

# federal register

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## Title 3—The President

### EXECUTIVE ORDER 11725

#### Transfer of Certain Functions of the Office of Emergency Preparedness

Under and by virtue of the authority vested in me by Reorganization Plan No. 1 of 1958, Reorganization Plan No. 1 of 1973, the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), the Disaster Relief Act of 1970, as amended (42 U.S.C. 4401, et seq.), and Section 301 of title 3 of the United States Code, and as President of the United States of America, it is hereby ordered as follows:

Section 1. The Secretary of Housing and Urban Development is designated and empowered to exercise, without the approval, ratification, or other action of the President:

- (1) All authority vested in the President by the Disaster Relief Act of 1970, as amended, and assigned or delegated to the Director of the Office of Emergency Preparedness by Executive Order No. 11575 of December 31, 1970, as amended by Executive Order No. 11662 of March 29, 1972.
- (2) All authority which was vested in the Office of Emergency Preparedness, or the Director thereof, by the Disaster Relief Act of 1970, as amended, and which was transferred to the President by Reorganization Plan No. 1 of 1973.
- (3) All authority which was vested in the Director of the Office of Emergency Preparedness with respect to determining whether a major disaster has occurred within the meaning of (A) section 16 of the act of September 23, 1950, as amended, (20 U.S.C. 646), (B) section 7 of the act of September 30, 1950, as amended (20 U.S.C. 241-1), and (C) section 762 (a) of the Higher Education Act of 1965 as added by section 161(a) of the Education Amendments of 1972, Public Law 92-318, 86 Stat. 288 at 299 (relating to the furnishing by the Commissioner of Education of disaster relief assistance for educational purposes), and which was transferred to the President by Reorganization Plan No. 1 of 1973.
- (4) All authority vested in the Office of Emergency Preparedness or the Director thereof, including serving as Chairman of the National Council on Federal Disaster Assistance, by Executive Order No. 11526 of April 22, 1970.
- (5) All authority vested in the Director of the Office of Emergency Preparedness by Executive Order No. 11678 of August 16, 1972, relating to the administration of certain temporary disaster relief provisions, and

(6) All other incidental authority relating to matters described in paragraphs (1) through (5) of this section that has been vested in the Office of Emergency Preparedness or the Director thereof by the President by Executive order, proclamation, letter, memorandum, or other form of directive, or otherwise.

Sec. 2. The Secretary of the Treasury is designated and empowered to exercise, without approval, ratification, or other action of the President, all authority which was vested in the Director of the Office of Emergency Preparedness by section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and which was transferred to the President by Reorganization Plan No. 1 of 1973.

Sec. 3. All authority vested in the Director of the Office of Emergency Preparedness as of June 30, 1973, by Executive order, proclamation, or other directive issued by or on behalf of the President or otherwise, other than that specified in section 1 (relating to disaster relief), and section 2 (relating to import investigations) of this order, is hereby transferred to the Administrator of General Services who shall exercise such authority in conformance with such guidance as may be provided by the National Security Council and, with respect to the economic and disposal aspects of stockpiling of strategic and critical materials by the Council on Economic Policy. Those functions include, but are not limited to functions under—

(1) Executive Order No. 10242 of May 8, 1951, relating to employment of certain part-time and temporary advisory personnel under the Federal Civil Defense Act of 1950;

(2) Executive Order No. 10296 of October 2, 1951, as amended, relating to the designation of critical defense housing areas pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951, 42 U.S.C. 1591;

(3) Executive Order No. 10421 of December 31, 1952, as amended, relating to the protection of facilities important to the national security;

(4) Executive Order No. 10480 of August 14, 1953, as amended, relating to the administration of the Defense Production Act of 1950, as amended;

(5) Executive Order No. 10494 of October 14, 1953, relating to the liquidation of the Economic Stabilization Agency created under the Defense Production Act of 1950 as amended;

(6) Executive Order No. 10601 of March 21, 1955 (section 3), relating to the designation of strategic materials to be acquired in return for surplus agricultural commodities (Supplemental Stockpile);

(7) Executive Order No. 10634 of August 25, 1955, relating to loans under the Defense Production Act of 1950 with respect to defense facilities damaged by a major disaster;

(8) Executive Order No. 10705 of April 17, 1957, relating to the radio stations during time of war (see Executive Order No. 11556 of September 4, 1970);

- (9) Executive Order No. 10900 of January 5, 1961, relating to the Supplemental Stockpile;
- (10) Executive Order No. 10952 of July 20, 1961, relating to civil defense functions;
- (11) Executive Order No. 10958 of August 14, 1961, relating to civil defense functions;
- (12) Executive Order No. 11051 of September 27, 1962 (except sections 404(a) and 405), relating to nonmilitary emergency preparedness planning, particularly under the National Security Act of 1947, as amended, and related functions under the Defense Production Act of 1950, the Strategic and Critical Materials Stockpiling Act, the Supplemental Stockpile and the Buy American Act;
- (13) Executive Order No. 11179 of September 22, 1964, relating to the National Defense Executive Reserve;
- (14) Executive Order No. 11415 of June 24, 1968, relating to the National Health Resources Advisory Committee;
- (15) Executive Order No. 11490 of October 28, 1969, relating to the assignment of emergency preparedness functions to Federal departments and agencies;
- (16) Executive Order No. 11556 of September 4, 1970, relating to telecommunications contingency planning;
- (17) Section 203(n) of the Federal Property and Administration Services Act of 1949, as amended (40 U.S.C. 484(n)), relating to the disposal of surplus property;
- (18) All other incidental authority relating to matters described in paragraphs (1) through (17) of this section that has been vested in the Office of Emergency Preparedness or the Director thereof by the President by Executive order, proclamation, letter, memorandum, or other form of directive, or otherwise.

Sec. 4. All rules, regulations, orders, determinations, permits, contracts, certifications, licenses, and privileges (including all delegations of authority and delegations of authority to redelegate) which have been issued, made, granted, or allowed to become effective by the President, the Director of the Office of Emergency Preparedness, or the Office of Emergency Preparedness or any official thereof, in the performance of functions which are transferred by this order and which are in effect at the time this order takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked by the President, the Secretary of Housing and Urban Development, the Secretary of the Treasury, or the Administrator of General Services, as the case may be, or other authorized officials, or by operation of law.

Sec. 5. Pursuant to the authority vested in me by section 703 of the Defense Production Act of 1950 as amended (50 U.S.C. App. 2153), the Administrator is authorized to establish a subordinate agency within the General Services Administration to perform such of the functions under the Defense Production Act of 1950, as amended, as have been

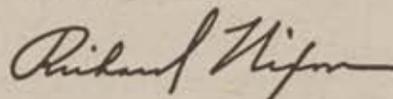
delegated to him under this order or any other Executive order, as the Administrator deems appropriate. The Administrator is authorized to appoint a head of that agency who shall be compensated at the rate now or hereafter established for level V of the Executive Schedule (5 U.S.C. 5316). That agency and its head shall perform such functions, in addition to functions under the Defense Production Act of 1950, as amended, as the Administrator may, from time to time, prescribe.

Sec. 6. (a) The transfer of functions accomplished by this Executive order shall in no way be deemed to diminish the need for, or the scope or priority of, the performance of those functions.

(b) All Federal executive departments and agencies are directed to cooperate fully with officials exercising authorities transferred under this order.

Sec. 7. Sections 404(a) and 405 of Executive Order No. 11051, as amended, are hereby revoked.

Sec. 8. This order shall be effective as of July 1, 1973.



THE WHITE HOUSE,  
June 27, 1973

[FR Doc.73-13362 Filed 6-27-73;4:44 pm]

# Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE Department of State

Section 213.3304 is amended to reflect the following organizational redesignation: from Office of the Deputy Under Secretary for Economic or Political Affairs to Office of the Under Secretary for Economic Affairs.

Effective on June 29, 1973, § 213.3304 (q) is amended as set out below.

#### § 213.3304 Department of State.

(q) *Office of the Under Secretary for Economic Affairs.* \* \* \*

(2) One Confidential Assistant to the Under Secretary.

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

U.S. CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.73-13250 Filed 6-28-73;8:45 am]

### PART 213—EXCEPTED SERVICE Department of the Interior

Section 213.3312 is amended to show that two additional positions of Confidential Assistant to the Secretary are excepted under Schedule C.

Effective on June 20, 1973, § 213.3312 (a) (1) is amended as set out below.

#### § 213.3312 Department of the Interior.

(a) *Office of the Secretary.* (1) Eight Confidential Assistants and one Private Secretary to the Secretary.

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

U.S. CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.73-13249 Filed 6-28-73;8:45 am]

### PART 213—EXCEPTED SERVICE Department of Commerce

Section 213.3314 is amended to show that the following position is no longer excepted under Schedule C: during the

1970 Decennial Census period, one position of Confidential Assistant to the Director, Bureau of the Census.

Effective on June 29, 1973, § 213.3314 (d) (1) is revoked.

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

U.S. CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.73-13246 Filed 6-28-73;8:45 am]

### PART 213—EXCEPTED SERVICE Inter-American Foundation

Section 213.3320 is amended to reflect the following title change: from Chauffeur to the President to Administrative Aide to the President.

Effective on June 29, 1973, § 213.3320 (e) is amended as set out below.

#### § 213.3320 Inter-American Foundation.

(e) One Administrative Aide to the President.

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

U.S. CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant to  
the Commissioners.*

[FR Doc.73-13246 Filed 6-28-73;8:45 am]

### PART 213—EXCEPTED SERVICE Action

Section 213.3359 is amended to show that one position of Deputy Associate Director for ACTION Education Programs is excepted under Schedule C.

Effective on June 29, 1973, § 213.3359 (k) is added as set out below.

#### § 213.3359 ACTION.

(k) One Deputy Associate Director for ACTION Education Programs.

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

UNITED STATES CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant,  
the Commissioners.*

[FR Doc.73-13245 Filed 6-28-73;8:45 am]

### PART 213—EXCEPTED SERVICE Department of Housing and Urban Development

Section 213.3384 is amended to show that two positions of Confidential Assistant to the Assistant Secretary for Equal Opportunity and one position of Private Secretary to the Administrator, Federal Disaster Assistance Administration, are excepted under Schedule C.

Effective on June 29, 1973, §§ 213.3384 (f) (5) and (h) (1) are added as set out below.

#### § 213.3384 Department of Housing and Urban Development.

(1) *Office of the Assistant Secretary for Equal Opportunity.* \* \* \*

(5) Two Confidential Assistants to the Assistant Secretary.

(h) *Office of the Administrator, Federal Disaster Assistance Administrator.* (1) One Private Secretary to the Administrator.

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

U.S. CIVIL SERVICE  
COMMISSION,  
JAMES C. SPRY,  
*Executive Assistant  
to the Commissioners.*

[FR Doc.73-13247 Filed 6-28-73;8:45 am]

## Title 7—Agriculture

### CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 5]

#### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

##### Requirements, Quotas and Quota Deficits for 1973

*Basis and purpose and bases and considerations.* This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101) hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall as often as facts are ascertainable by him but in any event

not less frequently than each 60 days after the beginning of each calendar year, determine whether, any area or country will not market the quota for such area or country.

On the basis of the quota established for the West Indies for the calendar year 1973 findings were heretofore made (38 FR 14813) that the West Indies would be able to market 110,207 short tons, raw value, of its 1973 quota and a deficit of 100,232 short tons was declared representing 64,704 short tons of the section 202 quotas and the deficits previously prorated of 35,529 short tons. On the basis of the most recent information available to the Department, the West Indies will be able to market only 60,207 short tons, raw value, of its 1973 quota. Therefore, an additional deficit of 50,000 short tons, raw value, is hereby declared in the West Indies quota.

On the basis of information recently available to the Department, Haiti will be able to market only 15,000 short tons, raw value, of its quota and a deficit of 17,891 short tons, raw value, is hereby declared. The total deficit declared represents 11,321 short tons of their section 202 quotas and 6,570 short tons of deficits previously prorated to them.

The total deficits determined in quotas established under section 202 of the Act for the West Indies and Haiti are reallocated by allocating 30.08 percent to the Republic of the Philippines and prorating the balance to Western Hemisphere countries that have not declared deficits. The section 202 quota and deficit prorations assigned to Honduras are prorated to other Central American Common Market countries.

It is hereby determined that deficits previously declared and those declared herein constitute all known deficits on which data are currently ascertainable by the Department.

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by amending §§ 811.22 and 811.23 as follows:

1. Section 811.22 is amended by amending paragraph (a) to read as follows:

§ 811.22 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 49,000; Puerto Rico 720,000; the West Indies 114,703; Panama 4,764, Honduras 10,189 and Haiti 11,321. The deficits for the domestic areas, the West Indies, Panama and Haiti totalling 899,788 tons are reallocated by allocating 30.08 percent or 270,656 tons to the Republic of the Philippines and by prorating the remaining 629,132 tons to Western Hemisphere quota countries with quotas in effect in accordance with section 204(a) of the Act, except such prorations to the West Indies, Panama and Haiti are limited so that total quotas for each country will not exceed 60,207, 50,000 and 15,000 tons, respectively. The section 202 quota and

deficit prorations to Honduras are prorated to other Central American Common Market countries on the basis of quotas determined under section 202 of the Act.

2. Section 811.23 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.23 Quotas for foreign countries.

(b) For the calendar year 1973, the quota for the Republic of the Philippines is 1,407,972 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 (b) of the Act, 270,656 short tons established pursuant to section 204(a) of the Act and 11,296

short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1973, the prorations to individual foreign countries other than the Republic of the Philippines, pursuant to section 202 of the Act, are shown in columns (1) and (2) of the following table. Deficits and deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). The deficits and deficit prorations established herein are shown in column (4). Total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202 (d) <sup>1</sup>	Previous deficits and deficit prorations	New deficits and deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
Short tons, raw value					
Dominican Republic	465,584	157,821	185,048	11,571	609,024
Mexico	358,689	121,885	119,964	10,283	610,771
Brazil	349,817	118,870	116,997	9,989	595,664
Peru	250,322	85,061	83,721	7,141	426,245
West Indies	130,548	44,362	-64,703	-50,000	60,207
Ecuador	51,649	17,532	17,274	1,474	87,949
Argentina	48,480	16,474	16,214	1,383	82,551
Costa Rica	43,727	14,859	18,355	1,211	78,232
Colombia	43,093	14,644	14,412	1,229	73,378
Panama	40,875	13,889	-4,764	0	50,000
Nicaragua	40,875	13,889	17,158	1,226	73,148
Venezuela	38,974	13,245	13,035	1,112	66,366
Guatemala	37,390	12,705	15,695	1,121	66,911
El Salvador	27,250	9,299	11,439	816	48,795
Belize (Br. Honduras)	21,547	7,321	7,206	615	36,689
Haiti	19,645	6,676	6,570	-17,891	18,000
Honduras	7,005	2,584	-10,189	0	0
Bolivia	4,119	1,490	1,378	117	7,014
Paraguay	4,119	1,490	1,378	117	7,014
Australia	150,065	44,951	0	0	204,016
Republic of China	66,224	18,715	0	0	84,939
India	63,689	17,999	0	0	81,688
South Africa	44,994	12,715	0	0	57,709
Fiji Islands	34,855	9,850	0	0	44,705
Mauritius	23,448	6,626	0	0	30,074
Swaziland	23,448	6,626	0	0	30,074
Thailand	14,576	4,118	0	0	18,694
Malawi	11,724	3,313	0	0	15,037
Malaysia Republic	9,506	2,686	0	0	12,192
Ireland	5,351	0	0	0	5,351
Total	2,381,188	781,496	516,789	-18,445	3,661,028

<sup>1</sup> Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, and Uganda.

(Secs. 201, 202, 204 and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, and 932; and 7 U.S.C. 1111, 1112, 1114 and 1153)

**Effective date.** In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on June 25, 1973.

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

[FR Doc. 73-13031 Filed 6-25-73; 2:42 pm]

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

[Lemon Reg. 592]

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 July 1-7, 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.

#### § 910.892 Lemon Regulation 592.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-874), 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 such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation 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 is easier, with sales so far this week off about 10 to 12 percent. Demand for 165's and smaller lemons, which are in short supply, continues strong. Eastern Markets and auctions are well supplied this week and next, when a 3-day sales week is expected because of July 4th. Average f.o.b. price was \$5.58 per carton the week ended June 23, 1973, compared to \$5.55 per carton the previous week. Track and rolling supplies at 314 cars were up 31 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 regulation 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 regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and

good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation 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 26, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 1, 1973, through July 7, 1973, is hereby fixed at 310,000 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. 1-10, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 28, 1973.

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

[FR Doc. 73-13438 Filed 6-28-73; 11:14 am]

[Lime Reg. 2]

#### PART 911—LIMES GROWN IN FLORIDA Limitation of Handling

This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulations period July 1-July 7, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

#### § 911.402 Lime Regulation 2.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 FR 10497), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674),

and upon the basis of the recommendations and information submitted by the Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated in the order. The committee further reports the fresh market demand for limes is sluggish, with f.o.b. prices last week dropping about \$0.50 per (10 lb.) pony. The supply of fresh limes available is greater than markets require because recent rainfall has increased the sizing of the crop and markets are closed 1-day next week for the July 4th Holiday. Fresh shipments for the weeks ended June 23, 1973, and June 16, 1973, were 25,454 bushels and 25,632 bushels, respectively.

(ii) Having considered the recommendation and information submitted by the committee, and other available information the Secretary finds that the quantity of limes 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 Florida limes, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of limes, retaining the same effective date, and such information is being disseminated among handlers of such limes; 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 26, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 1, 1973, through July 7, 1973, is hereby fixed at 15,000 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated: June 28, 1973.

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

[FR Doc. 73-13437 Filed 6-28-73; 11:14 am]

[Pear Reg. 3]

#### PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

##### Limitation of Shipments

This regulation requires that California Bartlett, Max-Red Bartlett, Red Bartlett, and Rosired Bartlett variety pears shipped in interstate commerce grade at least U.S. Combination, with not less than 80 percent grading at least U.S. No. 1 grade. It also requires that such pears be not smaller than 165 size, except that not to exceed 5.263 percent may be smaller but not smaller than 180 size, and provides that containers of such pears shall be marked with the variety name or the words "unknown variety." The regulation is the same as that which was effective for the 1972 crop. This action is necessary to assure that the pears shipped will be of suitable quality and size in the interest of consumers and producers.

*Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917), regulating the handling of fresh pears, plums, and peaches grown in California, 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 of the Pear Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This action reflects the Department's appraisal of the need for regulation, and of the crop and current and prospective market conditions. Shipments of pears from the production area are expected to begin on or about July 5, 1973. The grade and size requirements provided herein are designed to prevent the handling, on and after July 5, 1973,

of any pears which do not comply with such requirements, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to producers pursuant to the declared policy of the act. The container marking requirements, included herein, are necessary to assure that containers are properly marked as to variety for inspection identification.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 5, 1973. A reasonable determination as to the supply of, and the demand for, such pears must await the development of the crop thereof, and adequate information thereon was not available to the Pear Commodity Committee until June 15, 1973, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such pears. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such pears are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such pears; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

##### § 917.432 Pear Regulation 3.

(a) *Order.* During the period July 5, 1973, through August 4, 1973, no handler shall ship:

(1) Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears which do not grade at least U.S. Combination, with not less than 80 percent, by count, of the pears grading at least U.S. No. 1;

(2) Any box or container of Bartlett, Max-Red (Max-Red Bartlett, Red Bartlett), or Rosired (Rosired Bartlett) varieties of pears unless such pears are of

a size not smaller than the size known commercially as size 165: *Provided*, That a handler may ship, during any day from any shipping point, a quantity of such pears which are smaller than the size known commercially as size 165 if (i) such smaller pears are not smaller than the size known commercially as size 180 and (ii) the quantity of such smaller pears shipped from such shipping point does not, at the end of any day during the aforesaid period, exceed 5.263 percent of such handler's total shipments of such pears, shipped from the same shipping point, which are not smaller than the size known commercially as size 165; or

(3) Any box or container of pears of any variety unless such box or container is stamped or otherwise marked, in plain sight and in plain letters, on one outside end with the name of the variety, if known, or when the variety is not known, the words "unknown variety."

(b) *Definitions.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(2) "Size known commercially as size 165" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with 165 pears and with the 22 smallest pears weighing not less than five and three-quarter pounds.

(3) "Size known commercially as size 180" means a size of pear that will pack a standard pear box, packed in accordance with the specifications of a standard pack, with five tiers, each tier having six rows with six pears in each row, and with the 21 smallest pears weighing not less than five pounds.

(4) "Standard pear box" means the container so designated in Section 43599 of the Agricultural Code of California.

(5) "U.S. No. 1", "U.S. Combination," and "standard pack" shall have the same meaning as when used in the United States Standards for Pears (Summer and Fall), 7 CFR 51.1260-51.1280.

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

Dated: June 26, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing  
Service.

[FR Doc. 73-13128 Filed 6-28-73; 8:45 am]

[Cherry Reg. 12]

#### PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

##### Limitation of Shipments

On June 20, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 16075) regarding a proposed regulation to be made effective pursuant to the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties

in Washington. The proposed regulation was recommended by the Washington Cherry Marketing Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed interested persons to submit, through June 25, 1973, written data, views, or arguments pertaining to the proposed regulation. None were submitted.

