:					
Common laborers	5.62	.25	.25		.02
Buggymobile, Mortar mixers, Mason tenders	5.765	.25	.25		.02
Plasterers tenders	5.935	.25	.25		.02
Pipelayers	5.90	.25	.25		.02
Plasterers	7.15	.25	.20		
Truck Drivers:					
Single axle	5.875	.25	.20		
Tandem axle	5.95	.25	.20		
Lowboy, trailer	6.075	.25	.20		
Lumber carrier	6.25	.25	.20		

1-NEB-PEO-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Oilers, greasers, mechanics helpers	$ 6.33	.25	.25		
Oiler drivers (motor truck crane)	6.34	.25	.25		
Spread oiler	6.95	.25	.25		
Conveyors and heaters; tractors 35 H.P. or under air compressors, pumps and welding machine operators	6.68	.25	.25		
Bulldozers and fork lifts	7.27	.25	.25		
Blades, end loaders, self-propelled scrapers	7.37	.25	.25		
Concrete pumps and tractors over 35 H.P.; one drum hoist; straddle truck	7.27	.25	.25		
Two drum hoist; trenching machines, pile drivers, dredges, heavy duty mechanics; shovels, draglines, clamshells, orange peel; derricks, cranes; backhoe, winch truck and side boom or cat boom; locomotives; firemen used on high pressure boilers in construction work; economobile; and electric hammers and extractors	7.62	.25	.25		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-420 - Mod. #2						
(38 FR 7689 - March 23, 1973)						
Hillsboro County, New Hampshire						
Change:						
Building Construction:						
Truck Drivers (See Attached Matte)						

DECISION NO. AP-420 (Cont'd.)

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NM 1-TD-1-B 1 of 1

TRUCK DRIVERS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID 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, 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).

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DECISION #AP-498 - Mod. #2
(38 FR 8853 - April 6, 1973)
Hillsboro County, New Hampshire

Change:
Residential Construction:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Truck Drivers (See Attached Matte)						

DECISION NO. AP-498 (Cont'd.) N.H.-1-TD-1-B 1 of

TRUCK DRIVERS, RESIDENTIAL	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID 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, 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).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-806 - Mod. #1 (38 FR 12503 - May 11, 1973) Rockingham County, New Hampshire						
Change:						
Building Construction:						
Carpenters:						
Salem:						
Carpenters and soft floor layers	$7.93	.50	.50		.02	
Millwrights	8.83	.50	.30		.02	
Remainder of County:						
Carpenters and soft floor layers	6.66	.20	.25		.02	
Piledrivermen, wharf and dock builders and millwrights	7.51	.20	.25		.02	
Truck Drivers (See Attached Matter)						

DECISION NO. AP-806 (Cont'd.) Modifications P. 37

NH 1-TD-1-S 1 of 1

TRUCK DRIVERS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Two Axle Equipment	$4.16	.25	.25	a		
Three Axle Equipment including low beds	4.38	.25	.25	a		
Special earth hauling equipment other than conventional type on the road trucks and semitrailers trailer dumps	4.60	.25	.25	a		

PAID 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, 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).

Modifications P. 38

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-730 - Mod. #4 (38 FR 12574 - May 11, 1973) Statewide, New Mexico						
Add:						
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION						
PAINTERS (Valencia County):						
Painters, roller & hand texture	$5.52	.30	.20		.01	
Painters, spray, sandblasting, painter on steel bridges, tanks, towers, pipes and structural	6.02	.30	.20		.01	
Paperhangers	5.77	.30	.20		.01	
Drywall finisher:						
Ames tool operator	6.10	.30	.20		.01	
Hand finisher, machine texture	5.85	.30	.20		.01	
Painting 30 to 75 feet above ground or floor	6.17	.30	.20		.01	
Painters 75 feet or more above ground or floor - 1/2 cent per foot above the 75 foot scale		.30	.20		.01	
Change:						
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION						
ELECTRICIANS (McKinley County and that Part of San Juan County, New Mexico which comprises Part of the Navajo Indian Reservation.						
Zone (a) Includes the City of Gallup and extending 10 road miles from Main Post Office:						
Electricians	7.35	.25	1%		1/2%	
Cable splicers	8.09	.25	1%		1/2%	
Zone (b) extending up to 20 road miles beyond zone a:						
Electricians	7.86	.25	1%		1/2%	
Cable splicers	8.60	.25	1%		1/2%	
Zone (c) extending up to 30 road miles beyond zone a:						
Electricians	8.31	.25	1%		1/2%	
Cable splicers	9.05	.25	1%		1/2%	
Zone (d) anything extending 30 road miles beyond zone a:						
Electricians	8.82	.25	1%		1/2%	
Cable splicers	9.56	.25	1%		1/2%	
ROOFERS	5.50					
SOFT FLOOR LAYERS (Remainder of State)	5.60	.30			.02	

Modifications P. 39

DECISION #AP-730 - Mod. #4 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change (Cont'd):						
CARPENTERS (STATEWIDE):						
From nearest basing points of the following cities or towns:						
Alamagordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Eunice, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Lovington, Portales, Raton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumcari:						
Zone (1) - 0 to 15 road miles from nearest basing point:						
Carpenters	$6.50	.38	.40	.25	.08	
Millwrights - Piledrivermen	6.50	.38	.40	.25	.08	
Zone (2) - 15 to 35 road miles from nearest basing point:						
Carpenters	7.25	.38	.40	.25	.08	
Millwrights - Piledrivermen	7.25	.38	.40	.25	.08	
Zone (3) - Over 35 road miles from nearest basing point:						
Carpenters	7.75	.38	.40	.25	.08	
Millwrights - Piledrivermen	7.75	.38	.40	.25	.08	
Omit:						
GENERAL BUILDING AND HEAVY ENGINEERING CONSTRUCTION						
CARPENTERS (Statewide):						
From nearest basing points of the following cities or towns:						
Truth or Consequences						

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DECISION #AP-277 - Mod. #3 (38 FR 7692 - March 23, 1973) Multnomah County, Oregon	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Electricians	$8.05	.25	12+.40		.02	
Plumbers	7.68	.65	.75		.07	

Modifications P. 41

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-817 - Mod. #1 (38 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						

Modifications P. 42

PA-6-LAB-2-U

TUNNEL COMPRESSED AIR	BASIC DAILY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Blasters, Shield Drivers	$ 48.29	.10	.10			
Miners	46.86	.10	.10			
Brakemen, trackmen, miners' helpers	44.74	.10	.10			
Groutmen, lock tenders' helpers	44.74	.10	.10			
Laborers and other men	44.74	.10	.10			
Mucking machines	52.83	.10	.10			
Laborers (surface) per hour	4.05	.10	.10			
Between Locks						
Lock tenders, motor men	46.86	.10	.10			
All other men	44.75	.10	.10			
Outside of Locks						
Outside lock tenders, gauge tenders	44.75	.10	.10			
Outside lock tenders' helpers	42.64	.10	.10			

AIR PRESSURE*	WORKING HOURS PER DAY	AMOUNT IN ADDITION TO BASE RATE (NOT CUMULATIVE)
15 pounds and up to 26 pounds	6 hours	$ 1.00
26 " " " " 33 "	4 "	1.50
33 " " " " 38 "	3 "	2.00
38 " " " " 43 "	2 "	2.50
43 " " " " 48 "	1½ "	3.00
48 " " " " 50	1 "	3.50

Modifications P. 43

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-190 - Mod. #1 (38 FR 14068 - May 25, 1973) Anderson and Roane Counties, Tennessee						
Add: Label to schedule to read: *Oak Ridge Atomic Energy Commission Only						
DECISION #AP-396 - Mod. #1 (38 FR 2646 - January 26, 1973) Cameron, Hidalgo, Starr & Willacy Counties, Texas						
Change: Line Construction:						
Lineman	$5.58	.28	1%		1/2%	
Groundman	3.53	.28	1%		1/2%	
Groundman, 1st 6 mos.	2.43	.28	1%		1/2%	
DECISION #AP-721 - Mod. #2 (38 FR 10585 - April 27, 1973) Bexar County, Texas						
Change: Building Construction: Roofers:						
Roofers	4.80					
Kettlemen	4.21					
Waterproofer	4.48					
Deckman	4.20					
DECISION #AP-723 - Mod. #3 (38 FR 10591 - April 27, 1973) Travis County, Texas						
Change: Building Construction:						
Bricklayers-Stonemasons	6.95	.35	.20		.03	
Carpenters:						
Carpenters	6.725	.33	.30		.02	
Millwrights	6.975	.33	.30		.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-726 - Mod. #3 (38 FR 10600 - April 27, 1973) Lubbock County, Texas						
Change: Building Construction: Electricians:						
Electricians	6.70	.25	1%		1/10%	
Cable splicers	6.95	.25	1%		1/10%	
Plumbers-Steamfitters	6.60		.35		.02	
DECISION #AP-727 - Mod. #2 (38 FR 10603 - April 27, 1973) El Paso County, Texas						
Change: Building Construction: Carpenters:						
Carpenters	5.66	.34			.02	
Millwrights	5.91	.34			.02	
Stationary radial arm power saw operator	5.785	.34			.02	
Floor layers	5.66	.34			.02	
Cement masons	4.555	.38			.03	
Ironworkers:						
Ironworkers (El Paso County)	6.10	.40	.50		.05	
Ironworkers (all areas outside El Paso County)	7.10	.40	.50		.05	
Lathers	5.84	.25			.01	
Plasterers	5.81	.28			.01	
DECISION #AP-823 - Mod. #2 (38 FR 13304 - May 18, 1973) Washington, D. C.						
Omit: Highway Construction Schedule as originally issued						
Add: Highway Construction Schedule						

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DECISION NO. AP-823 (Cont'd.)