This regulation is the same as the current Cherry Regulation 11 (§ 923.311; 37 FR 11171) expiring on June 30, 1973. It reflects the Department's appraisal of the need for continued regulation and of the crop and current and prospective market conditions. Shipments of sweet cherries from the production area are currently in progress and the grade and size requirements hereinafter provided are designed to prevent the handling, on and after July 1, 1973, of any cherries grading lower than the grade hereinafter specified, and smaller than the applicable sizes hereinafter specified, so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act. The requirements hereinafter specified that pertain to containers and the packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger, are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments, not exceeding 100 pounds, of cherries sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements because the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impracticable to regulate the handling of such shipments due to the proximity of their source and destination.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Washington Cherry Marketing Committee, and other available information, it is hereby found and determined that the regulation as herein set forth is in accordance with the provisions of the said marketing agreement and 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 of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of sweet cherries now in progress are regulated by Cherry Regulation 11 and this regulation would continue the same requirements on and after July 1, 1973; (2) this regulation is the same as that specified in the notice to which no exceptions were filed; and (3) compliance

with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date thereof.

#### § 923.312 Cherry Regulation 12.

(a) *Order.* During the period July 1, 1973, through June 30, 1974, no handler shall, except as provided in paragraph (b) of this section, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(1) *Minimum grade.* U.S. No. 1: *Provided*, That the following tolerances, by count of the cherries in the lot, shall apply in lieu of the tolerances for defects provided in the United States Standards for Grades of Sweet Cherries: a total of 10 percent for defects; including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than 1 percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided further*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) *Minimum size.* At least 95 percent, by count, of the cherries in the lot shall measure not less than 48/64 inch in diameter.

(3) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count, of the cherries in the lot shall measure not less than 54/64 inch in diameter.

(4) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15½ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(b) *Exceptions.* Notwithstanding any other provision of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) of this section, and of §§ 923.41 and 923.55:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) *Definitions.* Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order; "U.S. No. 1" and "diameter" shall have the same meaning as when used in the United States Standards for Grades of Sweet Cherries (7 CFR 51.2646-51.2660); and "faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are point-

ing downward toward the bottom of the container.

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

Dated: June 26, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Marketing Service.

[FR Doc. 73-13297 Filed 6-28-73; 8:45 am]

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

[Milk Order No. 50]

#### PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

##### Order Suspending a Certain Provision

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

It is hereby found and determined that for the months of June through August 1973, the following provision of the order does not tend to effectuate the declared policy of the Act:

In § 1050.12, paragraph (a) (2).

##### STATEMENT OF CONSIDERATION

This suspension will remove the total route sales percentage requirement for distributing plants for the months of June through August 1973. The action thereby will enable a distributing plant that meets only the in-area route sales requirement specified in the order to qualify as a pool plant during those months.

The suspension action was requested by Prairie Farms Dairy, Inc., a cooperative association that operates a pool distributing plant under the order. The association bases its request on the record developed at a hearing held in Bridgeton, Missouri, on May 23, 1973, at which a proposal to modify the pool distributing plant performance standards was considered. Cooperatives representing a majority of the producers on the market supported the suspension at that hearing.

Proponent states that without this suspension its plant will not be able to qualify as a pool plant during the coming summer months. As a result, a substantial number of dairy farmers supplying the market would lose their producer status.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension order does not require of persons affected substantial or

extensive preparation prior to the effective date; and

(c) Producers requested this suspension at a public hearing held at Bridgeton, Missouri, on May 23, 1973. Interim action is necessary pending amendatory procedures.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during June through August 31, 1973.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended to be effective with respect to producer milk deliveries during June through August 1973.

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

Effective date: June 29, 1973.

Signed at Washington, D.C., on June 26, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc.73-13129 Filed 6-28-73;8:45 am]

#### CHAPTER XVI—RURAL TELEPHONE BANK, DEPARTMENT OF AGRICULTURE PART 1610—LOAN POLICIES

Part 1610 of Chapter XVI in Title 7 of the Code of Federal Regulations is amended by revising the following paragraphs to conform to certain provisions of the 1973 amendments to the Rural Electrification Act approved May 11, 1973 (Public Law 93-32):

1. Section 1610.5 is amended to provide that when concurrent REA and Bank loans are made, the REA loan will be made at the new standard 5 percent rate and the Bank loan will be made at the Bank's cost of money rate as determined from time to time by the Governor. The interest rate established for a particular loan contract or contract amendment remains in effect for all amounts included therein even if not advanced to the borrower for a number of months or years. It is therefore necessary for the Governor in determining the Bank's cost of money to consider not only the size of the Bank's lending program and its sources of funds but also changes in the interest rate it may have to pay on its debentures during the draw down period of loan contracts being currently executed. The Bank's cost of money rate has accordingly been currently established at 6.5 percent.

2. Section 1610.6 is amended to provide that Bank loans will be made at a single rate, the Bank's cost of money rate as determined by the Governor, instead of rates ranging from 4 percent to the maximum practical rate as set by the Bank Board from time to time.

These amendments are being published without giving notice of proposed rule-making, such notice being unnecessary since the amendments merely implement the 1973 amendments to the Rural Electrification Act which went into effect upon enactment.

As amended, the revised Part 1610 will read as follows:

- Sec.  
1610.1 General.  
1610.2 Loan authorization.

- Sec.  
1610.3 Loan applications.  
1610.4 Minimum Bank loan.  
1610.5 Concurrent REA and Bank loans.  
1610.6 Exclusive Bank financing for current loan needs.  
1610.7 Acquisition of certain exchange facilities.  
1610.8 Adoption of applicable REA policies.

**AUTHORITY:** 85 Stat. 29 et seq.; 7 U.S.C. 931 et seq., as amended at P.L. 93-32, 87 Stat. 65, et seq.

#### § 1610.1 General.

Loans made by the Governor of the Rural Telephone Bank (the "Bank") will be made in conformance with Title IV of the Rural Electrification Act of 1936 (the "Act"), as amended (7 U.S.C. 941 et seq.), and this Part 1610. The making of loans will commence as soon as practicable after January 1, 1972.

#### § 1610.2 Loan authorizations.

The aggregate amount of loans made will not exceed the amount authorized by the Board of Directors (the "Board") of the Bank.

#### § 1610.3 Loan applications.

No application for a loan will be considered by the Bank until it has been reviewed by the Rural Electrification Administration (REA), and the Governor has determined, based on such review, the eligibility of the applicant for a Bank loan and the amount thereof. Loan application forms are available from REA on request. Applications previously submitted to REA need not be resubmitted to be considered for partial or complete Bank financing. In accordance with section 408(b)(2) of the Act (7 U.S.C. 948(b)(2)), an application for a loan from a telephone system with an average subscriber density of three or fewer per mile will be processed for a Bank loan if the applicant elects to be considered for such a loan in preference to a loan from REA.

#### § 1610.4 Minimum Bank loan.

A Bank loan will not be made unless the applicant qualifies for a Bank loan of at least \$50,000.

#### § 1610.5 Concurrent REA and Bank loans.

The Bank will consider making a loan concurrently with REA when REA has requested the applicant, pursuant to section 307 of the Act, to obtain a loan for part of its credit needs from a credit source other than REA, and the Governor finds that the applicant could, consistently with achieving the objectives of the Act and with prudent operations, produce net income or margins before interest at least equal to 150 percent of the interest requirements on all its outstanding and proposed loans, including a loan from REA at its standard interest rate of 5 percent for enough of its current loan needs to qualify the applicant for a loan from the Bank at its cost of money rate for the balance of such current loan needs, as determined by the Governor. The cost of money rate is defined as the average cost of moneys to the Bank as determined from time to time by the Governor but not less than 5 percent.

#### § 1610.6 Exclusive Bank financing for current loan needs.

The Bank will consider making a loan for the applicant's total current loan needs as determined by the Governor when the Governor finds that the applicant could, consistently with achieving the objectives of the Act and with prudent operations, produce net income or margins before interest at least equal to 150 percent of the interest requirements on all its outstanding and proposed loans, including an annual interest rate on the loan for the current needs equal to or greater than the Bank's cost of money rate as defined in § 1610.5.

#### § 1610.7 Acquisition of certain exchange facilities.

In the interest of making optimum use of the Bank's loan funds, a Bank loan for the acquisition of exchange facilities under section 408(a)(2) of the Act (7 U.S.C. 948(a)(2)) will not be recommended by the Governor for approval by the Secretary of Agriculture unless the Governor determines that the acquisition is reasonably necessary to improve the efficiency, effectiveness, or financial stability of the borrower's telephone system, that the location and character of the proposed acquisition are such that the acquisition is reasonably necessary to accomplish such improvement, and that the amount of the requested loan for such acquisition is reasonably justified by the nature and scope of the improvement which the acquisition would effect.

#### § 1610.8 Adoption of applicable REA policies.

The policies embodied in the REA Bulletins identified below, as they may be amended or supplemented from time to time, will, insofar as applicable, be utilized by the Governor in carrying out the Bank's loan program to the extent that (a) such policies are consistent with Title IV of the Act (7 U.S.C. 941 et seq.) and with specific policies approved by the Board from time to time, and (b) such policies have not been rescinded, modified, or superseded by the Board with respect to the Bank's lending program. The aforesaid bulletins are as follows:

Bulletin series:	Subject matter
300-309	General.
320-327	Loans.
340-388	Design and Construction.
400-415	General Operations.
440-448	Technical Operation and Maintenance.
460-466	Accounting and Examination.

**NOTE:** A current list and summary description of the REA Bulletins referred to above, filed as Appendix A to Part 1701, Title 7, Code of Federal Regulations, was revised at 35 FR 19069, September 28, 1971, and amended at 37 FR 6568, March 31, 1972, and 37 FR 11469, June 8, 1972.

Dated June 22, 1973.

E. C. WEITZELL,  
Acting Governor,  
Rural Telephone Bank.

[FR Doc.73-13135 Filed 6-28-73;8:45 am]

**Title 18—Conservation of Power and Water Resources**

**CHAPTER I—FEDERAL POWER COMMISSION**

[Docket No. R-427; Order 437-B]

**PART 2—GENERAL POLICY AND INTERPRETATIONS**

**Implementation of Economic Stabilization Measures**

JUNE 19, 1973.

On August 18, 1971, the Federal Power Commission issued its first Statement of Policy implementing the Economic Stabilization Act of 1970 and Executive Order No. 11615 (36 FR 16902). That Statement of Policy expressed the Commission's full support of the Economic Stabilization Program. In addition Part 2, General Policy and Interpretations, Subchapter A, Chapter I of Title 18, Code of the Federal Regulations was amended by adding a new § 2.90.

The Commission amended this Statement of Policy on November 16, 1971, in Order No. 437-A (36 FR 22367). This amended Statement of Policy was issued for the purpose of conforming the earlier statement to Phase II of the Economic Stabilization Program as delineated by Executive Order No. 11627 (36 FR 20139, October 16, 1971) and certain regulations promulgated by the Office of Emergency Preparedness effective November 14, 1971 (36 FR 21788, November 13, 1971).

On June 13, 1973, the President introduced a pre-Phase IV freeze of the Economic Stabilization Program to be effective for a period of not more than 60 days until 11:59 p.m., e.s.t., August 12, 1973. Briefly stated the freeze requires that no seller may charge any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charge for the same or similar commodity or service in transactions with the same class of purchaser during the freeze base period. The freeze base period means: (a) the period from June 1 to June 8, 1973; and (b) in the case of a seller who had no transaction during that period the next preceding seven day period in which he had a transaction. Freeze price means the highest price at or above which at least 10 percent of the commodities or services concerned were priced by the seller in transactions with the class of purchaser concerned during the freeze base period.

On June 13, 1973 the Cost of Living Council also issued freeze regulations in Title 6 of the Code of Federal Regulations, in Title 6, Chapter 1, Code of Federal Regulations superceding Part 130 and Chapter III of the Price Commission regulations. These Regulations state at § 140.10 *General Rule*:

Effective 9:00 p.m., e.s.t., June 13, 1973, no person may charge to any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charged for the same or similar commodity or service in transactions with the same class of purchaser during the freeze base period. The freeze price shall be determined in accordance with the definitions set forth in § 140.2 notwithstanding the fact that

the freeze price so determined may be lower than the price prevailing on May 25, 1970.

The Commission reaffirms its original statement of policy promulgated in Order No. 437 and amended Statement of Policy in Order No. 437-A. The Commission reiterates its support of the objectives of the Economic Stabilization Act of 1970, as articulated by Congress, which include inflation control and creation of conditions necessary to provide healthy economic growth. We reaffirm our convictions expressed earlier that these objectives are consistent with the regulatory standards enunciated by Congress in the Federal Power Act and the Natural Gas Act. The Commission's statutory responsibility to insure that rates established or proposed are just and reasonable is in keeping with the objectives and purposes of the Economic Stabilization Act as amended.

*The Commission finds:*

(1) The notice and hearing requirements of 5 U.S.C. 553 do not apply to this general Statement of Policy as amended.

(2) Compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

(3) The purposes of the Economic Stabilization Act of 1970, as amended are consistent with the regulatory standard contained in the Federal Power Act and the Natural Gas Act, and with Commission implementation and application of these standards in regulatory proceedings.

(4) It is appropriate and in the public interest in administering the Federal Power Act and the Natural Gas Act to clarify Commission Policy in so far as it relates to Commission participation in the Economic Stabilization Program instituted at the direction of the President pursuant to the powers conferred upon the President by the Congress in the Economic Stabilization Act of 1970 as amended.

*The Commission orders:*

(A) Part II, General Policy and Interpretations, Subchapter A, Chapter I of Title 18, Code of the Federal Regulations is amended by adding a new § 2.90b which reads as follows:

**§ 2.90b Implementation of Executive Order No. 11723.**

(a) No public utility subject to the jurisdiction of this Commission shall increase a rate or charge without having first received the approval of this Commission;

(b) The Commission will continue to carry out its responsibilities under the Natural Gas Act (15 U.S.C. 717, et seq.) and the Federal Power Act (16 U.S.C. 792, et seq.) by establishing just and reasonable rates with a view toward consistency of those rates with the Economic Stabilization Act of 1970, as amended;

(c) All public utilities subject to the jurisdiction of this Commission shall comply fully with the Economic Stabilization Act of 1970, as amended, the Executive Order No. 11723, and the rules

and regulations promulgated thereunder by the Cost of Living Council.

(B) This Statement of Policy is effective as of June 13, 1973 and will remain in force and effect until modified by subsequent Commission Order or Statement of Policy and shall be applicable to all Orders of this Commission heretofore and hereafter issued pertaining to the proposed nature of Executive Order No. 11723.

(C) The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMS,  
Secretary.

[FR Doc. 73-13224 Filed 6-28-73; 8:45 am]

**Title 32A—National Defense, Appendix  
CHAPTER X—OFFICE OF OIL AND GAS,  
DEPARTMENT OF THE INTERIOR**

[Oil Import Reg. 1, Rev. 5; Amdt. 58]

**OIL IMPORT REGULATION 1—OIL IMPORT REGULATIONS**

**Miscellaneous Amendments**

*Correction*

In FR Doc. 73-9753 appearing at page 12746 in the issue of Tuesday, May 15, 1973, on page 12747, make the following changes:

1. In the second column, line four of paragraph (d) should read "base period ends."

2. In the second column, line nine of paragraph (e) (1) should read "broker or an export agent or a domestic or".

3. In the third column, line 21 of paragraph (e) (2) should read "tion and inputs which do not so".

**Title 14—Aeronautics and Space**

**CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION**

[Docket No. 73-CE-8-AD; Amdt. 39-1679]

**PART 39—AIRWORTHINESS DIRECTIVES**

**Beech Models 33, 35, 36, 55 and 58 Series Airplanes**

There has been a report that following a production flight test involving a Beech Model 58 airplane, one of the landing gear shock strut pistons was found to be slightly bent. Subsequent material hardness checks by the manufacturer revealed that a number of these pistons were under strength and had been installed in the nose and main landing gears of some Beech Models 33, 35, 36, 55 and 58 series airplanes. This condition, if not corrected, could result in malfunction of the landing gear. The manufacturer has advised its domestic and international distributors and all domestic owners of record of the problem. Factory representatives have been inspecting landing gears on the subject lot of airplanes, however, a small group of airplanes remains to be inspected.

Since the condition described herein exists in some of the airplanes of the same type design an Airworthiness Directive is being issued requiring on

certain Beech Models 33, 35, 36, 55 and 58 series airplanes, a one-time hardness check of the landing gear shock strut pistons and replacement thereof as necessary. Accomplishment of Beechcraft Service Instructions 0579-200 and proper airplane maintenance record entry thereof eliminates the requirement to comply with this AD.

Because a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

**BEECH.** Applies to: 1) Paragraphs A and C of the AD are applicable to: Model F33A (Serial Numbers CE-400 through CE-414, CE-416 through CE-426, CE-428 and CE-432); Model F33C (Serial Numbers CJ-31 (CD-1305) through CJ-39 (CD-1313)); Model V35B (Serial Numbers D-9389 through D-9406, D-9408 through D-9454 and D-9464); Model A36 (Serial Numbers E-362 through E-367, E-369 through E-389, E-392 through E-409, E-415, E-417 and E-418); Models 95-B55 and 95-B55A (Serial Numbers TC-1484, TC-1486 through TC-1533, TC-1538, TC-1542 and TC-1544); Models E55 and E55A (Serial Numbers TE-880, and TE-882 through TE-907); Models 58 and 58A (Serial Numbers TH-264, TH-266 through TH-310, TH-315 and TH-318).

Applies to: 2) Paragraphs A, B, and C of the AD are applicable to: Model F33A (Serial Numbers CE-427, CE-430 and CE-431); Model V35 (Serial Numbers D-9455 through D-9460 and D-9462); Model A36 (Serial Numbers E-410 through E-414 and E-416); Models 95-B55 and 95-B55A (Serial Numbers TC-1534 through TC-1537); Models E55 and E55A (Serial Numbers TE-908, TE-909 and TE-910); Models 58 and 58A (Serial Numbers TH-311 through TH-314 and TH-316).

Compliance: Required as indicated, unless already accomplished per Beechcraft Service Instructions 0579-200 or later FAA-approved revisions.

To check landing gear shock strut pistons for proper hardness, within the next 100 hours' time in service after the effective date of this AD, accomplish the following:

A) Using a portable hardness tester, measure the hardness of the nose gear shock strut piston in an area from 1 inch to 4 inches above the nose wheel fork. The allowable hardness range is from Rockwell Scale C38 to C46 1/2. If during the hardness measuring process a reading appears unreliable, make additional measurements at other spots but within the 1 inch to 4 inch area specified herein until an accurate measurement is obtained.

B) Using a portable hardness tester, measure the hardness of both main gear shock strut pistons in an area 1 inch to 4 inches above the axle socket. The allowable hardness range is from Rockwell Scale C43 1/2 to C50 1/2. If during the hardness measuring process a reading appears unreliable, make additional measurements at other spots but within the 1 inch to 4 inch area specified herein until an accurate measurement is obtained.

C) If a hardness measurement is outside of the hardness range specified in Paragraphs

A and/or B of this AD, prior to further flight, replace any defective landing gear shock strut piston with an airworthy piston, except that the airplane may be flown in accordance with FAR 21.197 to a base where the replacement can be performed provided the landing gear remains down and locked.

This amendment becomes effective July 6, 1973.

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

Issued in Kansas City, Missouri, on June 22, 1973.

CHESTER W. WELLS,  
Acting Director,  
Central Region.

[FR Doc. 73-13074 Filed 6-28-73; 8:45 am]

[Docket No. 73-NW-8-AD; Amdt. 39-1682]

### PART 39—AIRWORTHINESS DIRECTIVES

#### Boeing Model 707 Series Airplane

Amendment 39-1593 (38 FR 4333), AD 73-4-1, as amended by Amendment 39-1604 (38 FR 6378), requires inspection and replacement of main deck cargo door latch support fittings on Boeing Model 707 airplanes. Amendment 39-1604 required an initial inspection of these fittings and replacement as necessary. The agency has now determined that only the non-shot peened 7079-T6 fittings should continue to be inspected for cracks inasmuch as the failure of these fittings could seriously impair the structural capability of the airplane resulting in depressurization or loss of the main cargo door. Therefore, AD 73-4-1 is being superseded by a new AD which provides for repetitive inspection intervals and terminating action for airplanes manufactured prior to December 1, 1967 with the non-shot peened 7079-T6 fittings installed.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive.

**BOEING.** Applies to all Model 707 airplanes manufactured prior to December 1, 1967, with non-shot peened 7079-T6 main deck cargo door latch support fittings.

Compliance required as indicated:

(a) Within the next 1500 hours' time in service after the effective date of this AD and at intervals thereafter not to exceed 1500 hours' time in service, inspect the main deck cargo door latch support fittings per (b) below. Airplanes with a cracked fitting may be operated in accordance with paragraph (d) or (e) below or the cracked fitting may be replaced in accordance with paragraph (c).