5-D.C.-3-q

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Asphalt shoveler	$5.15	.22	.20			
Asphalt raker	5.35	.22	.20			
Asphalt tamper	5.25	.22	.20			
Bricklayers	9.10	.40	.40		.10	
Carpenters	8.12	.30	.34		.07	
Cement masons	5.60	.22	.20			
Concrete saw operator	5.35	.22	.20			
Concrete shoveler	5.25	.22	.20			
Form setter	5.60	.22	.20			
Laborers:						
Laborers	5.10	.22	.20			
Jackhammer	5.30	.22	.20			
Hand burner operator	5.25	.22	.20			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	5.35	.22	.20			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	5.55	.22	.20			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	5.60	.22	.20			
Crane operator, concrete paving op.	5.75	.22	.20			
Shovel operator	5.85	.22	.20			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	6.50	.22	.20			
G-1000 Gradall operator (over 1-½ cu.yds.)	6.75	.22	.20			
Power broom, oiler	5.25	.22	.20			
Sand setter	5.60	.22	.20			
Truck Drivers:						
Truck drivers (standard)	5.10	.22	.20			
Tandem	5.22	.22	.20			
Tractor trailer (capable of moving heavy equipment)	5.60	.22	.20			

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AP-1105
COUNTY: Jefferson
DATE: Date of Publication
Supersedes Decision No. AP-140 dated December 1, 1972 in 37 FR 25628
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.79	.18	.15			
Boilermakers	7.13	.40	.70		.01	
Bricklayers, pointers, caulkers and stonemasons	7.25	.25	.25		.05	
Carpenters and Soft floor layers	6.30	.30	.20		.04	
Millwrights	7.60				.04	
Piledrivermen	6.50	.30	.20		.04	
Cement masons	6.83					
Electricians	7.35	.25	1%		1%	
Cable splicers	7.60	.25	1%		1%	
Elevator constructors	7.06	.345	.23	2%a+b	.015	
Elevator constructors' helpers	4.94	.345	.23	2%a+b	.015	
Elevator constructors' helpers (prob.)	3.53					
Glaziers	6.45	.40	.40		.01	
Ironworkers:						
Structural, ornamental and Reinforcing	7.775	.42	.25		.04	
Lathers	6.90		.10		.01	
Linemen:						
Linemen	4.65	.15	1%	.15	.5%	
Groundmen under one year	2.25	.15	1%	.15	.5%	
Groundmen one year and over	2.60	.15	1%	.15	.5%	
Operators	3.85	.15	1%	.15	.5%	
Marble setters	5.85					
Painters:						
Brush	6.35		.25			
Structural steel and spray	6.85		.25			
Paperhangers	6.50		.25			
Plasterers	6.97					
Plumbers and pipefitters	8.05	.25	.25		.07	
Roofers	5.45		.20		.05	
Sheet metal workers	7.35	.20	.25		.02	
Sprinkler fitters	8.05	.30	.40		.05	
Tile setters and terrazzo workers	6.00					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers:						
Up to but not including 1½ tons	$5.05					
1½ to but not including 3 tons	5.25					
3 tons to but not including 5 tons	5.50					
5 tons and over including special equipment	5.65					

Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers and riveters are incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays; A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A: Air or electric tool operators	4.75	.15	.20		
GROUP B: Vibrators operators, chain saw ops., of mechanical equipment which replaces wheelbarrows or buggies, power mowers, mortar mixers, pipe layers, conc. & clay	4.70	.15	.20		
GROUP C: Plasterers' tenders & hod carriers	4.65	.15	.20		
GROUP D: Asphalt rakers	4.75	.15	.20		
GROUP E: Mason tenders & building laborers	4.60	.15	.20		
GROUP F: Burners on demolition, wagon drill operators	5.00	.15	.20		
GROUP G: Powderman	5.425	.15	.20		
GROUP H: Caisson-driller	5.35	.15	.20		
GROUP I: Mucker	4.70	.15	.20		
GROUP J: Tunnel miner	5.40	.15	.20		
GROUP K: Pneumatic concrete gun operator and nozzleman	5.30	.15	.20		
GROUP L: Chuck tender	5.15	.15	.20		
GROUP M: Tunnel laborer	5.00	.15	.20		

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ALA 2-PTO-1-F

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Group A: Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers push tractor, quarry master, scrapers, shovels, trenching machine (and all similar equipment), winch trucks	7.00	.20	.20			
Group B: Air compressor (over 125), asphalt spreader, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor distributors (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)	6.80	.20	.20			
Group C: Air compressor (125 & under), apprentice engineer (oilers-firemen), conveyor (1) tended by oiler), mechanic helpers, pumps (under 4 in.), welding machines (3 or under)	6.15	.20	.20			
Group D: On Steel Erection: Crane, dragline, derrick, hoist operator, piledriver, winch truck, fork lift	7.60	.20	.20			
Group E: Tractors, welding machines, gasoline driven (4 or more), 1-welding machine no operator, Air compressors (1-125 or larger up to but not including 3)	7.25	.20	.20			
Group F: Gas or diesel welding machine (up to 4 tended by oiler), apprentice engineers (oilers-firemen)	6.25	.20	.20			

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.65					
Carpenters	3.77					
Carpenters' helper	2.70					
Concrete finisher	3.45					
Concrete finisher helper	3.00					
Concrete saw operator	2.45					
Ironworker, structural	5.79					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	4.20					
Ironworker helper, reinforcing	3.00					
Laborers:						
Air tool operator	2.45					
Asphalt raker	2.60					
Concrete laborer	2.45					
Unskilled	2.25					
Pipelayers	2.85					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.88					
Wagon drill operator	2.55					
Painters	4.73					
Painter helpers	3.00					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck Drivers:						
Under 1½ ton capacity	2.30					
Single-rear axle	2.55					
Multi-rear axle or heavy duty, off road, single axle	2.85					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Air compressors	$2.85					
Aggregate spreader	3.00					
Asphalt distributors	3.60					
Asphalt mixer & pug mills & batch plants	3.30					
Asphalt paving machines	3.30					
Asphalt plant driers	3.30					
Asphalt spreaders	3.60					
Bulldozers	3.30					
Bull floats	3.15					
Concrete mixer (3 bags & under)	2.70					
Concrete mixers (over 3 bags)	3.30					
Concrete paving machines	3.30					
Concrete paving finishing machine	3.30					
Concrete paving spreaders	3.30					
Cranes, clamshells, backhoe, derricks, draglines or shovels	3.60					
Conveyors	2.70					
Crush & screening plants	3.30					
Drilling machines	3.30					
Drilling machines helpers	2.70					
Elevating graders, gradalls, or Trenching machine	3.60					
Firemen	2.70					
Form Graders	2.70					
Hoists (2-drum or 2-cages or more)	3.30					
Hoists (1-drum)	3.15					
Mechanics	3.60					
Mechanic helpers	2.77					
Motor patrols	3.60					
Oilers & greasemen	3.00					
Paving subgraders	3.15					
Piledrivers	3.66					
Pumps	2.70					
Pumpcretes	3.15					
Rollers, Self-Propelled	2.82					
Rollers, Self-propelled (on asphalt bases & pavements)	3.30					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.30					
Seeding & mulching machines	2.70					
Tractors & loaders:						
Farm rubber tired	2.74					
80 H. P. or less-drawbar capacity	2.74					
Over 80 H.P.	3.30					
Winch truck & "A" - frame	3.15					
Stripping machines (paint)	2.70					
Welders:						
Structural steel	5.75					
Utility	4.00					

SUPERSEDEAS DECISION

STATE: Alabama
DECISION NUMBER: AP-1106
COUNTY: Mobile
DATE: Date of Publication
Supersedes Decision No. AP-153 dated February 9, 1973 in 38 FR 4083
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.70	.395	.75	g	.02	
Boilermakers	7.13	.40	.70		.01	
Bricklayers, stonemasons, cleaners caulkers and pointers	7.39		.73			
Carpenters	6.80	.28	.25			
Carpenters on creosote material; power saw operator	7.20	.28	.25			
Millwright	7.24	.28	.25			
Piledriver	7.02	.28	.25			
Piledriver on creosote material	7.26	.28	.25			
Cement masons	6.62	.30	.30			
Electricians	7.90	.20	1%	.125	.036%	
Elevator constructors	6.72	.145	.17	1.5%+a+b	.005	
Elevator constructors' helpers	70%JR	.145	.17	1.5%+a+b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.00			e		
Ironworkers:						
Structural, ornamental and reinforcing	7.13	.30	.30			
Lathers	7.13	.28	.25		.01	
Line Construction:						
Linemen	7.90	.20	1%	.125	.036%	
Cable splicers	8.15	.20	1%	.125	.036%	
Marble Setters	7.39		.73			
Painters:						
Brush	6.88	.28		e	.01	
Industrial	7.13	.28		e	.01	
Hazardous	7.38	.28		e	.01	
Spraying bituminous coatings	7.88	.28		e	.01	
Plasterers	7.20	.30	.30			
Plumbers and steamfitters	8.25	.20	.35	c	.02	
Roofers:						
Roofers	6.45		.10	f		
Kettleman	5.67		.10	f		
Sheet metal workers	7.29	.35	.35	d	.01	
Soft floor layers	6.80	.28	.25			
Sprinkler fitters	8.05	.30	.40		.05	
Terrazzo workers	7.39		.73			
Terrazzo; base grinder; machine op.	5.08	.28	.25			
Tile setters	7.39		.73			
Welders - Rate for Craft.						

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 to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A, C, D, E, F, Christmas Eve and Mardi Gras.

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 Mardis 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.

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
General Building Construction laborers	$4.40	.28	.25			
Mortar mixers (any method), Hod Carriers, Paving Breakers - Breaking & Chipping concrete (any method), Air operating tools (Elec. or Gas), Mason and plaster tenders, tile setter & Terrazzo helpers, Handling Creosote or Coppertox Materials, Glass Wool and all types insulation, Kettle man, Asphalt raker & tamper, Drills and Vibrators, Concrete Dump Buckatman, All concrete rollers, wheel barrows, Georgia buggies, pipe Cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), Pipe wipers (inside and out)	4.58	.28	.25			
Gunnite or Pressure Concrete Workers, Nozzleman, Gunman, Rodman, Power Driven Buggy Mobiles, Height: All work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)	4.80	.28	.25			
Cofferdam or Tunnel workers (underground)	5.50	.28	.25			
Blasting (Powderman)	5.72	.28	.25			
Concrete Sawman	5.28	.28	.25			
Form setters; Roadways, Runways, Highways	5.09	.28	.25			
Track Laborer	4.74	.28	.25			
Brick Washers (laborers)	4.85	.28	.25			
Burners on dismantling (anything not to be reused)	5.38	.28	.25			
Stack Laborers	4.87	.28	.25			
Stack Laborers (over 40 ft.)	5.28	.28	.25			
Tank Cleaners (Caustic chemicals)	4.85	.28	.25			

BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
HEAVY EQUIPMENT:						
Heavy Duty Mechanic, Crane, Shovel, Derrick Operator (2 or More Drums), Dragline Pile Driver Operator, Hoist Operator (2 or More Drums), Trenching Machines, Cable Ways, Excavators, Front End Loader, Backhoe, Rubber Tired Backhoe, Dredges, Leverman, Welders, Mounted Rotary Drill Machines Cherry Pickers, Side Boom Tractors, Paving Machines, Motor Patrol, Pumpcrete Machines, Gradalls, Johnson Mixers, Hydro-Lift Trucks, All Batch Plant and Header House Operators, Panel Board (Ready-Mix), Hydro Hammers on Demolition Work, Concrete Plants, Asphalt Plants, Helicopter pilots and concrete paving trains	$7.16	.28	.25			
MEDIUM EQUIPMENT:						
Dozer Scraper, Turnapull, One Drum Hoist, Self-Propelled Rollers, Construction Elevators, Locomotive Engineer, Elevating Grader Tractors with Power Control Attachments. Winch Truck, Tug Boats, Mixers, Asphalt Spreaders, Drilling Machines, Form Graders, Asphalt Distributors, Forklift, well-point Systems, Subgraders, Finishing Machines, Motorized Compactors, Wagmobiles and Push Carts	6.90	.28	.25			
LIGHT EQUIPMENT:						
Light Plants, Generators, Welding Machines, Air Compressors, Pumps, Conveyors, Motor Boats under 30 feet, Tow Tractors and Pile Driver Hammers (Diesel, Gas, Air or Electric)	6.41	.28	.25			
Fuel Truck Oilers, Fireman Brakeman, Outboard Motor Boats, Truck Crane Oiler and Mechanic Helpers	5.76	.28	.25			
Oilers (Crawler), Deck Hand and Oiler Cherry Picker	5.50	.28	.25			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cycles, Bicycles, Truck Spotters, Teamsters, Team Drivers	$5.04	.28	.25			
1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and "A" Frame Trucks	5.51	.28	.25			
5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross carriers dempsey dumps, euclid trucks, fork-lift truck 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	6.55	.28	.25			
Truck and Auto Mechanics	7.12	.28	.25			
Truck Drivers Helpers, Unloaders, Unloading and handling creosote or coppertox Material	5.04	.28	.25			
Truck Drivers Helper	4.41	.28	.25			

Alabama - 3 - Zone #5 I

HIGHWAY, ROAD, STREET & PAVING CONSTRUCTION (EXCLUDING AIRPORTS)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$3.65					
Carpenters	3.45					
Carpenter helper	2.80					
Concrete finisher	3.50					
Concrete finisher helper	2.70					
Concrete saw operator	2.45					
Ironworker, structural	5.70					
Ironworker helper, structural	3.10					
Ironworker, reinforcing	5.70					
Ironworker helper, reinforcing	3.45					
Laborer:						
Air tool operator	2.45					
Asphalt raker	3.00					
Concrete laborer	2.79					
Pipelayer	2.85					
Powderman and blaster	3.05					
Powderman and blaster helper	2.70					
Saw operator	2.45					
Side rail or form setter	2.725					
Unskilled	2.25					
Wagon drill operator	2.55					
Painters	4.75					
Painter helpers	3.00					
Piledrivermen	4.02					
Piledrivermen helper	3.18					
Truck drivers:						
Multi-rear axle or heavy duty, off road, single axle	3.15					
Single-rear axle	2.50					
Under 1½ tons actual capacity	2.30					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

Alabama - 5 - FED - 3 J

HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Air compressors	$3.15					
Aggregate spreader	3.00					
Asphalt distributors	3.47					
Asphalt mixers & pug mills & batch plants	3.44					
Asphalt paving machines	3.44					
Asphalt plant driers	3.44					
Asphalt spreaders	3.47					
Bulldozers	3.44					
Bull floats	3.44					
Concrete mixers (3 bags & under)	3.44					
Concrete mixers (over 3 bags)	3.60					
Concrete paving machines	3.60					
Concrete paving finishing machines	3.60					
Concrete paving spreaders	3.60					
Cranes, clamshells, backhoes, derricks, draglines or shovels	4.00					
Conveyors	3.13					
Crusher & screening plants	3.44					
Drilling machines	3.30					
Drilling machine helpers	2.55					
Elevating graders, gradalls or trenching machine	3.675					
Firemen	3.15					
Form graders	2.70					
Hoists (2-drums or 2 cages or more)	3.60					
Hoists (1-drum)	3.44					
Mechanics	3.60					
Mechanics helpers	2.77					
Motor patrols	4.00					
Oilers or greasemen	3.10					
Paving subgraders	3.15					
Piledrivers	3.84					
Pumps	2.70					
Pumpcretes	3.15					
Rollers - self-propelled	3.13					
Rollers - self-propelled (on asphalt bases & pavements)	3.35					
Scale operators	2.70					
Scalemen	2.70					
Scrapers	3.44					
Seeding & mulching machines	3.35					
Stripping machines (paint)	3.35					
Tractors & loaders:						
Farm rubber tired	3.35					
80 H.P. or less-drawbar capacity	3.395					
Over 80 H.P.	3.60					
Winch truck & "A"-frame	3.15					
Welders:						
Structural steel	5.75					
Utility	4.00					

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams; Arapahoe; Boulder; Clear Creek; Denver; Douglas; Elbert; Gilpin; Jefferson; Larimer; Summit; and Weld

DECISION NUMBER: AP-911

DATE: Date of Publication

Supersedes Decision No. AP-298 dated May 4, 1973, in 38 FR 11244 and AP-900 dated May 14, 1973, in 38 FR 13151

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.00	.25	.72			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS; Stonemason (Elbert County only)	7.27	.30	.50		.04	
BRICKLAYERS; Stonemasons (Remaining Counties)	8.25	.45	.50	.25	.05	
CARPENTERS:						
Adams, Arapahoe, Boulder, Denver, Douglas, Elbert, Jefferson Counties						
Area (A) Denver Metropolitan Area including Lousiville, Golden, Boulder and Longmont basing points						
Zone I (0 to 20 miles)	6.965	.45	.40	.30	.03	
Zone II (20 to 50 miles)	7.79	.45	.40	.30	.03	
Zone III (50 miles and over)	8.61	.45	.40	.30	.03	
Weld County						
Area (B) Denver Northeastern Area of Colorado Greeley basing point						
Zone I (0 to 20 miles)	6.87	.45	.40	.30	.03	
Zone II (20 to 50 miles)	7.67	.45	.40	.30	.03	
Zone III (50 miles and over)	8.48	.45	.40	.30	.03	
Larimer County (S.E. portion within Loveland basing basing point, Zone 1)	6.965	.45	.40	.30	.03	
Remainder of Larimer County	6.37	.45	.40	.30	.03	
CEMENT MASONS (Remaining Counties)						
Cement masons	7.15	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.40	.30	.50	.60	.06	
Summit County						
Cement masons	6.80	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.05	.30	.50	.60	.06	
SE Corner of Elbert County						
Cement masons	6.90	.30	.50	.60	.06	
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.15	.30	.50	.60	.06	
ELECTRICIANS:						
Electricians (Elbert County Only)	$8.10	.32	1%		.01	
Electricians (Remaining Counties)	8.00	.22	1%+.16	.18	2/10%	
Cable splicers (Remaining Counties)	8.25	.22	1%+.16	.18	2/10%	
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.98					
IRONWORKERS	7.25	.50	.60		.04	
MARBLE MASONS; Terrazzo Workers; Tile Layers	7.20	.43	.35	.25		
MILLWRIGHTS	6.66	.45	.40	.40	.03	
PAINTERS:						
Brush and roller	7.41	.40	.15		.01	
Drywall finisher; Paperhanger	7.61	.40	.15		.01	
Spray; Swing stage	7.89	.40	.15		.01	
PLASTERERS	8.19			.50	.01	
PLUMBERS; Pipefitters (Remaining Cos.)	7.70	.45	.40	.40	.05	
PLUMBERS (Larimer County)	7.60	.40	.40	.50	.05	
ROOFERS	7.65	.37			.02	
SHEET METAL WORKERS	7.57	.30	.30		.07	
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03	
SPRINKLER FITTERS	8.75	.30	.50		.05	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Carpenters	$6.07	.45	.40	.30	.03	
Underground Carpenters	6.22	.45	.40	.30	.03	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.32	.45	.40	.30	.03	
Cement Masons Construction (Outside Denver Metropolitan Area)	5.80	.30	.50	.30	.06	
Cement Masons Construction (Denver Metropolitan Area)	5.95	.30	.50	.30	.06	