(b) Inspect in accordance with Boeing Alert Service Bulletin 3124, dated January 29, 1973, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, F.A.A., Northwest Region, for cracks emanating from the barrel nut hole on each of the eight fittings

using visual, or dye penetrant, or eddy current methods.

(c) If cracks are found emanating from the barrel nut hole, replace with a shot-peened 7079-T6 fitting; or replace with a 7075-T73 fitting, or repair in a manner approved by the Chief, Engineering and Manufacturing Branch, F.A.A., Northwest Region, prior to further flight.

(d) If cracks are found emanating from the barrel nut hole on any one of the two most forward or two most aft fittings, the airplane may be continued in service if flown unpressurized and the inspections per (f) are accomplished.

(e) Airplanes with not more than one of the four center fittings cracked at the barrel nut hole, may be continued in service at a reduced cabin operating pressure, of not more than 6.0 psi cabin pressure differential, provided the inspections per (f) are accomplished.

(f) When required by (d) or (e) all fittings must be re-inspected at intervals not to exceed 200 hours' time in service in accordance with (b) above. If crack growth occurs or if additional fittings are found cracked at the barrel nut hole, replace the cracked fittings prior to further flight.

(g) The installation of either shot peened 7079-T6 fittings or 7075-T73 fittings is terminating action for this AD.

(h) Upon request of the operator, a FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region, may adjust the repetitive inspection intervals if the request contains substantiating data to justify the increase.

(i) Aircraft having fittings which require rework under this AD may be flown unpressurized in accordance with FAR 21.197, to a base where rework can be accomplished.

This amendment becomes effective June 28, 1973.

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

Issued in Seattle, Washington, on June 21, 1973.

C. B. WALK,  
Director, Northwest Region.

[FR Doc. 73-13075 Filed 6-28-73; 8:45 am]

[Airworthiness Docket No. 70-WE-34-AD; Amdt. 39-1680]

### PART 39—AIRWORTHINESS DIRECTIVES

#### DeHavilland Model DH104 Dove Series 7A, 8A, 7AX, 8AX Airplanes

Amendment 39-1106 (35 FR 17245) AD 70-23-2, amended by Amendment 39-1124 (35 FR 18735), requires periodic inspection of the wing lower spar cap for cracks and periodic inspection of all fuel tank doors (wing Sta. 0-40) for loose bolts. After issuing Amendment 39-1124, STC SA2438WE was issued which provided lower spar cap straps and inspection access holes in the wing fuel tank doors.

The agency has determined that STC SA2438WE reduced the spar cap stress levels but created an additional critical section just outboard of rib 4. Also relieving the wing weight for the 200 hour lower spar cap inspection is unnecessary when the inspection can be performed without removing the fuel tank doors. The visual inspection with a 4 power glass is not appropriate for inspection

through the access holes provided by STC SA2438WE.

Therefore the AD is being further amended to require visual inspection of the wing lower spar cap immediately inboard and outboard of rib 4 at increased intervals of 500 hours.

In addition, the fuel tank door bolt inspections of paragraph (a) (2) are to be accomplished at increased intervals of 250 hours to coincide with the above 500 hour inspection interval. The STC provides a sufficient failsafe design to allow the increased time between inspections.

The relief provided by this amendment to AD 70-23-2 is applicable only to those aircraft which have incorporated STC SA2438WE and the inspection access holes provided therein or an equivalent FAA-approved modification.

Since this amendment is relieving in nature, notice and public procedure hereon are unnecessary, and the amendment may become effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), §39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1106 (35 FR 17245), AD 70-23-2, as amended by amendment 39-1124, (35 FR 18735) is further amended adding the following new paragraph (d):

(d) After the effective date of this amendment to AD 70-23-2, on those aircraft which have incorporated STC SA 2438WE and the inspection access hole design provided therein, or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA Western Region, the visual inspections of paragraph (a) (1) and the determination of paragraph (a) (2), above, must be performed at intervals not to exceed 500 and 250 hours time in service, respectively. These actions must be accomplished with the wing fuel tanks empty and the aircraft in the static condition. The use of a 4 power glass and/or dye penetrant method is not required. The inspection of (a) (1) must be performed both inboard and outboard of rib 4.

This amendment is made effective July 3, 1973.

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

Issued in Los Angeles, California on June 21, 1973.

ROBERT O. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc.73-13076 Filed 6-28-73;8:45 am]

[Docket No. 73-SO-26 AMDT. 39-1681]

#### PART 39—AIRWORTHINESS DIRECTIVES Grumman Model G-1159 Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the autopilot disconnect button to be relocated on Grumman Model G-1159 airplanes was published in the FEDERAL REGISTER (FR Doc. 73-7771) 38 FR 10011.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Eight written comments resulted from the NPRM. Most of the comments directly related the relocation of the autopilot disconnect button to the stall warning/stall barrier system. However, the autopilot disconnect button disengages the autopilot and inhibits (momentarily disables) the Mach trim and the electric elevator trim as well as the stall barrier. The modifications to the stall warning/stall barrier system over the last two years have improved the reliability of this system; however, this does not preclude the necessity for a quick-disconnect switch since other systems, referenced above, jointly use the autopilot disconnect button in this airplane.

Comments from several operators questioned the relocation of the autopilot disconnect button since those operators believed they could reach the button without any problem. They also felt that one incident had initiated the proposed AD action. It was, however, the subsequent investigation of the stall warning/stall barrier system which led to the finding of deficiency in the location of the autopilot disconnect button. This investigation disclosed that some pilots could not operate the button without moving their hand from the designed normal position on the control wheel.

A quick-disconnect switch must be located such that it can be operated without moving the hand from its normal position on the control wheel. Although cockpit seats and rudder pedals are usually adjustable, control wheels normally are not. Therefore, it is necessary to assure that control wheels and the required controls located thereon are within the reach of pilots at all times.

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

Grumman American Aviation Corporation,  
Applies to Grumman Model G-1159 airplanes S/N 1 through 107 and 775, certificated in all categories

Compliance required within the next 100 hours time in service after the effective date of the AD, unless already accomplished. To prevent degradation of aircraft control due to inability of the pilot to reach the autopilot disconnect button in the event of a malfunction, relocate the autopilot disconnect button, P/N W103MB3W, in accordance with Grumman Aircraft Service Change No. 80 or in an equivalent position approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

This amendment becomes effective July 12, 1973.

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

Issued in East Point, Georgia on June 22, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.73-13077 Filed 6-28-73;8:45 am]

[Docket No. 73-SO-46; Amdt. 39-1678]

#### PART 39—AIRWORTHINESS DIRECTIVES Rockwell Commander Model 112

Pursuant to the authority delegated to me by the Administrator, 31 FR 13697, an airworthiness directive was adopted on June 11, 1973, and made effective immediately as to all known United States operators of Rockwell Commander Model 112 airplanes. The directive requires removal of the grommets which cover the rod ends of the engine flexible control cables, located at the pedestal and at the attachments at the engine.

Since it was found that immediate corrective action was required, notice and public procedures thereon were impracticable and contrary to public interest and good cause existed for making the airworthiness directive effective immediately to all known United States operators of Rockwell Commander Model 112 airplanes by individual telegrams dated June 11, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

ROCKWELL INTERNATIONAL, Applies to Rockwell Commander Model 112 airplanes, Serial Numbers 3 through 90 certificated in all categories. Compliance is required prior to next flight. Accomplish the following:

- (1) Remove engine control knobs (throttle, mixture, propeller, carburetor heat)
- (2) Remove cover from throttle quadrant (Royalite)
- (3) Remove knob from throttle friction lock
- (4) Remove microphone bracket
- (5) Remove knob from fuel selector
- (6) Remove forward arm rest (Not applicable on all models)
- (7) Remove center console fuel selector insert (Royalite)
- (8) Remove center console cover (Royalite)
- (9) Remove throttle quadrant cover (aluminum)
- (10) Move controls to full aft position to expose cables
- (11) Using a sharp instrument remove the grommets which seal ends of the sliding control rod to the flex cable housing, if installed. Controls which may have these grommets are: throttle, mixture, propeller and carburetor heat
- (12) Remove upper engine cowl, and remove grommets from opposite ends of cables. (Do not remove grommets from ends of cowl flap controls)
- (13) A. Functionally check all controls for freedom of operation.  
B. Ascertain that no shavings from the grommets are lodged between the cable housing and movable cable.
- (14) Reassemble using existing hardware

Rockwell International, Albany Aircraft Division, Service Bulletin No. SB-112-5 relates to this same subject.

This amendment is effective July 3, 1973, and was effective on receipt for all recipients of the telegram dated June 11, 1973, which contained this amendment.

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

Issued in East Point, Georgia, on June 19, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc.73-13078 Filed 6-28-73;8:45 am]

[Airspace Docket No. 73-WA-29]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Additional Control Area Description; Correction**

On January 3, 1973, a description of the Sault Ste. Marie, Mich., Additional Control Area was published in the FEDERAL REGISTER (38 FR 350) stating in part that the additional control airspace included "that airspace extending upward from 1200 feet AGL within 4-nautical miles each side of a direct line extending from Lakehead, Ontario, Canada, RBN, to Sault Ste. Marie, Mich., RBN." "Lakehead" was renamed "Thunder Bay," effective date February 26, 1970, and published in the FEDERAL REGISTER (35 FR 3659). This name change was inadvertently omitted in the description of the Sault Ste. Marie Additional Control Area, and action is taken herein to correct that discrepancy.

Since amending the description of this additional control area is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and good cause exists for making this amendment effective on less than 30-days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on June 29, 1973, as hereinafter set forth.

Section 71.163 (38 FR 344) is amended as follows:

In Sault Ste. Marie, Mich., substitute "Thunder Bay" for "Lakehead."

(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 20, 1973.

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

[FR Doc.73-13080 Filed 6-28-73;8:45 am]

[Airspace Docket No. 73-EA-26]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Alteration of Transition Area**

On page 10959 of the FEDERAL REGISTER for May 3, 1973, the Federal Aviation Administration published a proposed rule which would alter the Great Bend, N.Y., Transition Area (38 FR 495).

Interested parties were given 30 days after publication in which to submit written data or views. An objection was received from Mr. Countryman of Carthage, New York, generally to the extension of the transition area, noting that Camp Drum which operates as a training facility in conjunction with Wheeler-Sack AAF is used only a part of the year.

The transition area as proposed meets the minimum criteria of Terminal In-

strument Procedures standards and is required for the instrument approach. However, a review establishes with the concurrence of the Army that a period of control only from April 1 through September 30 would be adequate for the benefit of the airfield's needs. The proposal will be therefore amended and, being of a relaxatory nature, notice and public procedure on such amendment will be unnecessary.

In view of the foregoing, the proposed regulations are hereby adopted as set forth below, effective 0901 G.M.T. August 16, 1973, except as follows:

1. Add the following to the description: "This transition area is effective from April 1 through September 30."

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on June 18, 1973.

ROBERT H. STANTON,  
Acting Director,  
Eastern Region.

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Great Bend, N.Y., 700 and 1,200-foot floor transition areas and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center 44°03'15" N., 75°43'15" W. of Wheeler-Sack AAF, N.Y.; within an 8-mile radius of the center of the airport, extending clockwise from a 065° bearing to a 135° bearing from the airport; within an 11-mile radius of the center of the airport, extending clockwise from a 135° bearing to a 165° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 165° bearing to a 195° bearing from the airport; within a 10.5-mile radius of the center of the airport, extending clockwise from a 195° bearing to a 242° bearing from the airport and within 3 miles each side of the Watertown, N.Y., VORTAC 069° radial, extending from the 6.5-mile radius area to the VORTAC.

That airspace extending upward from 1,200 feet above the surface bounded by a line beginning at 43°52'00" N., 75°54'00" W., to 43°50'30" N., 75°53'30" W., to 43°44'00" N., 75°49'15" W., thence clockwise along an arc with a radius of 40 miles from the center of Griffiss AFB, Rome, N.Y., to longitude 75°30'00" W., thence north along longitude 75°30'00" W., to 44°08'00" N., 75°30'00" W., to 44°10'30" N., 75°31'00" W., to 44°13'00" N., 75°42'20" W., to point of beginning, excluding the portion which coincides with the Watertown, N.Y., 700-foot and 1,200-foot transition areas. This transition area is effective from April 1 through September 30.

[FR Doc.73-13079 Filed 6-28-73;8:45 am]

[Airspace Docket No. 73-SO-1]

**PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS****Designation of Transition Area**

On April 3, 1973, a notice of proposed rulemaking (NPRM) was published in

the FEDERAL REGISTER (38 FR 8522) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at St. Augustine, Fla.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, September 13, 1973, as hereinafter set forth.

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

ST. AUGUSTINE, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of St. Augustine Airport (Lat. 29°57'30" N., Long. 81°20'27" W.); within 3 miles each side of the St. Augustine VOR (Lat. 29°57'30" N., Long. 81°20'19" W.) 289° radial, extending from the 6.5-mile radius area to 8.5 miles west of the VOR.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; E.O. 10854, 24 FR 9565; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D. C., on June 20, 1973.

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

[FR Doc.73-13081 Filed 6-28-73;8:45 am]

**SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES**

[Reg. Docket No. 12916; Admt. 95-234]

**PART 95—IFR ALTITUDES****Miscellaneous Changes**

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitude at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective July 19, 1973 as follows:

1. By amending Subpart C as follows:



FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA	FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Shipley, Iowa W/P Scotts Bluff, Ill. W/P	152	50	073/253 to COP 077/257 to Scotts Bluff	18000	45000	Morrison, Ill. W/P Elberon, Iowa W/P	111		270/089 to COP 269/088 to Elberon	18000	45000
Scotts Bluff, Ill. W/P Woodstock, Ill. W/P	89	47	085/265 to COP 090/270 to Woodstock	18000	45000	Elberon, Iowa W/P Kamrar, Iowa W/P	70		288/738 to COP 283/733 to Kamrar	18000	45000
J885R is added to route: Hemlock, Ore. W/P Newport, Ore. W/P	137			18000	45000	Kamrar, Iowa W/P Sioux Falls, S.D. VORTAC	153		292/712 to COP 289/709 to Sioux Falls	18000	45000
Newport, Ore. W/P Dayville, Ore. W/P	158	120	036/216 to Newport	18000	45000	Sioux Falls, S.D. VORTAC Ash Creek, S.D. W/P	224		273/093 to COP 266/086 to Ash Creek	18000	45000
Dayville, Ore. W/P McCall, Ida. VORTAC	139	55	067/247 to COP 072/252 to Dayville	18000	45000	Ash Creek, S.D. W/P Clearmont, Wyo. W/P	193	92	266/086 to COP 260/080 to Clearmont	18000	45000
McCall, Ida. VORTAC Lima, Mont. W/P	170	170	065/245 to COP 068/248 to McCall	18000	45000	Clearmont, Wyo. W/P Big Horn, Mont. W/P	102	42	265/080 to COP 257/077 to Big Horn	18000	45000
Lima, Mont. W/P Big Horn, Mont. W/P	159		068/248 to COP 071/251 to Lima	19000	45000	Big Horn, Mont. W/P Lima, Mont. W/P	150		265/080 to COP 251/071 to Lima	20000	45000
Big Horn, Mont. W/P Clearmont, Wyo. W/P	102	60	071/251 to COP 075/255 to Big Horn	20000	45000	Lima, Mont. W/P McCall, Ida. VORTAC	170	60	251/071 to COP 248/068 to McCall	19000	45000
Clearmont, Wyo. W/P Ash Creek, S.D. W/P	193	101	077/257 to COP 080/260 to Clearmont	18000	45000	McCall, Ida. VORTAC Dayville, Ore. W/P	139	84	248/068 to COP 245/065 to Dayville	18000	45000
Ash Creek, S.D. W/P Sioux Falls, S.D. W/P	224		080/260 to COP 086/266 to Ash Creek	18000	45000	Dayville, Ore. W/P Dayville, Ore. W/P	198	78	245/065 to Dayville 252/072 to COP	18000	45000
Sioux Falls, S.D. W/P West Union, Iowa W/P	234		086/266 to COP 092/273 to Sioux Falls	18000	45000	Newport, Ore. W/P Newport, Ore. W/P	137		247/067 to Newport 216/056 to Hemlock	18000	45000
West Union, Iowa W/P Woodstock, Ill. W/P	153		090/270 to COP 093/273 to West Union	18000	45000	Hemlock, Ore. W/P					
J885R is added to route: Robbinsville, N.J. VORTAC Farmers, Pa. W/P	145	27	099/279 to COP 103/283 to Woodstock	18000	45000	J885R is added to route: Morrison, Ill. W/P Elberon, Iowa W/P	111		270/089 to COP 269/089 to Elberon	18000	45000
Farmers, Pa. W/P Shiloh, Ohio W/P	224		290/710 to COP 284/704 to Farmers	18000	45000	Elberon, Iowa W/P Dunbury, Iowa W/P	152	60	273/093 to COP 266/086 to Dunbury	18000	45000
Shiloh, Ohio W/P Pilot, Ind. W/P	219	103	284/704 to COP 278/698 to Pilot	18000	45000	Dunbury, Iowa W/P Dry Creek, Neb. W/P	124		266/086 to COP 263/072 to Dry Creek	18000	45000
Pilot, Ind. W/P Morrison, Ill. W/P	115		284/704 to COP 275/695 to Morrison	18000	45000	Dry Creek, Neb. W/P Oshtemo, Neb. W/P	225	105	264/084 to COP 258/078 to Oshtemo	18000	45000
				18000	45000	Oshtemo, Neb. W/P Split Rock, Wyo. W/P	211	121	258/078 to COP 251/071 to Split Rock	18000	45000

RULES AND REGULATIONS

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA	FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Split Rock, Wyo. W/P Mald City, Mo. W/P	133	70	251/071 to COP 248/068 to Mald City	22000	45000	Osage, Neb. W/P Dry Creek, Neb. W/P	225	120	070/253 to COP 064/264 to Dry Creek	18000	45000
Mald City, Mo. W/P Delaplain, Nev. W/P	88	65	247/067 to COP 245/065 to Delaplain	18000	45000	Dry Creek, Neb. W/P Kamrar, Iowa W/P	209		077/257 to COP 063/263 to Kamrar	18000	45000
Delaplain, Nev. W/P Coleman, Nev. W/P	147	87	245/065 to COP 242/062 to Coleman	18000	45000	Kamrar, Iowa W/P Scotles Mound, Ill. W/P	144		082/263 to COP 086/266 to Scotles Mound	18000	45000
Coleman, Nev. W/P Likely Pines, Calif. W/P	116	55	242/062 to COP 240/060 to Likely Pines	21000	45000	Scotles Mound, Ill. W/P Woodstock, Ill. W/P	89		085/265 to COP 090/270 to Woodstock	18000	45000
Likely Pines, Calif. W/P Fortuna, Calif. VORTAC	137	111	240/060 to COP 237/057 to Fortuna	18000	45000						
Fortuna, Calif. VORTAC Redwood, Calif. W/P	124		251/071 to Redwood	18000	45000						
J881R is extended to read: Carleton, Mich. W/P Rosewood, Ohio VORTAC	109	54	193/013 to COP 195/015 to Rosewood	18000	45000	J937R is extended to read: Mopla, Calif. W/P Seasmill, Calif. W/P	139		063/222 to Seasmill	28000	45000
Rosewood, Ohio VORTAC Minerva, Ky. W/P	95		178/259 to COP 174/254 to Minerva	18000	45000	Seasmill, Calif. W/P Reno, Nev. VORTAC	169	119	052/232 to COP 055/235 to Reno	18000	45000
Minerva, Ky. W/P Lonsie, Ga. W/P	263	142	176/256 to COP 191/081 to Lonsie	18000	45000	Reno, Nev. VORTAC Tombro, Nev. W/P	158	69	057/237 to COP 058/238 to Tombro	18000	45000
J887R is added to read: Redwood, Calif. W/P Fortuna, Calif. VORTAC	124			18000	45000	Tombro, Nev. W/P Booneville, Utah VORTAC	143	72	056/236 to COP 059/239 to Booneville	18000	45000
Fortuna, Calif. VORTAC Likely Pines, Calif. W/P	187	76	071/251 to Fortuna	18000	45000	Booneville, Utah VORTAC Woods, Utah W/P	77	38	062/242 to COP 061/241 to Woods	18000	45000
Likely Pines, Calif. W/P Coleman, Nev. W/P	116	61	060/240 to COP 062/242 to Coleman	21000	45000	Woods, Utah W/P Queezy, Wyo. W/P	144	72	061/241 to COP 064/244 to Queezy	18000	45000
Coleman, Nev. W/P Delaplain, Nev. W/P	147	60	062/242 to COP 065/245 to Delaplain	18000	45000	Queezy, Wyo. W/P Slater, Wyo. W/P	186	93	064/244 to COP 070/250 to Slater	19000	45000
Delaplain, Nev. W/P Mald City, Mo. VORTAC	88	23	065/245 to COP 067/247 to Mald City	18000	45000	Slater, Wyo. W/P Beres, Neb. W/P	80	40	070/250 to COP 071/251 to Beres	18000	45000
Mald City, Mo. VORTAC Split Rock, Wyo. W/P	188	118	062/242 to COP 071/251 to Split Rock	22000	45000	Beres, Neb. W/P Dry Creek, Neb. W/P	210	99	071/251 to COP 077/257 to Dry Creek	18000	45000
Split Rock, Wyo. W/P Osage, Neb. W/P	211	90	077/251 to COP 078/258 to Osage	18000	45000	Dry Creek, Neb. W/P Kamrar, Iowa W/P	215	101	077/257 to COP 083/263 to Kamrar	18000	45000
						Kamrar, Iowa W/P Scotles Mound, Ill. W/P	144	72	083/263 to COP 086/266 to Scotles Mound	18000	45000