BUILDING CONSTRUCTION

I-CO-IA8-1 (1-3)

Area A LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
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 8' below working surface	$4.75	.37	.40		.05	
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; Gunnite nozzlemen and sand-blasters	5.03	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Pipelayers	5.25	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;						
Beller and stemmers on caisson work	5.30	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	
ZONE 2 - 30 to 70 miles from nearest basing point						
General laborers; Underpinning and shoring 0' to 8' below working surface	5.20	.37	.40		.05	
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; Gunnite nozzlemen and sand-blasters	5.48	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.50	.37	.40		.05	
Pipelayers	5.90	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface;						
Bellers and stemmers on caisson work	5.75	.37	.40		.05	
Mason tenders, brick and plaster	5.80	.37	.40		.05	

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1-CO-LAB-1 (2-3)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 3 - 70 miles and over from nearest basing point						
General laborers; Underpinning and shoring 0' to 8' below working surface	$5.65	.37	.40		.05	
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; Gunnite nozzleman and sandblasters	5.93	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	6.95	.37	.40		.05	
Pipelayers	6.15	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	6.20	.37	.40		.05	
Mason tenders, brick and plaster	6.25	.37	.40		.05	
AREA B						
LABORERS (Remaining portions of Douglas, Elbert and Jefferson Counties):						
ZONE 1 - 0 to 30 miles from nearest basing point						
General laborers; Underpinning and shoring 0' to 8' below working surface	4.55	.37	.40		.05	
Power tool operators of all mechanical, air, gas and electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	4.70	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	4.83	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	4.87	.37	.40		.05	
Pipelayers	5.03	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	

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1-CO-LAB-1 (3-3)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ZONE 2 - 30 to 70 miles from nearest basing point						
General laborers; Underpinning and shoring 0' to 8' below working surface	$5.00	.37	.40		.05	
Power tool operators of all mechanical, air, gas and electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.15	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.20	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	5.28	.37	.40		.05	
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.32	.37	.40		.05	
Pipelayers	5.48	.37	.40		.05	
Mason tenders, brick and plaster	5.60	.37	.40		.05	
ZONE 3 - 70 miles and over from nearest basing point						
General laborers; Underpinning and shoring 0' to 8' below working surface	5.45	.37	.40		.05	
Power tool operators of all mechanical, air, gas, and electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.60	.37	.40		.05	
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.65	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface	5.73	.37	.40		.05	
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.77	.37	.40		.05	
Pipelayers	5.93	.37	.40		.05	
Mason tenders, brick and plaster	6.05	.37	.40		.05	

HEAVY & HIGHWAY - SITE PREPARATION - SEWER CONSTRUCTION

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CO-2-IAB-2-3-a (1-3)

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding, mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Reno mattresses	$4.55	.37	.40		.05	
GROUP II Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers	4.60	.37	.40		.05	
GROUP III Hot asphalt laboror; Rakers; Nox-tenders; Asphalt curb machines; Potman (not mechanical)	4.68	.37	.40		.05	
GROUP IV Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grooters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammers; Vibrators; Paving breakers; Frostproofing	4.70	.37	.40		.05	

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CO-2-IAB-2-3-a (2-3)

LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle	$4.72	.37	.40		.05	
GROUP VI Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Formsetters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated)and center expansion machines; Sandblasters; Grade checkers if required by employer	4.83	.37	.40		.05	
GROUP VII Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator	4.93	.37	.40		.05	
GROUP VIII Pipelayer on truck pipe lines in connection with highway work	5.00	.37	.40		.05	
GROUP IX Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmers; Licensed powdermen; Diamond and core drills powered by air	5.13	.37	.40		.05	
GROUP X Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement	5.18	.37	.40		.05	

CO-2-IAP-2-3-a (3-3)

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
(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	$4.55	.37	.40		.05	
GROUP II Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers	4.60	.37	.40		.05	
GROUP III Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.	4.77	.37	.40		.05	
GROUP IV Sandblasters, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out	4.79	.37	.40		.05	
GROUP V (Relining Pipe) Relining pipe	4.88	.37	.40		.05	
Mixer man	4.93	.37	.40		.05	
GROUP VI Pipelayer	5.00	.37	.40		.05	

CO-3-IAP-2-3-1a (1-2)

LABORERS (TUNNELS):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Outside laborers	$4.55	.37	.40		.05	
GROUP I Minimum tunnel labor, dry house man	5.15	.37	.40		.05	
GROUP II Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators	5.25	.37	.40		.05	
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender	5.33	.37	.40		.05	
GROUP IV Cement finisher helper, applying of concrete processing materials	5.40	.37	.40		.05	
GROUP V Collapsible form movers and setters, miners, machinemen 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; Gunnite nozzlemen; Sandblaster; pump concrete placement men	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
GROUP I Laborers, Topmen, Bottommen, and Cagers	5.25	.37	.40		.05	
GROUP II Chucktenders, Concrete laborers, Whirley pumps operators	5.40	.37	.40		.05	

CO-3-1A-2-3-1a (2-?)

LABORERS (TUNNEL) (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP III Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material	$5.50	.37	.40		.05	
GROUP IV Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external	5.68	.37	.40		.05	
GROUP V Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men	5.78	.37	.40		.05	
GROUP VI Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle	5.83	.37	.40		.05	

Calo 1 - PPO-1-2-3-d (1-?)

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler	$5.60	.37	.45	.20	.03	
GROUP II Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman (brakeman); 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	5.95	.37	.45	.20	.03	
GROUP III Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, 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 core); Drill rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yd.); Machine doctor mechanic; Motor grader (blade); Road stablization machine; Rollers-self-propelled-all types over 5 tons; Sandblasting machine; Scrapers-Single Bowl-under 40 cu. yds.; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op. on truck; Concrete batching plants	6.30	.37	.45	.20	.03	

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Colo 1 PED-1-2-3-d (2-7)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP IV Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 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-with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable - operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yd. and over); Special utility operator; Scraper; Scraper-all tandem bowls; Scraper-Single bowl including pups 40 cu. yd. and over; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane	$6.45	.37	.45	.20	.03	
GROUP V Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yd.); Quad nine and similar push unit	6.60	.37	.45	.20	.03	
GROUP VI Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane	6.75	.37	.45	.20	.03	

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Colo. 2-PED-1-2-3-d (1-1)

POWER EQUIPMENT OPERATORS (For work in Tunnels, Shafts, and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
BRAKEMAN	$5.75	.37	.45	.20	.03	
MOTORMAN	6.10	.37	.45	.20	.03	
COMPRESSOR (900 CFM & Over), Serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
AIR TRACTORS; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
CONCRETE PLACEMENT PUMPS 8" and OVER DISCHARGE; Mechanic-Welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
MOLE	7.00	.37	.45	.20	.03	

Line Construction - Colorado	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Cable splicers	8.44	.25	1%		3/4%	
Lineman	7.87	.25	1%		3/4%	
Equipment operator	6.71	.25	1%		3/4%	
Line equipment maintenance man	6.71	.25	1%		3/4%	
Groundman	5.55	.25	1%		3/4%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.10	.30	.20	.10		
DUMP TRUCKS, TO & INCL. 6 CU. YDS.; Sweeper; Flatrack, single axle; Liquid & bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.20	.30	.20	.10		
DUMP TRUCKS, OVER 6 CU. YDS. TO & INCL. 12 CU. YDS.; Flatrack tandem axle; Battery men; Mechanic Helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.30	.30	.20	.10		
STRADDLE TRUCK; Lumber carrier; Liquid & bulk tankers, tandem axle	5.35	.30	.20	.10		
FORK LIFT; Fuel truck; Grease truck; Combination fuel & grease; Tiremen	5.40	.30	.20	.10		
DUMP TRUCKS, OVER 12 CU. YDS., TO & INCL. 19 CU. YDS.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid & bulk tankers, semi or combination	5.45	.30	.20	.10		
MULTI-PURPOSE TRUCK - Specialty & Hoisting	5.50	.30	.20	.10		
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid & bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo & similar type equipment	5.55	.30	.20	.10		
MECHANICS	5.60	.30	.20	.10		
DUMP TRUCKS, OVER 19 CU. YDS. TO & INCL. 29 CU. YDS.; Truck driver snow plow	5.65	.30	.20	.10		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (cont'd)						
CEMENT MIXER, Agitator over 10 cu. yds. to & incl. 15 cu. yds.	$5.70	.30	.20	.10		
DUMP TRUCKS, OVER 29 CU. YDS. TO & INCL. 39 CU. YDS.; Heavy duty diesel mechanics; Body men; Welders or combination men	5.80	.30	.20	.10		
CEMENT MIXER, Agitator over 15 cu. yds.	5.95	.30	.20	.10		
DUMP TRUCKS, OVER 39 CU. YDS. TO & INCL. 54 CU. YDS.	6.00	.30	.20	.10		

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO.: AP-856
COUNTY: Baltimore City and County
DATE: Date of Publication

Supersedes Decision No. AP-455, dated December 29, 1972, in 37 FR 28819.