FROM TO	TOTAL DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA	FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
Scates Mount, Ill. W/P Woodstock, Ill. W/P	89	Scates Mount	085/265 to COP 090/270 to Woodstock	18000	45000	Heidy, Minn. W/P Turtle Creek, S.D. W/P	121	60	280/700 to COP 278/098 to Turtle Creek	18000	45000
J938R is amended to read: Morrison, Ill. W/P Elberon, Iowa W/P	111	Morrison	270/090 to COP 269/089 to Elberon	18000	45000	Turtle Creek, S.D. W/P Revs, S.D. W/P	201	100	278/098 to COP 271/091 to Revs	18000	45000
Elberon, Iowa W/P Ute, Iowa W/P	156	Elberon	269/089 to COP 261/081 to Ute	18000	45000	Revs, S.D. W/P Klein, Mont. W/P	224	106	271/091 to COP 263/083 to Klein	18000	45000
Ute, Iowa W/P Commissville, Neb. W/P	118	Ute	263/082 to COP 258/078 to Commissville	18000	45000	Klein, Mont. W/P Holler, Mont. W/P	145	85	263/083 to COP 259/079 to Holler	18000	45000
Commissville, Neb. W/P Asgara, Neb. W/P	270	Commissville	258/078 to COP 252/072 to Asgara	18000	45000	Holler, Mont. W/P Avery, Ida. W/P	157	70	259/079 to COP 256/076 to Avery	18000	45000
Asgara, Neb. W/P Burdess, Wyo. W/P	80	Asgara	252/072 to COP 251/071 to Burdess	18000	45000	Avery, Ida. W/P Amber, Wash. W/P	81	49	256/076 to COP 253/073 to Amber	18000	45000
Burdess, Wyo. W/P Vermillion, Wyo. W/P	137	Burdess	251/071 to COP 246/066 to Vermillion	20000	45000	Amber, Wash. W/P Seattle, Wash. VORTAC	190	95	253/073 to COP 246/069 to Seattle	18000	45000
Vermillion, Wyo. W/P Magna, Utah W/P	144	Vermillion	246/066 to COP 244/064 to Magna	18000	45000	J948R is amended to read: Seattle, Wash. VORTAC Amber, Wash. W/P	190	95	069/249 to COP 073/253 to Amber	18000	45000
Magna, Utah W/P Aricosa, Utah W/P	76	Magna	244/064 to COP 241/061 to Aricosa	18000	45000	Amber, Wash. W/P Avery, Ida. W/P	81	41	073/253 to COP 076/256 to Avery	18000	45000
Aricosa, Utah W/P Trendo, Nev. W/P	143	Aricosa	241/061 to COP 238/058 to Trendo	18000	45000	Avery, Ida. W/P Holler, Mont. W/P	157	87	076/256 to COP 079/259 to Holler	18000	45000
Trendo, Nev. W/P Revs, Nev. W/P	138	Trendo	238/058 to COP 237/057 to Revs	18000	45000	Holler, Mont. W/P Klein, Mont. W/P	145	60	079/259 to COP 083/263 to Klein	18000	45000
Revs, Nev. W/P Sawmill, Calif. W/P	169	Revs	235/055 to COP 232/052 to Sawmill	28000	45000	Klein, Mont. W/P Revs, S.D. W/P	224	118	083/263 to COP 091/271 to Revs	18000	45000
Sawmill, Calif. W/P Maple, Calif. W/P	139	Maple	232/052 to COP 232/052 to Maple	18000	45000	Revs, S.D. W/P Turtle Creek, S.D. W/P	201	100	091/271 to COP 098/278 to Turtle Creek	18000	45000
J939R is amended to read: Morrison, Ill. W/P Elberon, Ill. W/P	111	Morrison	270/090 to COP 269/089 to Elberon	18000	45000	Turtle Creek, S.D. W/P Heidy, Minn. W/P	121	60	098/278 to COP 100/280 to Heidy	18000	45000
Elberon, Iowa W/P Cereith, Iowa W/P	93	Elberon	306/126 to COP 300/120 to Cereith	18000	45000	Heidy, Minn. W/P Oranda, Iowa W/P	130	65	097/277 to COP 103/283 to Oranda	18000	45000
Cereith, Iowa W/P Heidy, Minn. W/P	114	Cereith	300/120 to COP 297/117 to Heidy	18000	45000	Oranda, Iowa W/P Woodstock, Ill. W/P	229	114	100/280 to COP 107/287 to Woodstock	18000	45000

RULES AND REGULATIONS

FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA	FROM/TO	TOTAL DISTANCE	CHANGEOVER POINT DISTANCE FROM GEOGRAPHIC LOCATION	TRACK ANGLE	MEA	MAA
J951R is amended to read: Catonova, Va. W/P Henderson, W. Va. W/P	184	98	275/099 to COP 274/094 to Henderson	18000	45000	J951R is amended to read: Ulster, Pa. W/P Humbolt, N. Y. W/P	116		290/110 to Humbolt	18000	45000
Henderson, W. Va. W/P Minerva, Ky. W/P	88		272/092 to COP 266/086 to Minerva	18000	45000	Humbolt, N. Y. W/P Wisam, Mich. W/P	199	44	285/105 to COP 277/097 to Wisam	18000	45000
Minerva, Ky. W/P Borden, Ind. W/P	100	70	266/086 to COP 262/082 to Borden	18000	45000	Wisam, Mich. W/P Vermontville, Mich. W/P	50		276/098 to COP 277/097 to Vermontville	18000	45000
Borden, Ind. W/P Centrally, Ill. W/P	146	113	262/082 to COP 260/080 to Centrally	18000	45000	Vermontville, Mich. W/P Pepl, Ill. W/P	132	50	265/085 to COP 261/081 to Pepl	18000	45000
Centrally, Ill. W/P Mounts, Ill. W/P	42		277/099 to Mounts	18000	45000	J953R is added to read: Boundary, Md. W/P Rescue, Va. W/P	92		216/036 to COP 216/036 to Rescue	18000	45000
J957R is amended to read: Stain, Fla. W/P Badger, S. C. W/P	123	66	028/200 to COP 023/203 to Badger	18000	45000	Rescue, Va. W/P Terpen, N. C. W/P	179	55	213/032 to COP 205/029 to Terpen	18000	45000
Badger, S. C. W/P Florence, S. C. W/P	165	53	034/204 to COP 026/206 to Florence	18000	45000	Terpen, N. C. W/P Azules, S. C. W/P	104	20	191/011 to COP 188/008 to Azules	24000	45000
Florence, S. C. W/P Richmond, Va. W/P	227	83	033/213 to COP 031/217 to Richmond	18000	45000	Azules, S. C. W/P Gateway, Fla. W/P	120	105	189/009 to COP 186/006 to Gateway	24000	45000
Richmond, Va. W/P Marbury, Md. W/P	61		015/095 to Marbury	18000	45000	Gateway, Fla. W/P Sealfish, Fla. W/P	24		187/007 to Sealfish	20000	45000
J959R is amended to read: Asky, Fla. W/P Ponte Verdes, Fla. W/P	240	115	347/167 to COP 346/166 to Ponte Verdes	18000	45000	Sealfish, Fla. W/P Terpen, Fla. W/P	128	64	200/020 to COP 200/020 to Terpen	18000	45000
Ponte Verdes, Fla. W/P Augusta, Ga. W/P	204	150	346/169 to COP 351/171 to Augusta	18000	45000	Terpen, Fla. W/P Pike, Fla. W/P	104	52	192/012 to COP 192/012 to Pike	18000	45000
Augusta, Ga. W/P Rader, Tenn. W/P	160		348/168 to COP 345/165 to Rader	18000	45000	J961R is added to read: Boundary, Md. W/P Rescue, Va. W/P	92		216/036 to COP 216/036 to Rescue	18000	45000
Rader, Tenn. W/P Minerva, Ky. W/P	162		345/165 to COP 342/162 to Minerva	18000	45000	Rescue, Va. W/P Clackson, N. C. W/P	188	94	228/048 to COP 225/045 to Clackson	18000	45000
Minerva, Ky. W/P Dayton, Ohio W/P	82		342/162 to COP 342/163 to Dayton	18000	45000	Clackson, N. C. W/P Ritter, S. C. W/P	130		225/045 to COP 222/042 to Ritter	18000	45000
Dayton, Ohio W/P Milan, Mich. W/P	115		013/193 to Milan	18000	45000	Ritter, S. C. W/P Chester, Fla. W/P	122		204/024 to COP 201/021 to Chester	18000	45000
						Chester, Fla. W/P Jacksonville, Fla. VORTAC	26		190/010 to Jacksonville	18000	45000



**§95.4197 VOR FEDERAL AIRWAY 197**  
*Is amended to read in part:*

FROM	TO	MEA
Palmdale, Calif. VOR	Fisher INT, Calif.	5000
*Fisher INT, Calif.	**Keller INT, Calif.	7000
*8100-MCA Fisher INT, NE-bound		
**9100-MCA Keller INT, SE-bound		

**§95.4201 VOR FEDERAL AIRWAY 201**  
*Is amended to read in part:*

FROM	TO	MEA
Coy INT, Calif.	Los Angeles, Calif. VOR	2500
Los Angeles, Calif. VOR	Berry INT, Calif.	5000
*Berry INT, Calif.	Seledod INT, Calif.	8500
*7500-MCA Berry INT, N-bound		
Seledod INT, Calif.	*Palmdale, Calif. VOR	8500
	SW-bound	7000
	NE-bound	
*6000-MCA Palmdale VOR, S-bound		

**§95.4218 VOR FEDERAL AIRWAY 218**  
*Is amended to read in part:*

FROM	TO	MEA
Melia INT, Ill.	*Warren INT, Ill.	**2000
*6000-MRA		
**2200-MOCA		

**§95.4220 VOR FEDERAL AIRWAY 220**  
*Is amended to read in part:*

FROM	TO	MEA
Hastings, Neb. VOR	Brushaw INT, Neb.	4000
Brushaw INT, Neb.	Colony, Neb. VOR	3700

**§95.4229 VOR FEDERAL AIRWAY 229**  
*Is amended to read in part:*

FROM	TO	MEA
*Leroy INT, Mass.	Milbury INT, Mass.	**2000
*4500-MRA		
**2200-MOCA		
Milbury INT, Mass.	Gardner, Mass. VOR	*3000
*2700-MOCA		

**§95.4264 VOR FEDERAL AIRWAY 264**  
*Is amended to delete:*

FROM	TO	MEA
Parker, Calif. VOR	Prescott, Ariz. VOR	7000

**§95.4272 VOR FEDERAL AIRWAY 272**  
*Is amended to read in part:*

FROM	TO	MEA
Guthrie, Tex. VOR	*Waxstov INT, Tex.	**6000
*6000-MRA		
**3000-MOCA		
Waxstov INT, Tex.	*Archer INT, Tex.	**6000
*4000-MRA		
**3000-MOCA		

**§95.4285 VOR FEDERAL AIRWAY 285**  
*Is amended to read in part:*

FROM	TO	MEA
Grand Rapids, Mich. VOR	Constock INT, Mich.	*2700
*2100-MOCA		
Constock INT, Mich.	White Cloud, Mich. VOR	*2800
*2300-MOCA		

**§95.4299 VOR FEDERAL AIRWAY 299**  
*Is amended to read:*

FROM	TO	MEA
*Los Angeles, Calif. VOR	Fillmore, Calif. VOR	5000
*9300-MCA Los Angeles VOR, W-bound		
*Fillmore, Calif. VOR	Gorman, Calif. VOR	9500
*7200-MCA Fillmore VOR, N-bound		

**§95.4325 VOR FEDERAL AIRWAY 325**  
*Is amended to read in part:*

FROM	TO	MEA
Fillmore, Calif. VOR	Virginia INT, Calif.	5000

**§95.4337 VOR FEDERAL AIRWAY 337**  
*Is amended to read in part:*

FROM	TO	MEA
Calcutta INT, Ohio	Alton, Ohio VOR	*3100
*3000-MOCA		

**§95.4341 VOR FEDERAL AIRWAY 341**  
*Is amended to read in part:*

FROM	TO	MEA
Madison, Wis. VOR	Oakbank, Wis. VOR	*2800
*2100-MOCA		

**§95.4429 VOR FEDERAL AIRWAY 429**  
*Is amended to read in part:*

FROM	TO	MEA
Joliet, Ill. VOR	*Warren INT, Ill.	**2500
*6000-MRA		
**2100-MOCA		
Warren INT, Ill.	Woodstock INT, Ill.	*2700
*2200-MOCA		

**§95.4459 VOR FEDERAL AIRWAY 459**  
*Is amended to read in part:*

FROM	TO	MEA
Seal Beach, Calif. VOR	Glendale INT, Calif.	4000
	SE-bound	6000
	NW-bound	7000
Glendale INT, Calif.	Seagas INT, Calif.	8000
*Seagas INT, Calif.	Lake Hughes, Calif. VOR	8000
*6600-MCA Seagas INT, NE-bound		

**§95.4494 VOR FEDERAL AIRWAY 494**  
*Is amended to read in part:*

FROM	TO	MEA
Santa Rosa, Calif. VOR	*Ray INT, Calif.	3000
*7500-MRA		
Ray INT, Calif.	Sacramento, Calif. VOR	3000

**§95.4518 VOR FEDERAL AIRWAY 518**  
*Is amended to read:*

FROM	TO	MEA
Fillmore, Calif. VOR	Twin Lakes INT, Calif.	5500
Twin Lakes INT, Calif.	*Lang INT, Calif.	7000
*7500-MCA Lang INT, NE-bound		
Lang INT, Calif.	*Palmdale, Calif. VOR	7500
*6300-MCA Palmdale VOR, SW-bound		

## RULES AND REGULATIONS

§95.7004 JET ROUTE NO. 4 is amended by adding:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Twentynine Palms, Calif. VORTAC	18000	45000
Twentynine Palms, Calif. VORTAC	Casa Grande, Ariz. VORTAC	20000	45000
§95.7004 JET ROUTE NO. 4 is amended to delete:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Ontario, Calif. VORTAC	18000	45000
Ontario, Calif. VORTAC	Blythe, Calif. VORTAC	18000	45000
§95.7010 JET ROUTE NO. 10 is amended by adding:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Twentynine Palms, Calif. VORTAC	18000	45000
Twentynine Palms, Calif. VORTAC	Prescott, Ariz. VORTAC	20000	45000
§95.7010 JET ROUTE NO. 10 is amended to delete:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Ontario, Calif. VORTAC	18000	45000
Ontario, Calif. VORTAC	Parker, Calif. VORTAC	18000	45000
Parker, Calif. VORTAC	Prescott, Ariz. VORTAC	18000	45000
§95.7050 JET ROUTE NO. 50 is amended by adding:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Ontario, Calif. VORTAC	18000	45000
Ontario, Calif. VORTAC	Blythe, Calif. VORTAC	18000	45000
Blythe, Calif. VORTAC	Gila Bend, Ariz. VORTAC	18000	45000
Gila Bend, Ariz. VORTAC	Casa Grande, Ariz. VORTAC	18000	45000
Casa Grande, Ariz. VORTAC	San Simon, Ariz. VORTAC	18000	45000
§95.7104 JET ROUTE NO. 104 is amended by adding:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VORTAC	Twentynine Palms, Calif. VORTAC	18000	45000
Twentynine Palms, Calif. VORTAC	Gila Bend, Ariz. VORTAC	20000	45000
§95.7104 JET ROUTE NO. 104 is amended to delete:			
FROM	TO	MEA	MAA
Blythe, Calif. VORTAC	Gila Bend, Ariz. VORTAC	18000	45000
§95.7134 JET ROUTE NO. 134 is amended by adding:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VOR	Twentynine Palms, Calif. VORTAC	18000	45000
Twentynine Palms, Calif. VORTAC	Chapman INT, Ariz.	20000	45000
Chapman INT, Ariz.	Winslow, Ariz. VORTAC	18000	45000
Winslow, Ariz. VORTAC	Gallup, N.M. VORTAC	18000	45000
§95.7134 JET ROUTE NO. 134 is amended to delete:			
FROM	TO	MEA	MAA
Los Angeles, Calif. VOR	Ontario, Calif. VORTAC	18000	45000
Ontario, Calif. VORTAC	Parker, Calif. VORTAC	18000	45000
Parker, Calif. VORTAC	Prescott, Ariz. VORTAC	18000	45000
Prescott, Ariz. VORTAC	Gallup, N.M. VORTAC	22000	45000

2. By amending Sub-part D as follows:

§95.8003 VOR FEDERAL AIRWAY CHANGEOVER POINTS

FROM	TO	CHANGEOVER POINT DISTANCE FROM	
V-3 is amended to delete: Boston, Mass. VOR	Kennebunk, Me. VOR	20	Boston
V-39 is amended to delete: Gardner, Mass. VOR	Concord, N.H. VOR	10	Gardner
V-106 is amended to delete: Barnes, Mass. VOR Gardner, Mass. VOR	Gardner, Mass. VOR Manchester, N.H. VOR	27 10	Barnes Gardner
V-151 is amended to delete: Providence, R.I. VOR	Gardner, Mass. VOR	47	Providence
V-264 is amended to delete: Parker, Calif. VOR	Prescott, Ariz. VOR	76	Parker

(Secs. 307 and 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C. on June 20, 1973.

P. M. KEHOE,  
Acting Chief,  
Aircraft Programs Division.

[FR Doc.73-12845 Filed 6-28-73;8:45 am]

[Docket No. 12915; Amdt. No. 870]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of \$150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Additional copies mailed to the same address may be ordered for \$30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective August 9, 1973.

- Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., VOR Rwy 27, Amdt. 10
- Harrisburg, Pa.—Capital City Arpt., VOR Rwy 12, Amdt. 11
- Hayward, Calif.—Hayward Air Terminal, VOR-A, Amdt. 4
- Hayward, Calif.—Hayward Air Terminal, VORTAC-A, Amdt. 1, Canceled
- Hayward, Calif.—Hayward Air Terminal, VORTAC-B, Orig.
- Poughkeepsie, N.Y.—Dutchess County Arpt., VOR/DME Rwy 6, Amdt. 1

\*\*\* effective July 5, 1973

Seattle, Wash.—Seattle-Tacoma Int'l Arpt., VOR Rwy 16L/R, Amdt. 4

\*\*\* effective June 20, 1973

Lancaster, Calif.—Gen. William J. Fox Airfield, VOR-A, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective August 9, 1973.

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., LOC Rwy 9, Amdt. 3

\*\*\* effective June 18, 1973

Lexington, Ky.—Blue Grass Arpt., LOC (BC) Rwy 22, Amdt. 9, Canceled

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective August 9, 1973.

- Atlanta, Ga.—Fulton County Arpt., NDB Rwy 8R, Amdt. 1
- Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., NDB Rwy 9, Amdt. 3
- Milledgeville, Ga.—Baldwin County Arpt., NDB Rwy 27, Amdt. 2
- Somerset, Ky.—Somerset-Pulaski County Arpt., NDB Rwy 4, Amdt. 5

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective August 9, 1973.

- Atlanta, Ga.—Fulton County Arpt., ILS Rwy 8R, Amdt. 1
- Harrisburg, Pa.—Capital City Arpt., ILS Rwy 8, Amdt. 1

\*\*\* effective July 5, 1973

- Seattle, Wash.—Seattle-Tacoma Int'l Arpt., ILS Rwy 16R, Amdt. 2
- Seattle, Wash.—Seattle-Tacoma Int'l Arpt., ILS Rwy 34R, Amdt. 5

\*\*\* effective June 8, 1973

- Macon, Ga.—Lewis B. Wilson Arpt., ILS Rwy 5, Amdt. 18

5. Section 97.31 is amended by originating, amending, or canceling the following Radar SIAPs, effective August 9, 1973

- Atlanta, Ga.—Fulton County Arpt., Radar-1, Amdt. 10
- Dallas, Tex.—Dallas Love Field, Radar-1, Amdt. 19
- Ft. Lauderdale, Fla.—Ft. Lauderdale-Hollywood Int'l Arpt., Radar-1, Amdt. 1
- Harrisburg, Pa.—Capital City Arpt., Radar-1, Amdt. 6
- Tulsa, Okla.—Tulsa Int'l Arpt., Radar-1, Amdt. 12

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on June 21, 1973.

P. M. KEHOE,  
Acting Chief,  
Aircraft Programs Division.

Note: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.73-13073 Filed 6-28-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Aliens in Immediate Transit Without Nonimmigrant Visas

Pursuant to 5 U.S.C. 552 (80 Stat. 383) and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, Part 214 of Chapter I of Title 8 of the Code of Federal Regulations is amended as hereinafter set forth.