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.

BUILDING AND HEAVY CONSTRUCTION

3-Md-1 G — 1 of 3

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS: H & W	Pensions	Vacation	Apr. Tr.	Other
Asbestos workers	$7.60	.50	.40		.02	
Boilermakers-Blacksmiths	7.65	.30	.70	.20	.01	
Bricklayers	8.55	.40	.40		.12	
Carpenters	7.49	.44	.40		.05	
Cement masons	7.795	.125	.30			
Electricians	8.10	.40	1%+.20		½%	
Elevator constructors	7.92	.195	.20	½%+a&b	.005	
Elevator constructors' helpers	5.54	.195	.20	½%+a&b	.005	
Elevator constructors' helpers (Prob.)	3.96					
Glaziers:						
Glaziers	6.85	.15	.10			
Swinging scaffold or bosun's chair	7.05	.15	.10			
Ironworkers:						
Ironworkers & finishers	7.96	.60	1.05		.03	
Sheeters	8.21	.60	1.05		.03	
Rodmen, pre-cast & pre-stress erectors	7.96	.60	1.05		.03	
Laborers:						
Laborers	5.40	.20	.225		.025	
Hod carriers	5.50	.20	.225		.025	
Plasterers' laborers	5.55	.20	.225		.025	
Power tool operator	5.50	.20	.225		.025	
Pipelayers (concrete and clay)	5.60	.20	.225		.025	
Wagon drill operator	5.65	.20	.225		.025	
Lathers	8.29		.35		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen, cable splicer	8.50	.20	1%		½%	
Groundman (experienced)	5.40	.20	1%		½%	
Millwrights	7.49	.44	.40		.05	
Marble setters	8.55	.40	.40		.12	
Painters:						
Brush	6.095	.65	.30	.20	.05	
Structural Steel, spray (steel), steam cleaning	6.60	.65	.30	.20	.05	
Sandblasting	6.60	.65	.30	.20	.05	
Spackling, taping & wall coverings	6.245	.65	.30	.20	.05	
Spray (except steel)	6.345	.65	.30	.20	.05	
Piledrivermen	7.49	.44	.40		.05	
Plasterers	8.15	.25	.30			
Plumbers	8.28	.35	.35		.04	
Roofers:						
Roofers, damp & water proof workers	5.55	.35	.30			
Mopmen, slate & tile, asbestos and asphalt	6.00	.35	.30			
Sheeter, precast and wood block	6.35	.35	.30			
Sheet metal workers	8.17	.55	.35		.05	
Marble, tile and terrazzo workers' helpers	5.675	.125	.20			

BUILDING AND HEAVY CONSTRUCTION

3-Md-1 G — 2 of 3

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS: H & W	Pensions	Vacation	Apr. Tr.	Other
Soft floor layers - resilient floor layers	$7.49	.44	.40		.05	
Sprinkler fitters:						
Baltimore City	8.30	.30	.50		.05	
Excluding Baltimore City	8.75	.30	.50		.05	
Steamfitters	7.91	.45	.60		.06	
Stonemasons	8.55	.40	.40		.12	
Tile and Terrazzo workers	6.94	.12½	.40		.04	
Truck Drivers:						
Goose-necks, drop frame trailers	6.75	d	e	f + g		
All "A" frames, winch trucks, fork lift and trailers	6.55	d	e	f + g		
Flat-beds and pick-ups	6.10	d	e	f + g		
Helpers	5.80	d	e	f + g		
Mixer trucks with agitator of 12 yds. capacity	4.60	d	e	f + g		
Mixer trucks with agitator over 12 yds. capacity	5.00	d	e	f + g		
Euclid wagons and dumpsters	5.20	d	e	f + g		
Dump trucks	4.92	d	e	f + g		
Truck Drivers: (Excavation):						
Dump truck	5.31	.35	.30	h+j		
Euclid wagon and dumpster	5.62	.35	.30	h+j		
Drop - frame, goose-neck and trailer	5.51	.35	.30	h+j		
Pick-up	5.13	.35	.30	h+j		
Helpers	5.18	.35	.30	h+j		
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

BUILDING AND HEAVY CONSTRUCTION

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).

j. 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).

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
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 conveyor, Mighty midget with compressor, repair mechanic, twin engine scraper, Gradall	$7.93	.50	.50	a	.07	
Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system	7.37	.50	.50	a	.07	
Tractor with attachment (2 or more), autopatrol type grader	7.48	.50	.50	a	.07	
Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift	7.14	.50	.50	a	.07	
Front end tractor loader (under 1-3/4 yds.), bulldozer	7.25	.50	.50	a	.07	
Single compresser, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor	6.62	.50	.50	a	.07	
Excavating scoop (under 25 yds.), caterpillar type tractor	6.97	.50	.50	a	.07	
Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader	6.80	.50	.50	a	.07	
Fireman, truck crane oiler, grease truck, fuel truck	6.30	.50	.50	a	.07	
Wheel tractor	6.09	.50	.50	a	.07	
Oiler, deck hand, mechanic's helper	5.98	.50	.50	a	.07	

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.

HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OT
Bricklayers	6.15					
Carpenters	4.50					
Cement masons	4.78					
Electricians	8.10	.40	11+.20		½ of 1%	
Form setters	3.39					
Ironworkers, structural	6.91					
Ironworkers, reinforcing	3.90					
Linemen	8.50	.20	1%		½%	
Groundmen	5.40	.20	1%		½%	
Laborers:						
Mason tenders	3.25					
Air tool	2.91					
Asphalt raker spreader	3.08					
Concrete saw	3.70					
Fence erectors	3.24					
Mortar mixer	2.95					
Unskilled	2.91					
Painters, structural steel and bridge	5.50					
Piledrivermen	4.79					
Power Equipment Operators:						
Aggregate spreader operator	4.27					
Backhoes	4.845					
Bulldozers	4.50					
Concrete batching plant	4.00					
Concrete finishing machine	3.50					
Concrete paving machine	5.50					
Concrete spreader machine	4.32					
Cranes, derricks, draglines	5.17					
Gradalls	4.60					
Loaders	4.49					
Mechanics	5.495					
Mechanics' helpers	3.75					
Mixers	5.00					
Motor patrols	5.00					
Oilers - greasers	4.73					
Piledrivers	6.40					
Rollers, base	3.00					
Rollers, finish	4.05					
Scrapers, pans, scoops	4.50					
Shovels	4.37					
Subgraders	4.00					
Tractors, wheel with attachments	3.375					
Tractor, wheel	3.10					
Trenching machines	3.20					
Truck drivers	3.45					
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Blaine, Broadwater, Cascade, Chouteau, Hill, Fergus, Glacier, Judith-Basin, Lewis & Clark, Liberty, Meagher, Phillips, Pondera, Teton, Toole, Valley and Wheatland