There was published in the FEDERAL REGISTER of June 7, 1973 (38 F.R. 14962) an amendment to § 214.2(c)(1) setting forth the modified procedures relative to the entry of aliens in immediate transit without nonimmigrant visas. The first sentence of § 214.2(c)(1) is being further amended to clarify that a non-immigrant crewman, in order to qualify for the transit without visa privilege, must be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join.

As amended, the first sentence of § 214.2(c)(1) reads as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

(c) *Transits*—(1) *Without visas*. An applicant for admission under the transit without visa privilege must establish that he is admissible under the immigration laws; that he has confirmed and onward reservations to at least the next country beyond the United States, and that his departure from the United States will be accomplished within 8 hours after his arrival (except that, if seeking to join a vessel in the United States as a crewman, he must be in possession of a valid "D" visa and a letter from the owner or agent of the vessel he seeks to join, he will proceed directly to the vessel and upon joining the vessel, will remain abroad at all times until it departs from the United States); *Provided*, That until his departure from the United States he shall be in the custody of the carrier which brought him to the United States; and *Provided further*, That departure from the United States must be effected from the same port at which he arrived. \* \* \*

Compliance with the provisions of 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary because the amendment to § 214.2(c) (1) is clarifying in nature.

*Effective date*. This order shall be effective on July 1, 1973.

Dated: June 26, 1973.

JAMES F. GREENE,  
Acting Commissioner of  
Immigration and Naturalization.

[FR Doc.73-13255 Filed 6-28-73; 8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY  
COMMISSION

PART 20—STANDARDS FOR PROTECTION  
AGAINST RADIATION

PART 73—PHYSICAL PROTECTION OF  
SPECIAL NUCLEAR MATERIAL

Miscellaneous Amendments

Notice is hereby given of the amendment of the Atomic Energy Commission's regulations "Standards for Protection Against Radiation," 10 CFR Part 20, and "Physical Protection of Special Nuclear Material," 10 CFR Part 73.

The amendments change the addresses and telephone numbers of the Regulatory Operations Regional Offices I and V, and reflect the fact that effective August 1, 1973, the Region I office will move from its location in Newark, New Jersey, to 631 Park Avenue, King of Prussia, Pennsylvania 19406.

Because these amendments relate solely to agency management and minor matters, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecessary.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendments to Title 10,

Chapter I, Code of Federal Regulations, Parts 20 and 73, are published as a document subject to codification. The amendments as they pertain to Region I are to be effective on August 1, 1973; the remainder of the amendments are to be effective on June 29, 1973.

1. Appendix D of Part 20 is amended by substituting the words "Directorate of Regulatory Operations" for "Division of Compliance" where they appear in Appendix D, and by amending the addresses and telephone numbers of Regions I and V to read as follows:

Address	Telephone	
	Daytime	Nights and Holidays
Region I, Directorate of Regulatory Operations... USAEC, 631 Park Avenue King of Prussia, Pennsylvania 19406	215-337-1150	215-337-1150
Region V, Directorate of Regulatory Operations... USAEC, P. O. Box 1515 Berkeley, California 94701	415-841-5121 (Ext. 651)	415-273-4237

2. Appendix A of Part 73 is amended by changing the addresses and telephone numbers of Regions I and V to read as follows:

Region and Address	Telephone	
	Daytime	Nights and Holidays
Region I, Directorate of Regulatory Operations... USAEC, 631 Park Avenue King of Prussia, Pennsylvania 19406	215-337-1150	215-337-1150
Region V, Directorate of Regulatory Operations... USAEC, P. O. Box 1515 Berkeley, California 94701	415-841-5121 (Ext. 651)	415-273-4237

(Sec. 161, 68 Stat. 948, 42 U.S.C. 2201)

Dated at Bethesda, Md. this 22d day of June 1973.

For the Atomic Energy Commission.

L. MANNING MUNTZING,  
Director of Regulations.

[FR Doc.73-13105 Filed 6-28-73; 8:45 am]

Title 17—Commodity and Securities  
Exchanges

CHAPTER II—SECURITIES AND  
EXCHANGE COMMISSION

[Release 33-5397]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Delivery of Offering Circulars

The Securities and Exchange Commission has adopted amendments to Rule 256 [17 CFR 230.256] of Regulation A under section 3(b) of the Securities Act of 1933, as amended (Act). The amendments were proposed as part of the Commission's program for improvement in the informational content and dissemination of disclosure documents in connection with public offerings of securities of new ventures or first time registrants (Securities

Act Release No. 5277, July 26, 1972) [37 FR 16008].

Information obtained in the Commission's Public Investigation in the Matter of the Hot Issues Securities Markets ("Hot Issue Investigation") confirmed that for certain purposes, particularly those relating to dissemination of disclosure information to investors, there should be no distinction between offerings of new ventures pursuant to Regulation A and offerings of new ventures pursuant to the registration provisions of the Act.<sup>1</sup>

Accordingly, the Commission has amended Rule 256, "Filing and Use of the Offering Circular," of Regulation A in order to impose delivery requirements for offering circulars covering securities of new ventures under Regulation A analogous to those for prospectuses for new ventures under the Act. New ventures are considered to be those where the issuer is not subject to the reporting provisions of section 13(a) or 15(d) of the Securities Exchange Act of 1934 (Exchange Act) immediately prior to the filing of notification on Form 1A [17 CFR 239.90]. The amendments have been revised in minor respects from those proposed in Release No. 33-5277 and are summarized below. Reference is made to the text of the proposals accompanying this release which should be reviewed for a complete understanding of these amendments.

*Amendment of Rule 256(a)(2)*. The Commission has amended subparagraph (a)(2) of Rule 256 to require, in the case of new ventures, delivery of the offering circular to prospective purchasers 48 hours in advance of the mailing of a confirmation of sale. The present requirement of Rule 256(a)(2) that an offering circular be delivered prior to or with the confirmation of sale will continue to apply to all other issuers. This amendment will make the delivery requirements for the offering circular parallel to those pertaining to the final prospectus under the Act.<sup>2</sup>

*Paragraphs (g) and (h) to Rule 256*. The Commission has also adopted a new paragraph (g) to Rule 256 which will require dealers trading in securities of issuers not subject to section 13(a) or 15

<sup>1</sup> In the Matter of the Hot Issues Securities Markets, File No. 4-148, See also, Report of the Special Study of Securities Markets, (Report), Part I pages 487 to 559, particularly pages 488 and 489 (1963).

<sup>2</sup> See Securities Act Release No. 4968 (April 24, 1968) [34 FR 7235] and Rule 460 [17 CFR 230.460] under the Act. Certain issuers and underwriters presently are providing copies of offering circulars to prospective purchasers of speculative securities in advance of confirming sales to such persons. The Special Study, in Part I of its Report at page 548, observed that the requirement of distributing prospectuses to each customer to whom underwriters expect to confirm "has the desirable effect of insuring dissemination to investors of information in the statutory prospectus prior to the time that investors were committed to their purchases." The Report also observed that there was no corresponding requirement under Regulation A and recommended such a requirement be adopted.

[Release 5396]

(d) of the Exchange Act offered under Regulation A to deliver for a period of 90 days after the commencement of the offering an offering circular to any purchaser who has not previously received an offering circular.<sup>2</sup>

The Commission believes that the same considerations that led Congress to adopt amendments to section 4(3) of the Act requiring dealers to deliver prospectuses during a period of 90 days after the effective date of a registration statement relating to securities of issuers who had not previously sold securities pursuant to an effective registration statement, should apply to delivery of offering circulars by dealers.<sup>3</sup> Failure of a dealer to comply with this provision will not affect the exemption available to the issuer, but would result in the dealer's transaction not being exempt pursuant to Regulation A.

The Commission also has adopted a new paragraph (h) to Rule 256 which will require issuers or underwriters to provide reasonable quantities of the offering circular to dealers on request.

**Commission Action.** Pursuant to the authority set forth in sections 3(b) and 19(a) of the Securities Act of 1933, the Securities and Exchange Commission hereby amends § 230.256 of Chapter II of Title 17 of the Code of Federal Regulations by amending subparagraph (a) (2) and adding new paragraphs (g) and (h) all as set forth below:<sup>4</sup>

<sup>2</sup>The Report, Part 1 at page 558, recommends extension of the period during which dealers are required to deliver prospectuses to 90 days for "first issues of common stock . . ." and the application of that requirement to offering circulars under Regulation A. The record in the Hot Issue Investigation supports that recommendation.

<sup>3</sup>The Senate Report on the 1964 Amendments to the Federal securities laws quotes the Special Study's Report, Part 1, at page 556:

Persons who bought in the aftermarket often were less sophisticated and more susceptible to the allure of publicity and rumor about "hot issues." Those persons, who frequently purchased at premium prices, probably needed the benefits of information contained in the prospectuses more than the original distributees. and then states:

Although the proposed amendment to section 4(1), which was recommended by the Special Study will not provide a cure-all for the "hot issues" problem, it will make information available to investors during the course of active solicitation and trading of new issues in the after market and assist in the establishment of more orderly trading in such securities.

Senate Report No. 379, 88th Congress, 1st Sess. (July 24, 1963), 28. The Special Study also observed that while the requirement with respect to delivery of preliminary prospectuses "guarantees that original purchasers of registered issues receive the preliminary prospectuses, it does not insure delivery of any prospectuses to purchasers in the aftermarket who may be in greater need of the disclosure than are original distributees." Report, Part 1, pages 548 and 549.

<sup>4</sup>All changes from the amendments as proposed for comment in 37 FR 16008 are hereinafter italicized.

Paragraph (a) (2) of Rule 256 is amended as follows:

**§ 230.256 Filing and use of the offering circular.**

(a) \* \* \*

(2) No securities of such issuer shall be sold under this regulation unless such an offering circular is furnished to the person to whom the securities are expected to be sold at least 48 hours prior to the mailing of the confirmation of sale to such person, or is sent to such person under such circumstances that it would normally be received by him 48 hours prior to his receipt of confirmation of the sale; *Provided, however*, if the issuer is required to file reports pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934, as amended, the offering circular may be furnished with or prior to the confirmation of sale.

\* \* \*

(g) Sales by a dealer (including an underwriter no longer acting as an underwriter in respect of the security involved in such transaction) of securities of an issuer not subject, immediately prior to the time of filing of notification on § 239.90 [Form 1-A] to the provisions of Sections 13(a) or 15(d) of the Securities Exchange Act of 1934, as amended, offered pursuant to this regulation and taking place prior to the expiration of ninety days after the first date upon which the securities were bona fide offered to the public, shall not be exempt pursuant to this regulation unless:

- (1) the dealer furnishes a copy of the then current offering circular to the purchaser prior to or with the purchaser's receipt of the confirmation of the sale; or
- (2) the offering circular has previously been mailed or delivered to such purchaser. Failure by a dealer to comply with the provisions of this subparagraph shall not otherwise affect the availability of the exemption for any other person, including the aggregate amount of securities exempted pursuant to § 230.254.

(h) The issuer or, if there is an underwriter, the underwriter shall provide reasonable quantities of copies of the offering circular to any dealer on request prior to the expiration of ninety days after the first date upon which securities of such issuer were bona fide offered to the public pursuant to this regulation.

The foregoing amendments to Rule 256 shall be effective on August 1, 1973 and shall apply with respect to all offerings exempt pursuant to Regulation A commenced on or after that date.

(Secs. 3(b), 19(a), 48 Stat. 75, 85, Sec. 209, 48 Stat. 908, c.122, 59 Stat. 167, Pub. L. 91-565, 84 Stat. 1480, 15 U.S.C. 77c(b), 77s(a)).

By the Commission.

[SEAL]

SHIRLEY E. HOLLIS,  
Recording Secretary.

JUNE 1, 1973.

[FR Doc.73-13110 Filed 6-29-73;8:45 am]

**PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER**

**Preparation and Filing of Registration Statements**

The Securities and Exchange Commission announced today the adoption of certain amendments to the Guides for Preparation and Filing of Registration Statements under the Securities Act of 1933 (Securities Act Release 4936, as amended) ("Guides") [33 FR 18617]. These amendments were first published in Securities Act Release 5279 (July 26, 1972) [37 FR 16010] as part of the series of proposals resulting from the Commission's Public Investigation in the Matter of the Hot Issues Securities Markets intended to improve the informational ("Hot Issues Investigation")<sup>1</sup> and are intended to improve the informational content and dissemination of disclosure documents required to be filed in connection with public offerings of securities of new ventures or first-time registrants. Some of the amendments, however, are not limited to new ventures or new registrants and apply to any issuer filing on Form S-1 [17 CFR 239.11] or S-2 [17 CFR 239.12].

First, the Commission has adopted new Guide 59, "Summary of Disclosure in the Prospectus," requiring that prospectuses contained in a registration statement on Form S-1 or S-2 filed by any registrant include, immediately following the cover page, a summary of the contents of the prospectus, highlighting the salient features of the offering with appropriate cross references to the prospectus. This summary should be placed on the first page of text and not on the inside cover page which contains the table of contents. In addition, the Guide would require that summary financial information be included in the summary, but only for registration statements on Form S-1.

Second, Guide 16, "Disclosure with respect to Newly Organized Underwriting Firms," has been amended to change the title to "Underwriters' Experience and Due Diligence Inquiry," and to add a paragraph relating specifically to the due diligence inquiry of underwriters of new or speculative issues. Information developed in the Hot Issues Investigation and contained in the Special Study of the Securities Markets<sup>2</sup> indicates that new and inexperienced underwriters often underwrite new or speculative issues, and that certain of these underwriters fail to make reasonable investigations to assure that registration statements contain full and fair disclosure. The new paragraph of Guide 16 provides that the staff may request that an underwriter

<sup>1</sup> File No. 4-148.

<sup>2</sup> Report of Special Study of the Securities Markets, Part 1, at 514 (1963).

of a new or speculative issue furnish supplemental information not as a part of the registration statement to explain the steps taken to verify the information appearing in the registration statement and to determine whether additional disclosure is necessary in the prospectus.<sup>3</sup>

Third, a new paragraph has been added to Guide 5, "Preparation of Prospectuses," which notes that stock phrases or "boiler plate" relating to subjects such as the company's chances of success or competition often do not provide meaningful disclosure. Such statements, therefore, should usually be accompanied by a brief explanation of the basis for the statement and the effect such conditions may have on the business of the registrant. As proposed in Release 33-5279, this paragraph also related to certain statements with respect to the status of material litigation. The Commission has determined to delete such reference since it might require disclosure of litigation strategy and defenses.

Fourth, another new paragraph has been added to Guide 5 to require disclosure in preliminary prospectuses actually circulated of the estimated maximum offering price and number of shares or other units to be offered or, with respect to debt securities, the estimated principal amount to be offered for first time public offerings, with appropriate caveats as to the reliability of such estimates. The estimated maximum offering price may be higher or lower than the estimated maximum offering price required to be stated for purposes of determining the filing fee pursuant to Section 6 of the Securities Act of 1933. The estimate required by Guide 5 may be included initially in a preliminary prospectus filed as an amendment after the initial filing of the registration statement and factors affecting the estimate may have changed between the date of filing and that date.<sup>4</sup> This amendment

to Guide 5 results from information obtained in the Commission's Hot Issue Investigation, which indicated both the necessity for and feasibility of having pricing information disclosed in preliminary prospectuses circulated in connection with public offerings of securities by issuers that are not subject to the reporting provisions of sections 13(a) and 15(d) of the Securities Exchange Act of 1934 (Exchange Act).

Fifth, the Commission calls to the attention of registrants and those persons who assist them in preparing registration statements that the registration forms in general use for first time registrants require disclosure of the method by which the price of the offering is to be determined.<sup>5</sup> Prospectuses often contain the statement that "the initial public offering price has been arbitrarily determined by the company" or that "such price has been established by negotiations between the underwriter and the registrant." An additional paragraph has been added to Guide 5 requiring that such bare bones statements be amplified by disclosure of factors that were considered in establishing the offering price and also requiring an estimate of the value placed on outstanding securities of the registrant as a result of the estimated offering price. The Commission also has observed that the pricing of securities to be offered by new ventures often results in an aggregate value being placed on the outstanding shares of the issuer which bears little or no relationship to the issuer's assets, earnings or other criteria of value. Therefore, a paragraph has been added to Guide 5 to require disclosure, if true, that such aggregate value has no relationship to such criteria.

The amendments adopted today are similar in substance to those proposed in Release 5279. However, they have been revised in various respects in light of comments received from the public. Two revisions especially should be noted: first, the requirement that the summary contain a description of the issuer's business plans has been revised to apply only to those issuers required to disclose such plans in filings on Form S-1 or S-2 (See Securities Act Release 5395, issued today) [38 F.R. 17202] and second, summarization of material risks in the summary statement will not be required where a company includes an introductory statement containing such information pursuant to Guide 6 of the Guides.

**Commission action.** Pursuant to authority set forth in sections 6, 7, 10 and 19(a) of the Securities Act of 1933, the Commission hereby adopts Guide 59 and amends Guides 5 and 16 of section 231 of Chapter II of Title 17 of the Code of

the filing fee be based on a "bona fide estimate of the maximum offering price." For purposes of Rule 457(a) and the amendment to Guide 5, it should be noted that although the two estimates might not be the same, the estimates used in both instances must be bona fide.

<sup>3</sup> Form S-1 [17 CFR 239.11], Item 1, Distribution Spread, Instruction 2; and Form S-2 [17 CFR 239.12], Item 1, Distribution Spread, Instruction 2.

Federal Regulations all as set forth below:

**I. Guide 59. Summary of disclosure in the prospectus.**

Immediately following the cover page of the prospectus contained in registration statements on Form S-1 or S-2, there shall be set forth a short summary of the contents of the prospectus highlighting the salient features of the offering with appropriate cross reference to more detailed discussions elsewhere in the prospectus. It should include items such as:

a. A brief description of the registrant's business;

b. If the registrant has not previously filed a registration statement under the Securities Act or under the Securities Exchange Act of 1934 and has not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement, a brief description of the information relating to registrant's plan of operation required by Instruction 9 to Item 9(a) of Form S-1 or Instruction 8 to Item 4(a) of Form S-2;

c. A brief statement of the use of the proceeds of the offering;

d. Where the registrant is not required to provide an introductory statement pursuant to Guide 6, a brief statement of any material risks connected with the offering such as the registrant's inability to obtain necessary additional financing or the possibility that its products may not be marketed successfully. If the registrant is required to provide an introductory statement pursuant to Guide 6, the summary should include a cross reference to such statement; and

e. Summary financial information in registration statements on Form S-1, including a concise statement of any qualifications in the auditor's opinion. This should be presented in substantially the following form (where necessary to indicate a material adverse trend, corresponding information should also be provided for the previous year or years). *Registrant should be prepared to update the summary financial information.*

FINANCIAL INFORMATION (SEE PP. AND )

	Year Ended		
	19	19	19
<b>INCOME STATEMENT</b>			
Net Sales and Operating Revenues and other Revenues	\$	\$	\$
Income before extraordinary items	\$	\$	\$
Net income	\$	\$	\$
<b>BALANCE SHEET (at end of period):</b>			
Working Capital	\$	\$	\$
Total assets	\$	\$	\$
Total assets less deferred research and development charges and excess of cost of assets acquired over book value	\$	\$	\$
Total indebtedness	\$	\$	\$
Shareholders' equity	\$	\$	\$
<b>PER SHARE*</b>			
Income per common share before extraordinary items	\$	\$	\$
Extraordinary items	\$	\$	\$
Net income per common share (and common share equivalents, if applicable)	\$	\$	\$
Net income per share on a fully diluted basis	\$	\$	\$

\*Average number of shares of common stock outstanding during each period was — (as adjusted to given effect to stock dividends or stock splits).

**II. Guide 16. Underwriters' experience and due diligence inquiry.**

Guide No. 16 is amended by adding thereto, the following paragraph:

Where a new or speculative issue of securities is being registered, the Division may request the underwriter of the issue to explain supplementally the steps taken to verify the disclosure in the prospectus and the Division will take into consideration such information in determining what action is to be taken in processing the registration statement, including whether additional disclosure is required.

### III. Guide 5. Preparation of prospectuses.

Guide No. 5 is amended by adding thereto, the following paragraphs:

Stock phrases such as "There can be no assurance that the registrant will succeed in developing a commercial market for its product" or "A substantial number of companies that are engaged in the same business as the registrant have greater financial resources, experience and are better known to the public than registrant" or "In the opinion of management the unfavorable determination of any pending litigation would have no material effect on the business or financial condition of the company," may not provide meaningful disclosure unless accompanied by a brief explanation of the basis for such statements or the effect such conditions may have on the business of the registrant.

In addition, for registrants not subject to the reporting provisions of sections 13(a) or 15(d) of the Securities Exchange Act of 1934, as amended, immediately prior to the filing of the registration statement, the disclosure on the cover page of a preliminary prospectus that is circulated should include a bona fide estimate of the range of the maximum offering price and maximum number of shares or other units of securities to be offered, or a bona fide estimate of the principal amount of debt securities to be offered.

Such statements as "The initial public offering price has been determined through negotiations between the underwriter and the company," do not provide meaningful disclosure. Accordingly, such "bare bones" disclosure should be amplified by disclosing the various factors that were considered in determining the price for the securities to be offered. There also should be included, with appropriate cross reference to disclosure elsewhere in the prospectus, a statement of the value placed on the outstanding securities of the registrant as a result of such estimated price with appropriate caveats as to the reliability of such estimates. Such disclosure also should include, if true, reference to the fact that such value may bear no relationship to the assets, earnings or other criteria of value applicable to the registrant.

The foregoing amendments will be effective on August 1, 1973 and will apply to registration statements filed on or after that date, but not to registration statements filed before that date.

(Secs. 6, 17, 10, 19(a), 48 Stat. 78, 81, 85, Secs. 205, 209, 48 Stat. 906, 908, Sec. 8, 68 Stat. 695, Sec. 1, 70 Stat. 1051, 15 U.S.C. 77f, 77g, 77j, 77a(a))

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

JUNE 1, 1973.

[FR Doc. 73-13109 Filed 6-28-73; 8:45 am]

[Releases 33-5398, 34-10181, IA-377]

#### PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### PART 276—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT ADVISERS ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

#### Obligations of Underwriters With Respect to Discretionary Accounts

In conjunction with amendments announced today by the Commission to require, inter alia, more meaningful disclosure with respect to certain new ventures,<sup>1</sup> the Commission is issuing this release to remind underwriters of the general obligations under the federal securities laws in connection with accounts of their customers over which they exercise investment discretion. The purpose of this release is to focus attention on the activities of underwriters of new issues. As a result of testimony adduced during the Commission's public investigation in the Matter of Hot Issues Securities Markets,<sup>2</sup> and the Commission's study of the securities markets conducted in 1963,<sup>3</sup> it appears that underwriters of new issues on occasion place such issues in the accounts of their customers over which these underwriters exercise investment discretion.

All brokers and dealers in securities assume certain obligations to their customers by virtue of the antifraud provisions of the federal securities laws,<sup>4</sup> and otherwise. These obligations depend in part, on the relationship between the broker-dealer and depend, in part, on the relationship between the broker-dealer and the customers involved. While discretionary accounts serve an important and needed function for small, as well as large, investors, brokers and dealers exercising investment discretion for their clients are fiduciaries<sup>5</sup> with the highest

<sup>1</sup> See Securities Act Release No. 5395 (June 1, 1973).

<sup>2</sup> Securities and Exchange Commission File No. 4-148.

<sup>3</sup> 1 Securities and Exchange Commission, Report of Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess. 522-528, 554-555 (1963).

<sup>4</sup> See Sections 15(c)(1) and 10(b) of the Securities Exchange Act of 1934, 15 U.S.C. 78o(c)(1) and 78j(b), as well as Rules 15c1-2, 15c1-6, 15c1-7 and 10b-5 promulgated thereunder, 17 CFR 240.15c1-2, 240.15c1-6, 240.15c1-7 and 240.10b-5, Section 17(a) of the Securities Act of 1933, 15 U.S.C. 77q(a), and Section 206(3) of the Investment Advisers Act of 1940, 15 U.S.C. 80b-6(3).

<sup>5</sup> See e.g., *G. Alex Hope*, 7 S.E.C. 1082, 1083 (1940); *Norris & Hirschberg, Inc. v. Securities and Exchange Commission*, 177 F. 2d 228 (C.A.D.C., 1949). See also, *Hughes v. Securities and Exchange Commission*, 174 F. 2d 969 (C.A.D.C., 1949).

obligation to deal fairly with these discretionary accounts.<sup>6</sup> Among the obligations imposed upon such fiduciaries is the requirement that they disclose any conflicts of interest they may have when effecting transactions for their discretionary accounts. The Commission and the courts have made clear that a potential conflict of interest arises where any broker or dealer having a self-interest with respect to a particular transaction or security also offers investment advice or exercises investment discretion with respect to that transaction or security.<sup>7</sup>

An underwriter of any offering has a self-interest in the success of that offering and in disposing of his commitment. The placement of a portion of that offering in discretionary accounts thus raises such a potential conflict of interest. It is a violation of the antifraud provisions of the federal securities laws if such an underwriter fails to make full and effective disclosure of this conflict to the customers involved. Full and effective disclosure, where the underwriter acts as a principal, generally will require disclosure to and the consent of its clients

not only that [the underwriter] proposes to deal with them for [its] own account but also of all other facts which may be material to the formulation of an independent opinion by the client as to the advisability of entering into the transaction.<sup>8</sup>

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,  
Recording Secretary.

JUNE 1, 1973.

[FR Doc. 73-13111 Filed 6-28-73; 8:45 am]

<sup>6</sup> See, e.g., *Arleen W. Hughes*, 27 S.E.C. 629, 639 (1948), affirmed, *Hughes v. Securities and Exchange Commission*, 174 F. 2d 969 (C.A.D.C., 1949). Of course, any broker or dealer, whether dealing with discretionary or other accounts and whether or not dealing as principal with such accounts, represents that his customer "will be dealt with fairly, and in accordance with the standards of the profession." *Duker & Duker*, 6 S.E.C. 386, 388 (1939). Accord, *Hanly v. Securities and Exchange Commission*, 415 F. 2d 589 (C.A. 2, 1969); *Charles Hughes & Co. v. Securities and Exchange Commission*, 139 F. 2d 434 (C.A. 2, 1943), certiorari denied, 321 U.S. 766 (1944); *G. Alex Hope*, 7 S.E.C. 1082 (1940); *Allender Co., Inc.*, 9 S.E.C. 1043 (1941); *Jack Goldberg*, 10 S.E.C. 975 (1942); *William J. Stelmack Corp.*, 11 S.E.C. 601 (1942); *J. Logan & Co.*, 41 S.E.C. 88 (1962).

<sup>7</sup> See e.g., *Mason, Moran & Co.*, 35 S.E.C. 84, 89-90 (1953); *Walter S. Grubbs*, 28 S.E.C. 322 (1948); *Norris & Hirschberg, Inc.*, 21 S.E.C. 865 (1946), affirmed, *Norris & Hirschberg, Inc. v. Securities and Exchange Commission*, 177 F. 2d 228 (C.A.D.C., 1949); *Allender Co., Inc.*, 9 S.E.C. 1043 (1941); *Affiliated Ute Citizens of Utah v. United States*, 406 U.S. 128 (1972); *Chasins v. Smith, Barney & Co., Inc.*, 438 F. 2d 1167 (C.A. 2, 1970).

<sup>8</sup> *Arleen W. Hughes*, 27 S.E.C. 629, 637 (1948), affirmed, *Hughes v. Securities and Exchange Commission*, 174 F. 2d 969 (C.A.D.C., 1949). See also, section 206(3) of the Investment Advisers Act.

[Release Nos. 33-5395, 34-10180]

**PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933****PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934****PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934****New Ventures; Meaningful Disclosure**

Notice of adoption of amendments to registration Forms S-1 (17 CFR 239.11) and S-2 (17 CFR 239.12) under the Securities Act of 1933 and to Forms 10 (17 CFR 249.210) 10-K (17 CFR 249.310) and 10-Q (17 CFR 249.308a) and rules 13a-13 (17 CFR 249.13a-13) and 15d-13 (17 CFR 249.15d-13) under the Securities Exchange Act of 1934: to require more meaningful disclosure with respect to all registrants; and to require more meaningful disclosure with respect to certain new ventures; to further conform the disclosure provisions of those Acts as they apply to all registrants and of other proposals.

The Securities and Exchange Commission (Commission) has adopted amendments to certain of its registration and reporting forms to require, among other things, more meaningful disclosure relating to all registrants, including information concerning the status of the development of new products and general competitive conditions, the position of the issuer in the industry in which it operates, and, in the case only of certain registrants offering securities to the public for the first time, a description of their plans of operation. The Commission believes that disclosure of such plans relating to new ventures is particularly necessary, since, generally there is an absence of historical information available to the public concerning such ventures in the form of reports filed with the Commission or published by financial services. In addition, investing in this type of venture may involve a greater risk of loss. Also, the Commission by adopting certain of these amendments has further conformed the disclosure requirements of the Securities Act of 1933 (Act) and the Securities Exchange Act of 1934 (Exchange Act) as they apply to all registrants by eliminating differences in the disclosure requirements among Forms S-1<sup>1</sup> [17 CFR 239.11] and S-2<sup>2</sup> [17 CFR 239.12] under the Act and 10<sup>3</sup> [17 CFR 249.210] and 10-K<sup>4</sup> [17 CFR 249.310] under the Exchange Act. The Commission also has adopted certain amendments to Rules 13a-13 [17 CFR 240.13a-13] and 15d-13 [17 CFR 240.15d-13] and Form 10-Q<sup>5</sup>

[17 CFR 249.308a] under the Exchange Act to delete the exemption for registrants in the promotional or development stage (other than mining companies) from filing quarterly reports on Form 10-Q and to amend that form to require such registrants to file certain financial statements.

These amendments to Forms S-1, S-2, 10, 10-K and 10-Q were proposed in Securities Act Release 5276 on July 26, 1972 [37 F.R. 16016] and in Exchange Act Release 9673 [37 FR 16023] on that date. For the convenience of registrants and those advising them a chart indicating the types of registrants to which the amendments apply is attached to this release.

Certain of these amendments are designed to result in disclosure of more meaningful information concerning all registrants and to communicate more effectively to the investing public the economic realities concerning new registrants. It should be noted that the proposed amendments to Form 10-K would only have required a description of material changes in the registrant's business that occurred in the last fiscal year. The description of business item in Form 10-K, as adopted, requires a brief description of the registrant's business, which is an existing requirement, and material changes in such business that occurred during the fiscal year. The Commission believes that retaining the requirement for a brief description of business will make reports on Form 10-K understandable without the need to refer to other forms or reports.

The amendments to 1933 Act registration forms and 1934 Act registration and reporting forms will require, as part of the description of all registrants' businesses, in addition to the required description of the business done and intended to be done and without limiting that requirement, specific disclosure in cases where the registrant proposes to enter or where it has recently entered a new line of business or introduced a new product involving the investment of a material amount of its assets. The amendments are not designed to require premature disclosure of confidential business information<sup>6</sup> or other information not previously publicly announced or otherwise made public which would result in significant competitive disadvantages to the issuer without corresponding benefits for investors. The Commission has determined not to adopt its proposal to require disclosure with respect to market studies, since, at this time, there are unresolved questions about the reliability of market studies generally. Moreover, the substance of the disclosure sought will be obtained by other requirements relating to product development and competition. Disclosure will be required

<sup>6</sup>In this connection, Rules 171 [17 CFR 230.171] (Disclosure Detrimental to the National Defense or Foreign Policy) and 485 [17 CFR 230.485] (Contracts in General under the Securities Act presently limit the disclosure of certain information.

where the absence of any such study is material. Also such studies will continue to be required to be furnished supplementally, but not as a part of the registration statement or report. The staff will then be able to review such studies and suggest additional disclosure if appropriate.

With respect to disclosure of competitive conditions in the industry all registrants will be required to disclose, where available, more meaningful information concerning the methods of competition in the industry (e.g., price, service, warranty or product performance). This type of information is generally obtained by venture capitalists and underwriters in considering their investment decisions. The amendments require such information to be made available to the investing public. This disclosure requirement has been revised in light of comments to better define the circumstances under which such information is required to be disclosed. A registrant will not be required to disclose information concerning other companies in an industry if the registrant cannot obtain such information without unreasonable effort or expense or if such information is peculiarly within the knowledge of a person not affiliated with the registrant.

Where a company is filing for the first time on Form S-1, S-2 or Form 10, and such company (including predecessors) has not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement, the registrant's plan of operation for the remainder of the fiscal year or, if the registration statement is filed in the second half of the fiscal year, the registrant's plan through the first half of the next year, will be required to be described. This description will include a narrative statement indicating the registrant's opinion as to the period of time that the proceeds of the offering will satisfy its cash requirements and whether in the next six months the registrant will have to raise additional funds to meet the expenditures required for operating its business. The basis for such opinion will be required to be stated. In addition, where such narrative is based on a cash budget, such budget will be required to be furnished to the Commission as supplemental information, but not as a part of the registration statement.

The Commission has determined not to adopt at this time, but is not withdrawing, the proposal to require certain registrants to disclose in the registration statement cash budgets, if available. This proposal will be reconsidered in light of Securities Act Release 5362 (February 2, 1973) [38 FR 7220] announcing the Commission's determinations with respect to the filing of projection information and subsequent implementing releases, as well as experience in administering the new disclosure requirements. The Commission believes at present that registrants with limited track records may not have the experience, expertise or resources to prepare reliable cash budgets, particularly since such budgets are based, in part, on projection of sales or revenues,

<sup>1</sup> General form for registration of securities under the Act for which no other form is authorized or prescribed.

<sup>2</sup> Form for registration of securities under the Act of commercial and industrial companies in the development stage.

<sup>3</sup> General form for registration of securities pursuant to section 12 of the Exchange Act.

<sup>4</sup> General form for annual reports pursuant to section 13(a) of the Exchange Act.

<sup>5</sup> General form for quarterly reports pursuant to section 13a of the Exchange Act.

and that the liability exposure resulting from use of unreliable budget information might restrict the raising of capital by such registrants. As it indicated in Release 33-5362, the Commission is considering proposing for comment a rule which would provide that where a projection has a reasonable basis and is carefully reviewed, liability under the federal securities laws would not result solely from the fact that actual results turn out to be different from projected results. The Commission's final determination with respect to such a rule would also affect its reconsideration of the proposal relating to cash budgets.

In light of the above, the Commission also determined not to adopt at this time, but is not withdrawing, the proposed amendments to Forms 10-Q and 10-K relating to updating of cash budgets for a period of two years.

In addition, since disclosure relating to the performance and background of management of the issuer is material to investment decisions, the Commission had adopted additional disclosure requirements in this area which apply to all registrants. The 10-year litigation history requirement pertaining to directors now contained in Form 10 and 10-K has been added to the corresponding items in Form S-1 and S-2 and broadened to cover executive officers in all those forms. The disclosure required concerning officers and directors will be standardized in the foregoing forms and additional explanation will be required as to the nature of the responsibilities of these individuals in prior positions. In addition, registrants which are not subject to the reporting provisions of the Exchange Act will be required to disclose in Forms 10, S-1 and S-2 the experience of certain key persons such as research scientists and production and sales managers, who, although not executive officers, are expected to make significant contributions to the business of the registrant. The proposed requirement for disclosure of salaries of officers and directors during previous employment has not been adopted, since public comments indicated that it would not provide meaningful information to investors and that it would result in personnel problems.

Further, in order to provide material information to investors concerning certain practices which may affect after-market trading in securities that are being offered, the items in Forms S-1 and S-2 relating to the plan for the distribution of the securities to be registered by companies not subject to the periodic reporting provisions of sections 13(a) and 15(d) of the Exchange Act, have been amended to require disclosure of the principal underwriters' intentions to confirm sales to their discretion-

ary accounts.<sup>7</sup> In addition to the disclosure required in the registration statement, the Commission, as discussed in Securities Act Release No. 5398 [38 F.R. 17201], issued today, cautions underwriters that full and effective disclosure, where the underwriter act as a principal, generally will require disclosure to and the consent of its clients.

All first time registrants will also be required to undertake on Form S-1 or S-2 to provide to underwriters certificates for the securities to be offered in such a manner as to permit prompt delivery by underwriters to purchasers. The obligation to deliver such securities remains that of the underwriter. The underwriter will be required to indicate in connection with a request for acceleration that the issuer has been requested to provide certificates to the underwriter to permit prompt delivery to purchasers. Although this requirement for notification was not proposed for comment, the Commission finds it is not a substantive disclosure requirement and that it merely relates to advice which should be given to the Commission for its information to assist in administering the securities laws and publication for comment is not required pursuant to the Administrative Procedures Act.

Current financial information with respect to companies in the promotional or development stage is of material importance. Consequently, Rules 13a-13 and 15d-13 under the Exchange Act have been amended to delete that part of subparagraph (b) (5) of each rule which presently exempts such companies from filing quarterly reports on Form 10-Q. The exemption for certain mining companies in the promotional or development stage remains. Form 10-Q has

<sup>7</sup> Testimony during the Commission's Public Investigation in the Matter of the Hot Issues Securities Markets (File No. 4-148) indicates that underwriters of securities of new ventures may confirm sales of a material portion of the securities offered to their discretionary accounts. The Special Study of Securities Markets noted that underwriters restricted the supply of new issues by, among other methods, allotting securities to discretionary accounts. Report of Special Study of Securities Markets of the Securities and Exchange Commission, Part I at 555 (1963). More recently, a study of hot issues prepared for the Attorney General of the State of New York pointed out that the purchase of new issues for discretionary accounts gave the underwriter a large degree of effective trading control and recommended "that consideration should be given to prohibitions or limitations on the sale of new issue securities to discretionary accounts controlled by the underwriter in a manner that could easily result in the manipulation of the market for the new issue." A Report to the Attorney General of the State of New York at 9, 37-38 (1969).

been amended to require that companies in the promotional or development stage submit the financial statements required by Rules 5A-02 [17 CFR 210.5a-02] and 5A-06 [17 CFR 210.5a-06] of Regulation S-X [17 CFR 210.1-01 et seq.] in lieu of those called for by Parts A and B of the form. As originally proposed for comment, those financial statements would have also included those required by Rules 5A-03, [17 CFR 210.5a-03] 5A-04 [17 CFR 210.5a-04] and 5A-05 [17 CFR 210.5a-05] of Regulation S-X. Such financial statements will not be required by the amendment as adopted, because the Commission believes that they would not provide benefits to investors commensurate with the burdens which would be imposed on registrants in preparing such statements.

*Commission action.* Pursuant to authority set forth in sections 6, 7, 10 and 19(a) of the Securities Act of 1933, as amended, the Securities and Exchange Commission hereby amends §§ 239.11 and 239.12 of Chapter II of Title 17 of the Code of Federal Regulations all as set forth below: I. § 239.11 [Form S-1]—Items 2, 9, 16 and 17 of § 239.11 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

*Item 2. Plan of distribution.*

The following new paragraph (d) is added to item 2:

(d) If the registrant was not, immediately prior to the filing of the registration statement, subject to the requirements of Section 13(a) or 15(d) of the Securities Exchange Act of 1934, identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the amount of securities so intended to be confirmed.

*Instruction.* The response to this item shall be contained in a pre-effective amendment which will be circulated if the information is not available when the registration statement is filed.

*Item 9. Description of business.*

(a) Describe the business done and intended to be done by the registrant and its subsidiaries and the general development of such business during the past five years, or such shorter period as the registrant may have been engaged in business. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry or industries involved and the competitive position of the registrant, if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services. (Formerly Item 9(e).)

(2) If a material part of the business is dependent upon a single customer or a few customers, the loss of any one or more of

whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding their importance to the business of the registrant. (Formerly Item 9(c).)

(3) The principal products produced and services rendered by the registrant, the principal markets for, and methods of distribution of, such products and services, including any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution, during the past three fiscal years.

(4) To the extent that information concerning backlog is material to an understanding of the business of the registrant, the dollar amount of backlog orders believed to be firm, as of a recent date and as of a comparable date in the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year, and seasonal or other material aspects of the backlog.

(5) The sources and availability of raw materials essential to the business.

(6) The importance to the business and the duration and effect of, all material patents, trade marks, licenses, franchises and concessions held.

(7) (a) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of new products or services or the improvement of existing products or services, indicating those activities which were company-sponsored and/or those which were customer-sponsored.

(b) In addition to the description of the business done and intended to be done required by paragraph 9(a) and without limiting that requirement, if there has been a public announcement of, or if information otherwise has become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(c) Where material, state the approximate number of employees engaged fulltime in each of the activities described in (a) above during each fiscal year and in (b) above.

**NOTE:** Item 9(a)(7)(b) requires a description of the status of product development in addition to the description of the business done and intended to be done required by paragraph 9(a). Item 9(a)(7)(b) is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the registrant's competitive position. Paragraph (a) requires disclosure of financial information relating to research and development activities. Subparagraph (b) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public concerning a new product or line of business requiring the investment of a material amount of total assets.

(8) The number of persons employed by the registrant.

(9) The extent to which the business of the registrant or a material portion thereof is or may be seasonal.

**INSTRUCTIONS.** 1. If the registrant proposes to enter, or has recently entered or introduced a new line of business or product requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the registration statement, but not as a part thereof, a copy of any studies conducted or performed by or for the registrant relating to such busi-

ness or product as required by Guide 42 of the Guides for the Preparation and Filing of Registration Statements [33 P.R. 18617], and a statement as to the actual or proposed use of such study. If any such study is not available at the time of filing, it should be provided as soon thereafter as practicable. Where material, disclosure in the registration statement of the absence of such a study is required.

2. The principal methods of competition (e.g., price, service, warranty or product performance) should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained if known or reasonably available to the registrant. An estimate of the number of competitors should be included, and, where material, the particular markets in which the registrant competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the registrant's business, the registrant's and industry practices and conditions as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal; where the registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has provided extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise. (Formerly Instruction 1 to Item 9(a).)

5. Disclosure relating to environmental matters—No Change.

6. In describing developments, information shall be given as to matters such as the following: the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business. (Formerly Instruction 2 to Item 9(a).)

7. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item. (Formerly Instruction 3 to Item 9(a).)

8. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government. (Formerly Instruction 4 to Item 9(a).)

**NOTE:** The following instruction (9) applies only to registrants filing a registration statement under the Securities Act for the first time, who (including predecessors) have not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement. No response is required if similar information has previously been filed for a prior period in a registration statement on Form 10 [17 CFR 249.210] effective under the Securities Exchange Act of 1934.

9. Describe, if formulated, the registrant's plan of operation for the remainder of the fiscal year, if the registration statement is filed prior to the end of the registrant's second fiscal quarter. Describe, if formulated,

the registrant's plan of operation for the remainder of the fiscal year and for the first six months of the next fiscal year, if the registration statement is filed subsequent to the end of the second fiscal quarter. If such information is not available, the reasons for its not being available should be stated. Disclosure relating to any plan should include such matters as:

(a) A statement in narrative form indicating the registrant's opinion as to the period of time that the proceeds from the offering will satisfy cash requirements and whether in the next six months it will be necessary to raise additional funds to meet the expenditures required for operating the business of the registrant. The basis for such opinion shall be set forth with specificity and categories of expenditures and sources of cash resources shall be identified. Amounts of expenditures and cash resources need not be provided. In addition, if the narrative statement is based on a cash budget, such budget should be furnished to the Commission as supplemental information, but not as a part of the registration statement.

(b) An explanation of material product research and development to be performed during the period covered by the plan, including, in addition to the description of the business done and intended to be done required by paragraph 9(a) and without limiting that requirement, where there has been a public announcement of or such information has otherwise become public about a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(c) Any anticipated material acquisition of plant and equipment and the capacity thereof.

(d) Any anticipated material changes in number of employees in the various departments such as research and development, production, sales or administration.

(e) Other material areas which may be peculiar to the registrant's business.

(b) Information As to Lines of Business. (No Change.)

(c) If the registrant and its subsidiaries engage in material operations in foreign countries, or if a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and relative profitability of such operations. (Formerly Item 9(f).)

(d) The Commission may, upon written request of the registrant, and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution thereof of appropriate information of comparable character. The Commission may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done. (Formerly Item 9(f).)

#### Item 16. Directors and Executive Officers.

(a) List the names and ages of all directors of the registrant and all persons chosen to become directors; indicate all positions and offices with the registrant held by each such person; state his term of office as director and the period during which he has

served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. If any person chosen to become a director has not consented to act as such, so state. (Formerly Instruction 1 to Item 16.)

(b) List the names and ages of all executive officers of the registrant and all persons chosen to become executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. If any person chosen to become an executive officer has not consented to act as such, so state. (Formerly Instruction 1 to Item 16.)

3. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make, significant contributions to the business of the registrant, such persons should be identified and their background disclosed to the same extent as in the case of executive officers. Such disclosure need not be made if the registrant was subject to section 13(a) or 15(d) of the Exchange Act, or was exempt from section 13(a) by section 12(g) (2) (G) of that Act, immediately prior to the filing of the registration statement.

(c) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(d) Give a brief account of the business experience during the past 5 years of each director and each executive officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the registrant or a subsidiary of the registrant for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(e) Describe any of the following events which occurred during the past 10 years and which are material to an evaluation of the ability and integrity of any director or executive officer of the registrant:

(1) A petition under the Bankruptcy Act or any state insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within two years before the time of

such filing, or any corporation or business association of which he was an executive officer at or within two years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or

(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or firm engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or state authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (e) has occurred but information in regard thereto is omitted on the ground that it is not material, the registrant shall furnish, as supplemental information and not as a part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.

Item 17. Remuneration of directors and officers.

Paragraph (a) (1) of this item is revised as follows:

- (a) \* \* \*
- (1) Each director and each of the three highest paid officers of the registrant whose aggregate direct remuneration exceeded \$40,000, naming each such person.
- (2) No change.

UNDERTAKINGS

The following undertaking D is added to the undertakings in § 239.11 (Form S-1):

D. The following undertaking should be included in the registration statement if equity securities are to be offered and the registrant has not previously sold securities registered under the Act:

The undersigned registrant hereby undertakes to provide to the underwriter at the closing specified in the underwriting agreement certificates in such denominations and registered in such names as required by the underwriter to permit prompt delivery to each purchaser.

Note: Any request for acceleration should be accompanied by a representation from the underwriter that the registrant has been requested to provide sufficient certificates in such denominations as to permit prompt delivery.

II. § 239.12 (Form S-2)—Items 2 and 8 of § 239.12 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

Item 2. Plan of distribution.  
The following new subparagraph (d) is added to this item.

(d) If the registrant was not, immediately prior to the filing of the registration statement, subject to the requirements of Section 13(a) or 15(d) of the Securities Exchange

Act of 1934, identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the amount of securities so intended to be confirmed.

Instruction. The response to this item shall be contained in a preeffective amendment which will be circulated if the information is not available when the registration statement is filed.

Item 4. Organization and business.

(a) State the year in which and the name of the state or other jurisdiction under the laws of which the registrant was incorporated, and describe the business done and intended to be done by the registrant and the general development of such business during the period that the registrant has been engaged in business. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry or industries involved and the competitive position of the registrant, if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services.

(2) If a material part of the business is dependent upon a single customer or a few customers, the loss of any one or more of whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding their importance to the business of the registrant.

(3) The principal products produced and services rendered by the registrant, the principal markets for, and methods of distribution of, such products and services, including any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution.

(4) To the extent that information concerning backlog is material to an understanding of the business of the registrant, the dollar amount of backlog of orders believed to be firm, as of a recent date and as of a comparable date in the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year, and seasonal or other material aspects of the backlog.

(5) The sources and availability of raw materials essential to the business.

(6) The importance to the business and the duration and effect of, all material patents, trade marks, licenses, franchises and concessions held.

(7) (a) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of new products or services or the improvement of existing products or services indicating those activities which were company-sponsored and/or those which were customer-sponsored.

(b) In addition to the description of the business done and intended to be done required by paragraph 4(a) and without limiting that requirement, if there has been a public announcement of, or if information otherwise has become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist to the degree to which product design has progressed or whether further engineering is necessary).

(c) Where material, state the approximate number of employees engaged fulltime in each of the activities described in (a) above during each fiscal year and in (b) above.

NOTE: Item 4(a) (7) (b) requires a description of the status of product development in addition to the description of the business done and intended to be done required by paragraph 4(a). Item 4(a) (7) (b) is not intended to require disclosure of otherwise nonpublic corporate information the disclosure of which would adversely affect the registrant's competitive position. Subparagraph (a) requires disclosure of financial information relating to research and development activities. Subparagraph (b) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public about a new product or line of business requiring investment of a material amount of total assets.

(8) The number of persons employed by the registrant.

(9) The extent to which the business of the registrant or a material portion thereof is or may be seasonal. (Formerly part of Item 4(d).)

Instructions. 1. If the registrant proposes to enter, or has recently entered or introduced a new line of business or product requiring the investment or a material amount of its total assets, provide as supplemental information at the time of filing of the registration statement, but not as a part thereof, a copy of any studies conducted or performed by or for the registrant relating to such business or product, as required by Guide 42 of the Guides for the Preparation and Filing of Registration Statements, and a statement as to the actual or proposed use of such study. If any such study is not available at the time of filing, it should be provided as soon thereafter as practicable. Where material, disclosure in the registration statement of the absence of such a study is required.

2. The principal methods of competition (e.g., price, service, warranty, or product performance) should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained, if known or reasonably available to the registrant. An estimate of the number of competitors should be included, and, where material, the particular markets in which the registrant competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the registrant's business, the registrant's and industry practices and conditions as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal; where registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has provided extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise.

5. In describing developments, information shall be given as to matters such as the following: the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

6. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item.

7. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the government.

NOTE: The following instruction (8) applies only to registrants filing a registration statement under the Securities Act for the first time, who (including predecessors) have not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement. No response is required if similar information has previously been filed for a prior period in a registration statement on Form 10 effective under the Securities Exchange Act of 1934.

8. Describe, if formulated, the registrant's plan of operation for the remainder of the fiscal year if the registration statement is filed prior to the end of the registrant's second fiscal quarter. Describe, if formulated, the registrant's plan of operation for the remainder of the fiscal year and for the first six months of the next fiscal year, if the registration statement is filed subsequent to the end of the second fiscal quarter. If such information is not available, the reasons for its not being available should be stated. Disclosure relating to any plan should include such matters as:

(a) A statement in narrative form indicating the registrant's opinion as to the period of time that the proceeds from the offering will satisfy cash requirements and whether in the next six months it will be necessary to raise additional funds to meet the expenditures required for operating the business of the registrant. The basis for such opinion shall be set forth with specificity and categories of expenditures and sources of cash resources shall be identified. Amounts of expenditures and cash resources need not be provided. In addition, if the narrative statement is based on a cash budget, such budget should be furnished to the Commission as supplemental information, but not as a part of the registration statement.

(b) An explanation of material product research and development to be performed during the period covered by the plan, including, in addition to the description of the business done and intended to be done required by paragraph 4(a) and without limiting that requirement, where there has been a public announcement of, or such information has otherwise become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(c) Any anticipated material acquisition of plant and equipment and the capacity thereof.

(d) Any anticipated material changes in number of employees in the various departments such as research and development, production, sales or administration.

(e) Other material areas which may be peculiar to the registrant's business.

(b) If the registrant engages in material operations in foreign countries, or if a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and relative profitability of such operations.

(c) The Commission may, upon written requests of the registrant and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution therefor of appropriate information of comparable character. The Commission may also require the furnishing of other information in addition to, or in substitution for the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done.

Item 8. Promoters, Directors and Officers.

(a) No change.

(b) List the names and ages of all directors of the registrant and all persons chosen to become directors; indicate all positions and offices with the registrant held by each such person; state his term of office as director and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director.

(c) List the names and ages of all executive officers of the registrant and all persons chosen to become executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who are not executive officers, but who make or are expected to make, significant contributions to the business of registrant, such persons should be identified and their backgrounds disclosed to the same extent as in the case of executive officers. Such disclosure need not be made if the registrant was subject to section 13(a) or 15(d) of the Exchange Act or was exempt from section 13(a) by section 12(g)(2)(G) of that Act, immediately prior to the filing of the registration statement.

3. If any person chosen to become a director or executive officer has not consented to act as such, so state. (Formerly Instruction 1 to Item 8(b).)

(d) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship, by blood, marriage or adoption, not more remote than first cousin.

(e) Give a brief account of the business experience during the past five years of each director and each executive officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the registrant or a subsidiary of the registrant for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual

in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(f) Describe any of the following events which occurred during the past 10 years and which are material to an evaluation of the ability and integrity of any director or executive officer of the registrant:

(1) A petition under the Bankruptcy Act or any state insolvency law was filed by or against, or a receiver, fiscal agent or similar officer was appointed by a court for the business or property of, such person, or any partnership in which he was a general partner at or within two years before the time of such filing, or any corporation or business association of which he was an executive officer at or within two years before the time of such filing;

(2) Such person was convicted in a criminal proceeding (excluding traffic violations and other minor offenses) or is the subject of a criminal proceeding which is presently pending; or

(3) Such person was the subject of any order, judgment or decree of any court of competent jurisdiction permanently or temporarily enjoining him from acting as an investment adviser, underwriter, broker or dealer in securities, or as an affiliated person, director or employee of any investment company, bank, savings and loan association or insurance company, or firm engaging in or continuing any conduct or practice in connection with any such activity or in connection with the purchase or sale of any security, or was the subject of any order of a Federal or state authority barring or suspending, for more than 60 days, the right of such person to be engaged in any such activity, which order has not been reversed or suspended.

Instruction. If any event specified in paragraph (f) has occurred but information in regard thereto is omitted on the ground that it is not material, the registrant shall furnish, as supplemental information and not as a part of the registration statement, a description of the event and a statement of the reasons for the omission of information in regard thereto.

**UNDERTAKING TO DELIVER CERTIFICATES PROMPTLY**

The following new undertaking is added to § 239.12 (Form S-2):

The following undertaking should be included in the registration statement if equity securities are to be offered and the registrant has not previously sold securities registered under the Act:

"The undersigned registrant hereby undertakes to provide to the underwriter at the closing specified in the underwriting agreement certificates in such denominations and registered in such names as required by the underwriter to permit prompt delivery to each purchaser."

NOTE: Any request for acceleration should be accompanied by a representation from the underwriter that the registrant has been requested to provide sufficient certificates in such denominations as to permit prompt delivery.

*Commission action:* Pursuant to authority set forth in sections 12, 13(a), 15(d) and 23(a) of the Securities Exchange Act of 1934, as amended, the Securities and Exchange Commission hereby amends §§ 249.210, 249.310, 249.308a, 240.13a-13 and 240.15d-13 of

Chapter II of Title 17 of the Code of Federal Regulations all as set forth below:

I. § 249.210 (Form 10)—Items 1 and 6 of § 249.210 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

**Item 1. Business.**

(a) State the year in which the registrant was organized and its form of organization (such as "a corporation," or "unincorporated association" or other appropriate statement).

(b) Describe the business done and intended to be done by the registrant and the general development of such business during the past 5 years, or such shorter period as the registrant may have been engaged in business. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry or industries involved and the competitive position of the registrant, if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services. (Formerly paragraph (f) of Item 1.)

(2) If a material part of the business is dependent upon a single customer or a few customers, the loss of any one or more of whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding their importance to the business of the registrant. (Formerly paragraph (d) of Item 1.)

(3) The principal products produced and services rendered by the registrant, the principal markets for, and methods of distribution of, such products and services, including any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution, during the past three fiscal years.

(4) To the extent that information concerning backlog is material to an understanding of the business of the registrant, the dollar amount of backlog of orders believed to be firm, as of a recent date and as of a comparable date in the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year, and seasonal or other material aspects of the backlog. (Formerly Instruction 5(a) to paragraph (b) of Item 1.)

(5) The sources and availability of raw materials essential to the business. (Formerly Instruction 5(B) to paragraph (b) of Item 1.)

(6) The importance to the business and the duration and effect of, all material patents, trade marks, licenses, franchises and concessions held. (Formerly Instruction 5(C) to paragraph (b) of Item 1.)

(7) (a) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the development of new products or services or the improvement of existing products or services, indicating which were company sponsored and/or those which were customer-sponsored.

(b) In addition to the description of the business done and intended to be done required by paragraph 1(b) and without limiting that requirement, if there has been a public announcement of, or if information otherwise has become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(c) Where material, state the approximate number of employees engaged fulltime in each of the activities described in (a) above during each fiscal year and in (b) above. (Formerly Instruction 5(D) to paragraph (b) of Item 1.)

NOTE: Item 1(b)(7)(b) requires a description of the status of product development in addition to the description of the business done and intended to be done required by paragraph 1(a). Item 1(b)(7)(b) is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the registrant's competitive position. Subparagraph (a) requires disclosure of financial information relating to research and development activities. Subparagraph (b) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public concerning a new product or line of business requiring the investment of a material amount of total assets.

(8) The number of persons employed by the registrant. (Formerly Instruction 5(E) to paragraph (b) of Item 1.)

(9) The extent to which the business of the registrant or a material portion thereof is or may be seasonal.

*Instructions. 1.* If the registrant proposes to enter, or has recently entered or introduced a new line of business or product requiring the investment of a material amount of its total assets, provide as supplemental information at the time of filing of the registration statement, but not as a part thereof, a copy of any studies conducted or performed by or for the registrant relating to such business or product, and a statement as to the actual or proposed use of such study. Where material, disclosure of the absence of such a study is required.

2. The principal methods of competition (e.g., price, service, warranty, or product performance) should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained, if known or reasonably available to the registrant. An estimate of the number of competitors should be included, and, where material, the particular markets in which the registrant competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the registrant's business, the registrant's and industry practices and conditions as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal; where the registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has provided extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise. (Formerly Instruction 1 to paragraph (b) of Item 1.)

5. In describing developments, information shall be given as to matters such as the following: the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material

amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business. (Formerly Instruction 2 to paragraph (b) of Item 1.)

6. (Disclosure relating to Environmental Matters)—No Change

7. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item. (Formerly Instruction 3 to paragraph (b) of Item 1.)

8. Appropriate disclosure shall be made with respect to any material portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government. (Formerly Instruction 4 to paragraph (b) of Item 1.)

NOTE: The following Instruction (9) applies only to registrants filing a registration statement on Form 10 (§ 249.310) for the first time, who (including predecessors) have not received revenues from operations for each of the three fiscal years immediately prior to the filing of the registration statement, unless similar information has previously been filed for prior periods in a registration statement on Forms S-1 (§ 239.11) or S-2 (§ 239.12) effective under the Securities Act of 1933.

9. Describe, if formulated, the registrant's plan of operation for the remainder of the fiscal year, if the registration statement is filed prior to the end of the registrant's second fiscal quarter. Describe, if formulated, the registrant's plan of operation for the remainder of the fiscal year and for the first six months of the next fiscal year, if the registration statement is filed subsequent to the end of the second fiscal quarter. If such information is not available, the reasons for its not being available shall be stated. Disclosure relating to any plan should include such matters as:

(a) An explanation of material product research and development to be performed during the period covered by the plan, including, in addition to the description of the business done and intended to be done required by paragraph 1(b) and without limiting that requirement, where there has been a public announcement of, or such information has otherwise become public about, a new product or line of business requiring the investment of a material amount of total assets, a description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(b) Any anticipated material acquisition of plant and equipment and the capacity thereof.

(c) Any anticipated material changes in number of employees in the various departments such as research and development, production, sales or administration.

(d) Other material areas which may be peculiar to the registrant's business.

(e) Information as to lines of business. (No change.)

(d) If the registrant and its subsidiaries engage in material operations in foreign countries, or if a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and profitability of such operations. (Formerly paragraph (e) of Item 1.)

(e) The Commission may, upon written request of the registrant, and where con-

sistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution thereof of appropriate information of comparable character. The Commission may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done. (Formerly paragraph (g) of Item 1.)

#### Item 6. Directors and executive officers.

(a) List the names and ages of all directors of the registrant and all persons chosen to become directors; indicate all positions and offices with the registrant held by each such person; state his term of office as director and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as a director.

Instruction. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

(b) List the names and ages of all executive officers of the registrant and all persons chosen to become executive officers; indicate all positions and offices with the registrant held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangements or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or executive officers of the registrant acting solely in their capacities as such.

2. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the registrant. Where the registrant employs persons such as production managers, sales managers, or research scientists, who make or are expected to make, significant contributions to the business of the registrant, such persons should be identified and their background disclosed to the same extent as in the case of executive officers.

(c) State the nature of any family relationship between any director or executive officer and any other director or executive officer.

Instruction. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(d) Give a brief account of the business experience during the past five years of each director and each executive officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the registrant or a subsidiary of the registrant for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience.

What is required is information relating to the level of his professional competence which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

(e) Describe any of the following events which occurred during the past ten years

and which are material to an evaluation of ability and integrity of any director or executive officer of the registrant:

II. § 249.310 (Form 10-K)—Items 1, 8 and 12 of § 249.310 of Chapter II of Title 17 of the Code of Federal Regulations would be amended as follows:

#### Item 1. Business.

(a) Identify the principal products produced and services rendered by the registrant and its subsidiaries, and the principal markets for, and methods of distribution of, such products and services. Briefly describe any significant changes in the kinds of products produced or services rendered, or in the markets or methods of distribution, since the beginning of the fiscal year.

(b) Describe any material changes and developments since the beginning of the fiscal year in the business done and intended to be done by the registrant and its subsidiaries. The description shall include information as to matters such as the following:

(1) Competitive conditions in the industry or industries involved and the competitive position of the registrant if known or reasonably available to the registrant. If several products or services are involved, separate consideration shall be given to the principal products or services or classes of products or services. (Formerly paragraph (b)(1) of Item 1.)

(2) If a material part of the business is dependent upon a single customer or a few customers, the loss of any one or more of whom would have a materially adverse effect on the business of the registrant, the name of the customer or customers, their relationship, if any, to the registrant and material facts regarding their importance to the business of the registrant. (Formerly paragraph (d) of Item 1.)

(3) To the extent that information concerning backlog is material to an understanding of the business of the registrant, the dollar amount of backlog of orders believed to be firm, as of the end of the registrant's fiscal year, and as of the end of the preceding fiscal year, together with an indication of the portion thereof not reasonably expected to be filled within the current fiscal year and seasonal or other material aspects of the backlog. (Formerly paragraph (b)(2) of Item 1.)

(4) The sources and availability of raw materials essential to the business. (Formerly paragraph (b)(3) of Item 1.)

(5) The importance to the business and the duration and effect of, all material patents, trademarks, licenses, franchises and concessions held. (Formerly paragraph (b)(4) of Item 1.)

(6) (a) The estimated dollar amount spent during each of the last two fiscal years on material research activities relating to the developments of new products or services or the improvement of existing products or services, indicating those activities which were company-sponsored and/or those which were customer-sponsored.