DECISION NUMBER: AP-910

DATE: Date of Publication

Supersedes Decision Number: 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).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
ASBESTOS WORKERS	$8.15	.25	.37			
BOILERMAKERS	8.25	.30	1.00		.02	
BRICKLAYERS:						
Broadwater, Lewis & Clark, and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.65	.25				
Remaining Counties	6.25					
CARPENTERS:						
Blaine and Hill Counties						
Carpenters	4.75	.225	.25			
Sawfilers, Stationary power saw operator; Piledriver	4.90	.225	.25			
Millwrights	5.00	.225	.25			
Broadwater, Lewis and Clark and Meagher Counties						
Carpenters	6.25	.30	.45		.02	
Piledrivermen	6.40	.30	.45		.02	
Millwrights	6.50	.30	.45		.02	
Wheatland County						
Carpenters	5.92	.30	.35		.02	
Floor sander; Sawmen	6.045	.30	.35		.02	
Piledrivermen	6.07	.30	.35		.02	
Millwrights	6.22	.30	.35		.02	
Valley and Phillips Counties	5.65	.30	.35			
Remaining Counties						
Carpenters	6.47	.30	.45		.02	
Piledrivermen; Saw filers; Sawmen	6.72	.30	.45		.02	
Millwrights	6.97	.30	.45		.02	
CEMENT MASONS:						
Wheatland County	5.56	.30				
Broadwater, Lewis and Clark and Meagher Counties	6.22					
Glacier County	5.75	.20				
Remaining Counties	6.55	.35				
ELECTRICIANS:						
Broadwater, Lewis and Clark and Meagher Counties						
Electricians	7.00		1%		½%	
Blaine, Hill, Liberty and Phillips Cos.						
Electricians	6.80		1%		½%	
Valley County						
Electricians	6.40		1%		½%	
ELECTRICIANS: (cont'd)						
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Cos.						
Electricians	$7.83	.32	1%		½%	
Cable splicers	8.08	.32	1%		½%	
Fergus and Wheatland Counties						
(Electrical Contracts less than $20,000)	5.40		1%		½%	
(Electrical Contracts $20,000 or more)	6.10		1%		½%	
ELEVATOR CONSTRUCTORS	6.74	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Lewis and Clark, Pondera, Teton, Toole and Wheatland (Northern part) Counties	6.01	.29	.20	4%		
IRONWORKERS:						
Ornamental, Reinforcing, Structural						
Lewis and Clark (South portion)	7.10	.40	.65		.05	
Lewis and Clark (Northern area) and Remaining Counties	7.03	.40	.65		.05	
MARBLE MASONS:						
Broadwater, Lewis and Clark and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	7.35	.25				
Remaining Counties	6.25					
PAINTERS:						
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Lewis and Clark (Northern portion), Pondera, Teton, Toole, and Wheatland (Northern part) Counties						
Brush	5.85	.34	.30			
Paperhanger	6.10	.34	.30			
Taper	6.20	.34	.30			
Brush on steel	6.35	.34	.30			
Spraying; Sandblasting	8.10	.34	.30			
Phillips and Valley Counties						
Brush or roller	5.54	.25	.20			
Structural steel	5.79	.25	.20			
Spray	6.32	.25	.20			
PLASTERERS:						
Blaine, Cascade, Chouteau, Liberty, Pondera, Teton and Toole Counties	6.04	.20				
Hill, Phillips and Valley Counties	6.25					
Glacier County	6.05	.20				
Broadwater, Lewis and Clark and Meagher Counties	6.30	.25	.15		.05	
Remaining Counties	6.91	.35	.50		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
PLUMBERS:						
Broadwater, Lewis and Clark Counties	$6.30	.25	.15		.05	
Remaining Counties	7.35	.35	.50		1%	
ROOFERS:						
Broadwater, and Meagher Counties	5.33	.35	.30	.50		
Wheatland County	5.755					
Remaining Counties	5.75					
SHEET METAL WORKERS:						
Lewis and Clark County	7.12	.22	.10			
Fergus, Phillips, Valley and Wheatland Counties	6.62	.27	.20		.02	
Remaining Counties	7.05	.22				
SPRINKLER FITTERS	7.20	.30	.50		.05	
TERRAZZO WORKERS & TILE SETTERS:						
Broadwater, Lewis and Clark and Meagher Counties	6.65					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	5.50	.25				
TERRAZZO WORKERS & TILE SETTERS' HELPERS:						
Broadwater, Lewis and Clark, and Meagher Counties	5.57					
Cascade, Chouteau, Glacier, Pondera, and Teton Counties	4.50	.25				

FOOTNOTE:
a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 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.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Cascade, Chouteau, Fergus, Glacier, Judith Basin, Pondera, Teton, and Toole Counties						
Laborers:						
General laborers; Concrete (wet or dry); Dumpman (spotter); Fence erectors & installer; Scalemen	$5.22	.35	.20		.03	
Brick tenders; Dumpman (grade); Small concrete mixers	5.62	.35	.20		.03	
Air-track; Asphalt raker & tampers; Barco tampers; Concrete nozzlemen; High scaler; Hod carriers; Plaster tenders	5.72	.35	.20		.03	
Car or truck mounted air operated drills & other air tools; Mechanical tampers; Jackhammers; Pavement breakers, wagon drillers; Pipelayers (non-metallic); Power driven wheelborrow; Power saw (bucking & falling)	5.47	.35	.20		.03	
Blaine, Hill & Liberty Counties						
Laborers; Car and truck loaders; Carpenter tender and form stripper; Concrete laborers; Dumpman (spotter); Small power tools, chippers; Clay spades, pogo stick; Fence erectors and installers	4.12	.15	.15			
Dumpman (Grade)	4.24	.15	.15			
Caisson workers (free air); Concrete saw; Small concrete mixer; Concrete nozzleman; Barco tamper; Jackhammer; Pavement breaker; Placo operator; Pipe layers (non-metallic); Power driven concrete buggies or wheelbarrows; Nozzleman; Sandblaster; Pot tender; Tar pot tender; Tailhoseman; Vibrator (over 2½"); Vibrator turtle; Bull gang; Chuck tender; Muckers & nippers pot tender; Primerhouseman	4.37	.15	.15			
Brick tenders (handling bricks & blocks only)	4.52	.15	.15			
Concrete nozzleman; Miner	4.62	.15	.15			
Laser tools & equipment; Powderman	4.87	.15	.15			

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Broadwater(Northern area), Lewis & Clark and Meagher Counties						
General laborer; Car & truck loader; Concrete handler; Form stripper; Fence erector & installer	$4.57	.30	.20	.10	.03	
Concrete Buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper	4.725	.30	.20	.10	.03	
All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders	4.825	.30	.20	.10	.03	
Mortar mixer; Powderman	4.92	.30	.20	.10	.03	
Valley and Phillips Counties						
General laborer	4.82	.35	.25		.03	
Air tool op. jackhammer-vibrator; Pipelayers (non-metallic)	5.07	.35	.25		.03	
Brick tenders (handling bricks & blocks only)	5.22	.35	.25		.03	
Hod carriers & plaster tenders (men carrying mortor either by hod, pail or barrow)	5.32	.35	.25		.03	
Powderman	5.57	.35	.25		.03	
Wheatland County						
Common laborers	4.83	.35	.25		.03	
Semi-skilled; Hod carriers; Jackhammer op.; Vibrator; Mixer op.; Concrete pump tender; Nozzleman; Concrete machiner; Curb form setter	5.08	.35	.25		.03	

Broadwater, Fergus, Hill, Judith-Basin, Lewis & Clark, Meagher, Phillips, Valley and Wheaton Counties

MONT-1-PEO-2-3-b (1-4)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
A-Frame Truck Crane, Winch Truck and similar	$6.86	.45	.45		.03	
Air Compressor, Single	6.55	.45	.45		.03	
Air Compressor, two or more	6.72	.45	.45		.03	
Air Doctor	7.02	.45	.45		.03	
Asphalt Paving Machine	7.02	.45	.45		.03	
Asphalt Paving Machine Screed	7.02	.45	.45		.03	
Automatic Finegrader, Gurries and other similar types	7.15	.45	.45		.03	
Belt Finish Machine	6.72	.45	.45		.03	
Bit Grinder	7.02	.45	.45		.03	
Bituminous Mixer Paving, Travel Plant	7.02	.45	.45		.03	
Boring Machine (small), jeep, pickup or farm tractor mounted	6.61	.45	.45		.03	
Boring Machine (large)	7.02	.45	.45		.03	
Broom, self-propelled	6.69	.45	.45		.03	
Cableway Highline	7.53	.45	.45		.03	
Cement Silo	6.81	.45	.45		.03	
Central Mixing Plants, Concrete dam & stationary	7.27	.45	.45		.03	
Chain Bucket Loader	6.74	.45	.45		.03	
Chip or Gravel Spreader, self-propelled	6.74	.45	.45		.03	
Concrete Batch Plant, one & two mixers	7.02	.45	.45		.03	
Concrete Batch Plant, three and four mixers	7.22	.45	.45		.03	
Concrete Batch Plant, five mixers & over	7.42	.45	.45		.03	
Concrete Batch Plant Oiler, up to & incl. two mixers	6.54	.45	.45		.03	
Concrete Batch Plant Oiler, three mixers and over	6.85	.45	.45		.03	
Concrete Bucket Dispatcher	7.02	.45	.45		.03	
Concrete Curing Machine	7.02	.45	.45		.03	
Concrete Finish Machine Paving	7.02	.45	.45		.03	
Concrete Float-Spreader	7.02	.45	.45		.03	
Concrete Mixer, three bags & under	6.61	.45	.45		.03	
Concrete Mixer, four bags and over	6.78	.45	.45		.03	
Concrete Power Saw, self-propelled	7.02	.45	.45		.03	
Concrete Travel Batcher	7.02	.45	.45		.03	
Conveyor Loader, up to & incl. 42" belt	6.60	.45	.45		.03	
Conveyor Loader, over 42 inch belt	6.72	.45	.45		.03	
Crane, to & incl. 80' boom with jib	7.18	.45	.45		.03	
Crane, 81' to 130' boom	7.33	.45	.45		.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Crane, 131' to 150' boom	$7.38	.45	.45		.03	
Crane, 151' boom & over	7.43	.45	.45		.03	
Crane Oiler	6.59	.45	.45		.03	
Crusher	7.02	.45	.45		.03	
Crusher Oiler & Helper	6.51	.45	.45		.03	
Crusher Conveyor, when required	6.48	.45	.45		.03	
Distributor	7.02	.45	.45		.03	
DW 10, 15, or 20 Tractor pulling roller	6.74	.45	.45		.03	
Electric Overhead Cranes	7.20	.45	.45		.03	
Elevating Grader	7.02	.45	.45		.03	
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45		.03	
Farm Type Tractor, over 50HP Engine	6.56	.45	.45		.03	
Field Equipment Serviceman	6.94	.45	.45		.03	
Field Equipment Serviceman Helper	6.51	.45	.45		.03	
Fireman	6.61	.45	.45		.03	
Forklift, on construction job site	6.83	.45	.45		.03	
Form Grader	6.79	.45	.45		.03	
Gradall	7.02	.45	.45		.03	
Grade Setter	6.48	.45	.45		.03	
Heavy Duty Drill, all types	7.02	.45	.45		.03	
Heavy Duty Driller Helper	6.61	.45	.45		.03	
Herman-Nelson Heaters & similar type	6.56	.45	.45		.03	
Hoist, Single drum	6.79	.45	.45		.03	
Hoist, two or more drums	7.02	.45	.45		.03	
Helicopter Hoist	7.52	.45	.45		.03	
Hot Plant	7.02	.45	.45		.03	
Hot Plant Fireman, when in Operation	7.02	.45	.45		.03	
Hot Plant Oiler, 100 ton per hour or over	6.51	.45	.45		.03	
Hydra lift and similar types	6.92	.45	.45		.03	
Industrial Locomotive all classes	7.02	.45	.45		.03	
Mechanic and/or Welder on job	7.12	.45	.45		.03	
Mechanic and/or Welder Helper on job	6.51	.45	.45		.03	
Mixermobile	7.10	.45	.45		.03	
Motor Patrol	7.15	.45	.45		.03	
Mountain Logger or smilar type	7.02	.45	.45		.03	
Mucking Machine	7.02	.45	.45		.03	
Oiler-Driver, Tubber Tired Cranes	6.59	.45	.45		.03	
Oilers, other than Shovels & Cranes	6.51	.45	.45		.03	
Oiler, boist house, dams	6.92	.45	.45		.03	
Pavement Breaker, Emsco & similar	7.02	.45	.45		.03	
Paving & Mixing Machine	7.15	.45	.45		.03	
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45		.03	
Power Mixer, single or double drum	7.02	.45	.45		.03	
Power Saw, Multiple cut, self-propelled	7.02	.45	.45		.03	
Pumpcrete or Grout Machine	7.02	.45	.45		.03	
Pumpman	6.55	.45	.45		.03	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Push Tractor	7.07	.45	.45		.03
Quad Cat	7.32	.45	.45		.03
Refrigerator Plant	7.02	.45	.45		.03
Retort	6.61	.45	.45		.03
Roller, on blade or hot mix oil paving	7.02	.45	.45		.03
Roller, on other blade or hot mix paving	6.72	.45	.45		.03
Roller, 25 ton or over	7.02	.45	.45		.03
Ross & similar type carriers, on construction site	7.02	.45	.45		.03
Rubber-tired Dozer	7.02	.45	.45		.03
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45		.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45		.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45		.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45		.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45		.03
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45		.03
Scraper, DW 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45		.03
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45		.03
Scraper, single engine	7.15	.45	.45		.03
Scraper, twin engine	7.25	.45	.45		.03
Scraper, tandem engine	7.51	.45	.45		.03
Self-propelled Sheepfoot and similar type	7.02	.45	.45		.03
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45		.03
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45		.03
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45		.03
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45		.03
Shovel Oiler, 3 yds. & under	6.51	.45	.45		.03
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45		.03
Slip form paver	7.15	.45	.45		.03
Stiff leg derrick & guy derrick	7.47	.45	.45		.03
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45		.03
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45		.03
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45		.03

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Track-type front end loaders, over 15 cu. yd.	$7.45	.45	.45		.03
Track-type tractor with or without attachments	7.02	.45	.45		.03
Track-type tractor, on Euclid Loader	7.20	.45	.45		.03
Trenching Machine	7.02	.45	.45		.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45		.03
Wagner Roller & similar type	7.02	.45	.45		.03
Whirley Crane	7.55	.45	.45		.03
Whirley Crane Oiler	6.92	.45	.45		.03
Water Pull when used for compaction	7.02	.45	.45		.03
Washing and Screening Plant	7.02	.45	.45		.03
Washing and Screening Plant Oiler	6.51	.45	.45		.03

REMAINING COUNTIES

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachs., over 5 yds; Stiff-leg derrick & guy derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$7.64	.45	.45		.03	
SCRAPER, tandem engine; Shovels, incl. all attachs., over 3 yds. to & incl. 5 yds.	7.31	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to & incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to & incl. 15 cu. yds.; Concrete conveyor; Crane, to & incl. 80' boom with jib	7.35	.45	.45		.03	
QUAD CAT	7.32	.45	.45		.03	
CENTRAL MIXING PLANTS, concrete & stationary	7.27	.45	.45		.03	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to & incl. 10 yds.; Scraper, twin engine; Tract-type front-end loaders, over 5 cu. yds. to & incl. 10 cu. yds.;Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.03	
CRANE, ELECTRIC OVERHEAD, ALL; Shovels, incl. all attachs., 1 yd. to & incl. 3 yds.; Track-type tractor on euclid loader	7.21	.45	.45		.03	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross & similar type carriers on constrn site	7.18	.45	.45		.03	
AUTOMATIC FINEGRADER, Gurries & other types; Paver; Slip form; Paving & mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 5 yds. to & incl. 5 yds.; Scraper, single	7.15	.45	.45		.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
MIXERMOBILE	$7.11	.45	.45		.03	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor, mounted & punch	7.05	.45	.45		.03	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed op.; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant op.; Concrete curing machine; Concrete finish machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel barcher; Crusher; Distributor; Elevating grader; Forklift on constr. job site; Gradall; Heavy duty drills, all types; Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mt. logger or similar type machine; Mucking machine; Pavement breaker, Emsco & similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel & self-propelled rubber co blade or hot mix oil paving; Roller, Wagner & similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to & incl. 3 yds.; Shovels, incl. all attachs., under 1 yd.; Track-type tractor, with or without attachs Track-type tractor with or without attachs. incl. track-type front-end loaders up to & incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant., 1 & 2 mixers; DW 10, 15, 20 tractor pulling roller; Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 & similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor, or head tower, on batch plant; Wagner roller; Water pullop.	7.02	.45	.45		.03	

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MDB-4-PEO-1-F (3-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D):						
FIELD EQUIPMENT SERVICEMAN; Hydraulic & similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$6.92	.45	.45		.03	
CONCRETE MIXER, 4 bags & over	6.89	.45	.45		.03	
HOIST, SINGLE DRUM	6.81	.45	.45		.03	
A-FRAME TRUCK CRANE, winch truck & similar	6.80	.45	.45		.03	
CEMENT SILO; Form grader	6.79	.45	.45		.03	
HYDRO TAMPER	6.77	.45	.45		.03	
CHAIN BUCKET; Chip or gravel spreader, self -propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.03	
AIR COMPRESSOR, two or more; Roller, steel & self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.03	
BROOM, self-propelled	6.67	.45	.45		.03	
CONCRETE MIXER, 3 bags & under; Fireman	6.61	.45	.45		.03	
CONVEYOR LOADER, up to & incl. 42" belt; Crusher conveyor	6.60	.45	.45		.03	
RETORT OPERATOR	6.57	.45	.45		.03	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50 HP engine; Hot plant oiler, 100 tons per hr. & over; Oiler driver, rubber-tired crane	6.56	.45	.45		.03	
PUMPMAN	6.55	.45	.45		.03	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to & incl. 2 mixers	6.52	.45	.45		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (CONT'D)r						
SHOVEL, OILER, 3 yds. & under	$6.51	.45	.45		.03	
CRUSHER OILER & HELPER; Farmtype tractor, up to & incl. 50 HP engine; Field equip. service helper; Grade setter Heavy duty drill helper; Heaters, Herman Nelson & similar type; Oilers, other than shovels & cranes; Washer & screening plant oiler	6.48	.45	.45		.03	
CONCRETE BATCH PLANT, 3 & 4 mixers	7.22	.45	.45		.03	
CONCRETE BATCH PLANT, 5 mixers & over	7.42	.45	.45		.03	
CONCRETE BATCH PLANT OILER, 3 mixers & over	6.83	.45	.45		.03	
CONCRETE PUMP	7.80	.45	.45		.03	
CRANE 81' to 130' BOOM	7.50	.45	.45		.03	
CRANE 131' to 150' BOOM	7.55	.45	.45		.03	
CRANE 151' BOOM & OVER	7.60	.45	.45		.03	
MECHANIC AND/OR WELDER	7.12	.45	.45		.03	
WHIRLEY CRANE OILER	6.85	.45	.45		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LINE CONSTRUCTION (Jobs 69,000 volts or less)						
Cable splicer	$6.71	.25	1%		5%	
Line equipment operators; Powdermen	5.96	.25	1%		5%	
Experienced groundmen (2 yrs.); Truck drivers	4.72	.25	1%		5%	
Groundmen; Pole digger (groundman)	4.20	.25	1%		5%	
Linemen	6.07	.25	1%		5%	
(Jobs over 69,000 volts)						
Cable splicers	6.86	.25	1%		5%	
Linemen; Pole sprayer	6.53	.25	1%		5%	
Line equipment operators; Powdermen	6.00	.25	1%		5%	
Groundman	4.96	.25	1%		5%	

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer & Transit Mixer:					
To & incl. 4 cu. yds.	$5.80	.45	.30		
Over 4 cu. yds. to & incl. 6 cu. yds.	5.88	.45	.30		
Over 6 cu. yds. to & incl. 8 cu. yds.	5.96	.45	.30		
Over 8 cu. yds. to & incl. 10 cu. yds.	6.04	.45	.30		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER & HELPER	5.73	.45	.30		
DRY BATCH TRUCKS:					
3 Batch or under	5.55	.45	.30		
Over 3 Batch to & incl. 5 Batch	5.68	.45	.30		
Over 5 Batch to & incl. 10 Batch	5.84	.45	.30		
Over 10 Batch to & incl. 15 Batch	6.00	.45	.30		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
DUMPMAN, GRAVEL SPREADER BOX: Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters & Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter	5.55	.45	.30		
DUMP TRUCKS & SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS:					
7 cu. yds. or less	5.55	.45	.30		
Over 7 cu. yds. to & incl. 10 cu. yds.	5.68	.45	.30		
Over 10 cu. yds. to & incl. 15 cu. yds.	5.84	.45	.30		
Over 15 cu. yds. to & incl. 20 cu. yds.	5.98	.45	.30		
Over 20 cy. yds. to & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30		
Over 30 cu. yds. to & incl. 35 cu. yds.	6.16	.45	.30		
Over 35 cu. yds. to & incl. 40 cu. yds.	6.22	.45	.30		
Over 40 cu. yds. to & incl. 45 cu. yds.	6.28	.45	.30		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	5.68	.45	.30		
LW 20, LW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To & incl. 25 cu. yds.	6.04	.45	.30		
Over 25 cu. yds. to & incl. 30 cu. yds.	6.10	.45	.30		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yd.					

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MONT-1-TD-1-2-3-f (2 of 2)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SERVICEMEN	$6.29	.45	.30		
POWDER TRUCK DRIVER (bulk unloader type)	5.73	.45	.30		
FLAT TRUCKS:					
To & incl. 3 Tons	5.55	.45	.30		
Over 3 tons Factory rating	5.90	.45	.30		
FUEL TRUCK; SERVICE TIRESMEN	6.02	.45	.30		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	5.90	.45	.30		
LUMBER CARRIERS, LIFT TRUCKS; Power Broom	5.64	.45	.30		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gals & under	5.55	.45	.30		
Over 2,500 gals to & incl. 4,500 gals	5.84	.45	.30		
Over 4,500 gals to & incl. 6,000 gals	6.04	.45	.30		
Over 6,000 gals to & incl. 8,000 gals	6.10	.45	.30		
Over 8,000 gals to & incl. 10,000 gals	6.18	.45	.30		
Over 10,000 gals - additional $.08 per hour each additional 2,000 gals increment					
WINCH, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTCRETE, & COMBINATION MULCHING, SEEDING & FERTILIZING	5.80	.45	.30		
TRUCK MECHANIC	6.29	.45	.30		
ALL TUNNEL & UNDERGROUND WORK 10% ADDITIONAL					

SUPERSEDEAS DECISION

STATE: Vermont
DECISION NO. AP-857
Supersedes Decision AP-802, dated April 20, 1973, in 38 FR 9956.
DESCRIPTION OF WORK: Highway Construction.

COUNTY: Statewide, except Rutland County
DATE: Date of Publication

VERMONT HIGHWAY CONSTRUCTION 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS:						
The following towns starting from the north and moving south:						
Bradford, West Fairlee, Fairlee, Stratford, Thetford, Sharon, Norwich, Pomfret, Hartford, Woodstock, Hartland, W. Windsor, Windsor, Weathersfield, Springfield, Rockingham, Grafton, Windham and Athens	$6.50	.25	.20			
The following towns starting from the N/W corner and moving clockwise:						
Townshend, Brookline, Westminister, Putney, Drummerston, Brattleboro, Guilford, Vernon, Halifax, Whitingham, Marlboro and Newfane	6.08	.35	.50		.02	
Towns, Townships, & cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:						
Rupert, Dorset, Winhall, Londonderry, Jamaica, Wardsboro, Dover, Wilmington, Readsboro, Stamford, Pownal, Bennington, Shaftsbury, Arlington and Sandgate	6.01	.40	.50		.04	
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, Bridewater, Reading, Cavendish, Chester, Andover, Weston, Peru, Danby, Pawlett, Wells, Poultney, Castleton, Fair Haven, W. Fair Haven, Benson and Orwell	6.55	.20	.20			
Towns, townships, & cities within the perimiter formed by the following towns starting from the N/W corner and moving clockwise:						
Alburg, Highgate, Franklin, Berkshire, Richford, Jay, Troy, Westfield, Montgomery, Johnson, Cambridge, Underhill, Fulton, Duxbury, Fryston, Starksboro, Bristol, Middlebury, Weybridge, Bridport, Addison, Panton, Ferrisburg, Charlotte, Shelburne, Colchester, S. Hero, Grand Isle, and N. Hero	6.50	.35	.10			

VERMONT HIGHWAY CONSTRUCTION 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS (CONT'D):						
Towns, townships, & cities within the perimeter formed by the following towns starting from the N/W corner and moving clockwise:						
Newport, Derby, Holland, Norton, Averill, Canaan, Lemington, Bloomfield, Brunswick, Maidstone, Guildhall, Lunenburg, Victory, Kirby, St. Johnsbury, Danville, Walden, Cabot, Woodbury, Calais, E. Montpelier, Berlin, Northfield, Roxbury, Braintree, Granville, Ripton, Lincoln, Warren, Waitsfield, Moretown, Waterbury, Stowe, Morristown, Hyde Park, Eden and Lowell	$6.95					
Towns, townships, & cities within the perimeter formed by the following towns starting from the N/E corner and moving clockwise:						
Concord, Waterford, Barnet, Ryegate, Newbury, Corinth, Vershire, Tunbridge, Randolph, Royalton, Brookfield, Williamstown, Barre, Plainfield, Peacham and Marshfield	6.95					
LABORERS:						
(Addison, Caledonia, Chittenden, Essex, Franklin, Grand Isle, Lamoille, Orange, Orleans, Washington, and Windsor Counties):						
Laborers, Chuck tenders	3.85	.15		a		
Air tool op., Drillers, Pipelayers, Powdermen, Scalers & Vibrator Op.	4.10	.15		a		
Blasters	4.35	.15		a		
(Bennington & Windham Counties):						
Laborers, Asphalt rakers	3.95	.15	.15			
Air tool op., Concrete pipelayers, Scalers on boatmen's chair, Vibrators & Wagon drillers	4.20	.15	.15			
Blasters & Powdermen	4.45	.15	.15			
TRUCK DRIVERS:						
Two axle equipment	5.00					
Three axle equipment	5.15					
Specialized earth moving equipment	5.25					
POWER EQUIPMENT OPERATORS:						
Shovels, crawler and truck cranes, derricks, backhoes, trenching machines, elevating grader, gradall, pile drivers, concrete pavers on site processing plant (engineer in charge), dragline, clam shell, cableways	7.90	.25	.35	b	.05	

VERMONT HIGHWAY CONSTRUCTION 3 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D):						
Rotary drill (with mounted compressor), compressor house (3 to 6 compressor), rock & earth boring machines (excluding McCarthy & similar drills), grader, 4-yd. or over front end loader (used as a loader)	$7.65	.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, pumpcrete 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 sheepsfoot, 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, A 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.73-12262 Filed 6-21-73;8:45 am]

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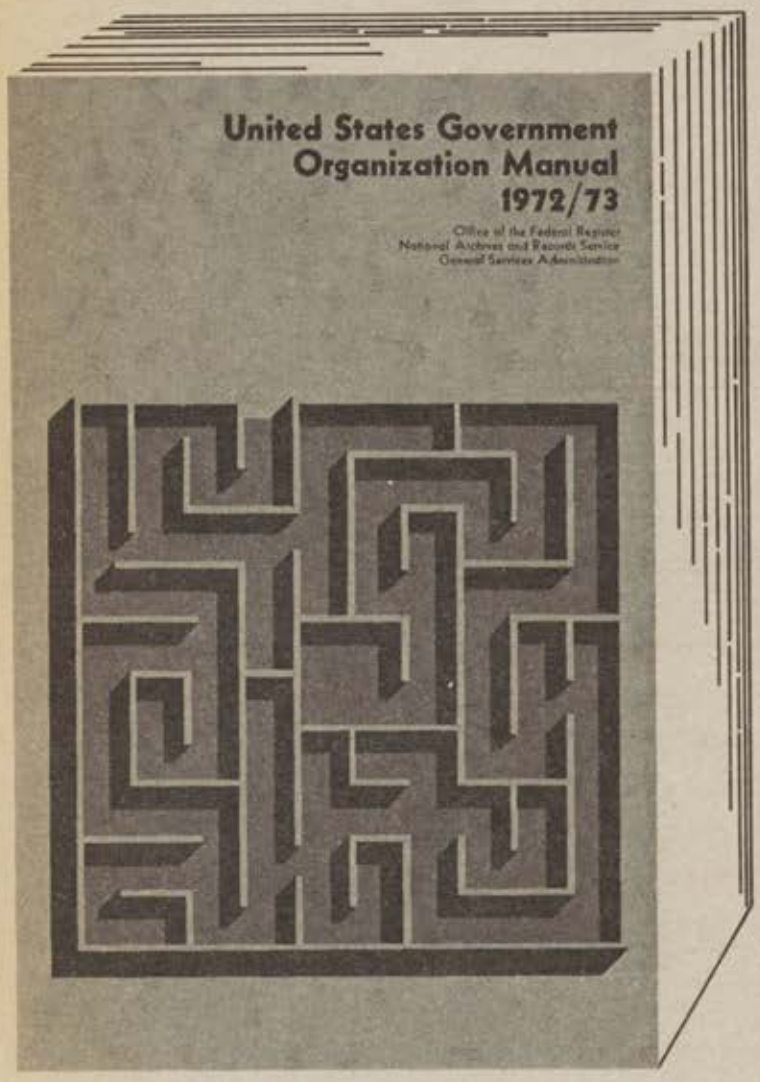

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