(b) If there has been a public announcement of, or if information otherwise has become public about, a new product or line of business requiring the investment of a material amount of total assets, description of the status of such product or line (e.g., whether in the planning stage, whether prototypes exist, the degree to which product design has progressed or whether further engineering is necessary).

(c) Where material, state the approximate number of employees engaged fulltime in each of the activities described in (a) above during each fiscal year and in (b).

NOTE: Item 1 6(b) is not intended to require disclosure of otherwise non-public corporate information the disclosure of which would adversely affect the registrant's competitive position. Subparagraph (a) requires disclosure of financial information relating to research and development activities. Subparagraph (b) is intended to elicit additional specific information only where there has been a public announcement or where information has otherwise become public about a new product or line of business requiring the investment of a material amount of total assets.

(7) (Disclosure relating to environmental matters)—No Change.

(8) The number of persons employed by the registrant. (Formerly paragraph (b) (6) of Item 1.)

(9) The extent to which the business of the registrant or a material portion thereof is or may be seasonal.

Instructions. 1. If the registrant proposes to enter, or has recently entered or introduced a new line of business or product requiring the investment of a material amount of its total assets, provide as supplemental information, but not as a part of the report, a copy of any market studies conducted or performed by or for the registrant relating to such business or product and a statement as to the actual or proposed use of such study. Where material, disclosure in the report of the absence of such a study is required.

2. The principal methods of competition (e.g., price, service, warranty, or product performance), should be identified and positive and negative factors pertaining to the competitive position of the registrant, to the extent that they exist, should be explained, if known or reasonably available to the registrant. An estimate of the number of competitors should be included, and, where material, the particular markets in which the registrant competes should be identified. Where one or a small number of competitors are dominant, they should be identified.

3. Where material to understanding the registrant's business, the registrant's and industry practices and conditions as they relate to working capital items should be explained (e.g., where the registrant's business is highly seasonal; where the registrant is required to carry significant amounts of inventory to meet rapid delivery requirements of customers or to assure itself of a continuous allotment of goods from suppliers; or where the registrant has to provide extended payment terms to customers).

4. The description shall not relate to the powers and objects specified in the charter, but to the actual business done and intended to be done. Include the business of subsidiaries and affiliates of the registrant insofar as is necessary to understand the character and development of the business conducted by the total enterprise.

5. In describing developments, information shall be given as to matters such as the following: the nature and results of any bankruptcy, receivership or similar proceedings with respect to the registrant or any of its significant subsidiaries; the nature and results of any other material reorganization, readjustment or succession of the registrant or any of its significant subsidiaries; the acquisition or disposition of any material amount of assets otherwise than in the ordinary course of business; and any material changes in the mode of conducting the business.

6. The business of a predecessor or predecessors shall be deemed to be the business of the registrant for the purpose of this item.

7. Appropriate disclosure shall be made with respect to any material portion of the

business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government.

(c) Information as to Lines of Business [Formerly Item 1(g)] (No Change).

(d) If the registrant and its subsidiaries engage in material operations in foreign countries, or of a material portion of sales or revenues is derived from customers in foreign countries, appropriate disclosure shall be made with respect to the importance of that part of the business to the registrant and the risks attendant thereto. Insofar as practicable, furnish information with respect to volume and relative profitability of such operations. (Formerly paragraph (e) of Item 1.)

(e) The Commission may, upon written request of the registrant and where consistent with the protection of investors, permit the omission of any of the information herein required or the furnishing in substitution thereof of appropriate information of comparable character. The Commission may also require the furnishing of other information in addition to, or in substitution for, the information herein required in any case where such information is necessary or appropriate for an adequate description of the business done or intended to be done. (Formerly paragraph (f) of Item 1.)

Item 8. Executive Officers of the Registrant.

(a) List the names and ages of all executive officers of the registrant and all persons chosen to become executive officers; state the nature of any family relationship between them, indicate all positions and offices with the registrant held by each such person; state his term of office as officer and the period during which he has served as such and briefly describe any arrangement or understanding between him and any other person pursuant to which he was selected as an officer.

Instructions. 1. Do not include arrangements or understandings with directors or officers of the registrant acting solely in their capacities as such.

2. The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the registrant.

3. The term "family relationship" means any relationship by blood, marriage or adoption, not more remote than first cousin.

(b) Give a brief account of the business experience during the past five years of each executive officer, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupations and employment were carried on. Where an executive officer has been employed by the registrant or a subsidiary of the registrant for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence, which may include, depending upon the circumstances, such specific information as the size of the operation supervised.

Item 12. Directors of the Registrants.

NOTE: Paragraph (c) of Item 12 also applies to executive officers of the registrant.

(a) List the name and age of each director of the registrant, the date on which his present term of office will expire and the nature of all other positions and offices with the registrant presently held by him. The same

information shall be provided with respect to each person chosen to become a director.

(b) If not previously reported, state the nature of any family relationship between each such director and any other director or any executive officer of the registrant and give a brief account of his business experience during the past five years, including his principal occupations and employment during that period and the name and principal business of any corporation or other organization in which such occupation or employment was carried on. Where a person has been on the registrant's board for less than five years, a brief explanation should be included as to the nature of the responsibilities undertaken by the individual in prior positions to provide adequate disclosure of his prior business experience. What is required is information relating to the level of his professional competence and experience.

(c) Describe any of the following events which have occurred during the past 10 years and which are material to an evaluation of the ability and integrity of any director or executive officer of the registrant:

Instructions. 1. Instruction 2 to Item 8 Instructions. 1. Instruction 2 to Item 8 shall also apply to this item.

2. If any event specified in paragraph (c) has occurred but information in regard thereto is omitted on the ground that it is not material, the registrant shall furnish, as supplemental information and not as a part of this report, a description of the event, and a statement of the reasons for the omission of information in regard thereto.

III. § 249.308a [Form 10Q—Instruction H, paragraph (a) of § 249.310 of Chapter II of Title 17 of the Code of Federal Regulations is amended to add the following paragraph:

(a) \* \* \*  
Where a company is in the promotional or development stage to which paragraph (b) of Rule 5A-01 of Article 5A of Regulation S-X [17 CFR 210.5a-01] is applicable, the information specified in Rules 5A-02 [17 CFR 210.5a-02] and 5A-06 [17 CFR 210.5a-06 of Regulation S-X [17 CFR 210.1-01 et seq.] shall be furnished for the above periods in lieu of the information called for by Parts A and B below.

IV. § 240.13a-13—Paragraph (b) of § 240.13a-13 of Chapter II of Title 17 of the Code of Federal Regulations is amended to delete part of subparagraph 5 as follows:

(b) Quarterly reports on Form 10-Q [17 CFR 249.308a] need not be filed by the following issuers:

(1) Companies in the promotional or development stage to which paragraph (c) of § 210.5a-01 of this chapter is applicable.

All of the above amendments will take effect on August 1, 1973 and will apply with respect to filings on Forms S-1 [17 CFR 239.11], S-2 [17 CFR 239.12] or 10 [17 CFR 249.210] made on or after that date and to filings of Forms 10-K [17 CFR 249.310] and 10-Q [17 CFR 249.308a] for periods ending on or after that date. The amendments will not apply to filings made on those forms prior to that date.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85, Secs. 205, 209, 48 Stat. 906, 908, Sec. 8, 68 Stat. 685, Sec. 1, 79 Stat. 1051, 15 U.S.C. 77(f), 77(g), 77(j), 77s(a); Secs. 12, 13(a), 15(d), 23(a), 48 Stat. 892, 894, 895, 901, Secs. 1, 203(a), 8, 49 Stat. 1375, 704, 1379, Sec. 202, 68 Stat. 686, Secs. 3, 4, 78 Stat. 565-568, 569, Sec. 1, 82 Stat. 454, Sec. 28(c), 84 Stat. 1435, 15 U.S.C. 78 f, 78m(a), 780(d), 78w(a).)

By the Commission.

[SEAL]

SHIRLEY E. HOLLIS,  
Recording Secretary.

JUNE 1, 1973.

SUMMARY CHART OF AMENDMENTS

	Type of Registrant to which Amendments Apply			
	Certain Registrants Who are Filing for the First Time on Forms 8-1, 8-2 and 10	Registrants Not Subject to 13(a) or 15(d) of the Exchange Act	All Registrants Forms 8-1, 8-2	All Registrants Forms 10 or 10-K
<b>1) FORM AMENDMENTS*—Disclosure Relating To:</b>				
a) Market Studies and Product Development.....	X	X	X	X
b) Competitive Conditions.....	X	X	X	X
c) Plan of Operation.....	X	X	X	X
d) Management**.....	X	X	X	X
e) Undertaking to Promptly Deliver Certificates to Underwriters (Form 8-1 or 8-2).....	X	X	X	X
f) Disclosure of Intentions to Confirm Sales to Discretionary Accounts (Form 8-1 or 8-2).....	X	X	X	X
<b>2) REGULATION A AMENDMENTS.....</b>				
<b>3) AMENDMENTS TO 1933 ACT GUIDES</b>				
a) Prospectus Summary***.....	X	X	X	X
b) Underwriters' Investigation.....	X	X	X	X
c) Guide 5—"Stock Phrases" or "Boiler Plate".....	X	X	X	X
d) Guide 5—Disclosure of Estimated Offering Price.....	X	X	X	X

\*Also Form 10-Q would be amended to require certain financial reports from companies in promotional and development stages.

\*\*Disclosure with respect to important operating managers would only apply to registrants not subject to Sections 13(a) or 15(d) of the Exchange Act.

\*\*\*Summary financial information only required of registrants on Form 8-1.

[FR Doc. 73-13108 Filed 6-28-73; 8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED

Payment for Services in Connection With Kidney Transplant and Renal Dialysis Provided to Entitled Beneficiaries

Section 299I of P.L. 92-603 extends Medicare protection against the cost of chronic renal disease (CRD) to virtually the entire population. The legislation authorizes the Secretary to limit reimbursement to facilities meeting such requirements as he may prescribe by regulation. In view of the new issues that stem from the virtually universal coverage of a very complex service, the absence of prior experience, and possible precedents that the regulations may establish, final decisions on Medicare payment and facility qualification policies will require careful study and reevaluation based upon operating experience. Operations on July 1, 1973, are to be based upon interim regulations.

Section 299I also requires that the regulations to be promulgated include minimum utilization rates, which are associated both with cost of operation and quality of performance, which is generally superior when staff is well-practiced, and a provision for a medical review board to screen the appropriateness of patients for the proposed treatment procedures. The final regulations, when promulgated, will provide for such rates and review boards. In addition, the

final requirements for participation in the program will provide that facilities have affiliations which tie them in with the various modalities of treatment so as to support the development of an organized effective system of delivery of treatment of CRD. Authority for participation by a facility on an interim basis should not be construed to imply that it will be approved on a permanent basis for participation in the program. When the selection of qualifying facilities under the final conditions is made, it is expected that those not qualifying will be phased out with a minimum of interruption in the continuity of service. In addition, interim reimbursement levels and mechanisms to be employed should not be construed to reflect the final policies which will be adopted and which are expected to contain additional features providing incentives for effective and efficient performance. During the interim period, limits will be applied to reimbursement amounts and services covered beyond which payment will be made, i.e., will be considered reasonable and necessary, only if adequate justification is provided. Subject to requirements described below, facilities which were in operation in the performance of CRD treatment on June 1, 1973, will be reimbursed under the program during the interim period for services which are not increased substantially; additional facilities will be qualified to participate and substantial additions to services will be allowed for reimbursement on an exceptions basis. Those facilities which have not provided transplantation or chronic maintenance dialysis prior to June 1, 1973, or which have expanded or con-

template substantial expansion of services after June 1, 1973, will in addition, be reviewed during the interim period to determine whether their entry into this field is consistent with the criteria described below, which include principles expected to be encompassed in final conditions of participation.

With respect to transplantation, these criteria and principles include the following: (1) The facility is participating in the Medicare program; (2) it can reasonably be expected to perform a sufficient number of transplants per year and otherwise demonstrates a capacity to perform with high quality; (3) it makes a needed contribution to access of care in an area; (4) it contributes to a coordinated system of care by its arrangements for cooperation with other facilities in the area offering the same or other modalities of care for end-stage renal disease patients so that patients should be placed in the appropriate site and receive the appropriate service; (5) its costs of performance are expected to conform with the norms for the services it provides; and (6) its capital expenditures for this service have not been disapproved by a State agency designated in accordance with section 1122 of title XI of the Social Security Act. During the period immediately after June 1, 1973, special consideration for participation will be given to a facility that has prior to June 1, 1973, made a substantial investment of time, study, and resources in preparation for provision of the services in question.

Subject to the above caveat transplant hospitals which are currently participating in the Medicare program will continue to be reimbursed in the interim period for renal transplantation until conditions of participation are promulgated and applied.

With respect to chronic maintenance dialysis facilities, the criteria and principles include the following: (1) The facility is expected to meet an acceptable utilization rate and otherwise demonstrates a capacity to perform at high quality; (2) the facility makes a needed contribution to access of care; (3) the facility makes a positive contribution to the total system of care of CRD by working in cooperation with other sites and modalities of care; (4) the facility has arrangements for a patient review mechanism to assure that all patients are screened for the appropriateness of their treatment modality—including suitability for transplant and home dialysis; (5) the cost (or charge) of the service offered by the facility is in conformity with norms of costs (or charges) for similar services; and (6) its capital expenditures for this service have not been disapproved by a State agency designated in accordance with section 1122 of title XI of the Social Security Act. During the period immediately after June 1, 1973, special consideration for participation will be given to a facility that, prior to June 1, 1973, had made a substantial investment of time, study, and resources in preparation for provision of the services in question.

Subject to the above caveat, dialysis facilities which have been in operation before June 1, 1973, will be reimbursed by the program during the interim period until conditions of participation are promulgated, if they meet the following minimal conditions: (1) If hospital-operated, the hospital is participating in the Medicare program; (2) if free-standing, the facility (a) meets State or local licensure requirements, if any, (b) is a facility in which treatment is under the general supervision of a physician (who need not be a full-time supervisor), (c) has an affiliation, e.g., has arrangements for back-up care, etc., with a participating hospital, and (d) agrees that no charge will be made for a covered dialysis service provided by the facility that is in excess of the charge determined to be the reasonable charge of that facility.

In addition to these considerations, regulations are amended hereby to clarify certain aspects of requirements for entitlement to Health Insurance Benefits because of chronic renal disease.

(Catalogue of Federal Domestic Assistance Program Nos. 13,800, Health Insurance for the Aged—Hospital Insurance, and 13,801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,  
Acting Commissioner of  
Social Security.

Approved: June 26, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

Subparts A, B, D, and E of Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are amended as set forth below.

1. Section 405.104 is added to read as follows:

§ 405.104 Entitlement to hospital insurance benefits based on chronic kidney failure.

(a) *Eligibility.*—An individual is eligible for hospital insurance benefits based on chronic renal disease if he:

- (1) Has not attained age 65; and
- (2) Is either—

(i) Fully or currently insured (as such terms are defined in Subpart B of Part 404 of this chapter), or

(ii) Entitled to monthly insurance benefits under title II of the Act, or

(iii) The spouse or dependent child of a person who meets the requirements of subdivision (i) or (ii) of this subparagraph; and

(3) Is medically determined to have chronic renal disease and continuing renal dialysis or a kidney transplant is essential for treatment of such disease.

(b) *Entitlement.*—(1) *When entitlement begins.* Effective with respect to services provided after June 1973, an eligible individual, as defined in paragraph

(a) of this section, is entitled to hospital insurance benefits beginning with whichever is earlier: (i) The month in which he is hospitalized in preparation for and anticipation of kidney transplant surgery, provided that such transplant surgery occurs in that month or the following month, or (ii) the third calendar month after the month in which he begins a course of dialysis.

(2) *When entitlement ends.*—An individual's entitlement, established under paragraph (b)(1) of this section ends with the twelfth month after the month in which he received a kidney transplant or such course of dialysis is otherwise terminated, unless before the end of such twelfth month, the individual again requires a course of dialysis of a kidney transplant.

(c) *Definitions.*—(1) *"Child" and "spouse" defined.* An individual is the child or spouse of a person, for purposes of paragraph (a)(2)(iii) of this section, if the individual is so related to that person that he meets the relationship requirements set forth in Subpart L of Part 404 of this chapter for entitlement, respectively, (i) to child's insurance benefits, or (ii) to wife's, husband's, widow's, widower's, or mother's insurance benefits under title II of the Act, on that person's earnings record, whether or not the relationship has continued long enough for such individual to qualify for such benefits.

(2) *Dependency of a child.*—For purposes of paragraph (a)(2)(iii) of this section, the child of a person is that person's "dependent child" if he meets the dependency requirements set forth in §§ 404.323-404.327 of this chapter for entitlement to child's insurance benefits on that person's earnings record.

2. Section 405.116 is amended by adding paragraph (g) to read as follows:

§ 405.116 Inpatient hospital services; defined.

(g) *Services in connection with kidney transplantation.* With respect to services rendered in connection with kidney transplantation, for an interim period beginning July 1, 1973, for services rendered on and after that date, and until regulations setting forth conditions of participation are promulgated and applied, coverage is limited to services rendered in participating hospitals which on June 1, 1973, have been providing the services and have not substantially increased such services, or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of chronic renal disease treatment.

3. Section 405.231 is amended by revising paragraphs (g) and (h) to read as follows:

§ 405.231 Medical and other health services; included items and services.

Subject to the conditions, limitations, and exclusions set forth in § 405.232, the

term "medical and other health services" means the following items or services:

(g) Rental or, effective January 1, 1968, the purchase of durable medical equipment, including iron lungs, oxygen tents, hospital beds, renal dialysis systems, and wheelchairs used in the patient's home. For purposes of this paragraph, the term "home" does not include an institution which meets the requirements of section 1861(e)(1) or 1861(j)(1) of the Act—see §§ 405.1001 and 405.1101; with respect to dialysis facilities which render home training and provide equipment, supplies, and back-up services to patients who dialyze in the home, coverage shall be limited to services of those dialysis facilities described in paragraph (h) of this section.

(h) Prosthetic devices (other than dental) which replace all of part of an internal body organ, including replacement of such devices. With respect to renal dialysis facilities, during an interim period beginning July 1, 1973, for facility dialysis services rendered on and after that date and until regulations setting forth conditions of participation for these facilities are promulgated and applied, coverage is limited to the services of those facilities which on June 1, 1973, have been providing the services and which have not substantially increased such services or which have, in the opinion of the Secretary, demonstrated the need for and appropriateness of their assumption of or increase in the provision of such services, in an effective and economical system of chronic renal disease treatment, and which also meet one of the following requirements:

(1) The facility is part of a participating hospital; or

(2) It is a free-standing facility which meets the following conditions—

(i) Meets State or local licensure requirements, if any,

(ii) Is a facility in which treatment is under the general supervision of a physician, who need not be a full-time supervisor,

(iii) Has an affiliation, e.g., has arrangements for back-up care, etc., with a participating hospital, and

(iv) Agrees that no charge will be made for a covered dialysis service provided by the facility that is in excess of the charge determined under the health insurance program to be the reasonable charge of that facility and agrees to bill the program and not the patient for amounts reimbursable under the program.

4. Section 405.402 is amended by adding paragraph (g) to read as follows:

§ 405.402 Cost reimbursement; general.

(g) The Social Security Administration is authorized to issue temporary instructions modifying the provisions of this subpart to the extent it finds appropriate for cost reporting periods ending after June 30, 1973, in order to implement sections 201 (Coverage for Disability Beneficiaries Under Medicare) and

2991 (Chronic Renal Disease Considered to Constitute Disability) of P.L. 92-603. In so doing, rules may be developed for establishing limits on costs and services above which reimbursement shall be made only upon appropriate justification.

5. Section 405.502 is amended by adding paragraph (e) to read as follows:

§ 405.502 Criteria for determining reasonable charges.

(e) *Criteria for determination of reasonable charges under the chronic renal disease program.*—With respect to reimbursement for services in connection with renal dialysis and kidney transplantation, the normal medical market in which customary and prevailing charges can be determined will not be available; most such services will be reimbursed by the health insurance program. With respect to such services, therefore, reasonable charges may be defined in terms related to charges or costs prior to July 1, 1973, the costs and profits that are reasonable when the treatments are provided in an effective and economical manner, and/or charges made for other services, taking into account comparable physicians' time and skill requirements. Definitions may be developed which describe the elements of service included within the scope of a dialysis treatment and limits may be established on charges and services above which reimbursement shall be made only upon appropriate justification.

[FR Doc.73-13253 Filed 6-28-73; 8:45 am]

#### Title 21—Food and Drugs

### CHAPTER 1—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### SUBCHAPTER A—GENERAL

### PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

#### Subpart H—Delegations of Authority

##### DELETION OF TRANSFERRED FUNCTIONS

The Commissioner of Food and Drugs is amending Part 2—Administrative Functions, Practices, and Procedures (21 CFR Part 2) to delete references to functions which have been transferred out of the Agency. The functions of the Secretary of Health, Education, and Welfare under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq), the Flammable Fabrics Act (15 U.S.C. 1201(a)), and the Poison Prevention Packaging Act (15 U.S.C. 1471 et seq) were transferred to the Consumer Product Safety Commission by the Consumer Product Safety Act which became effective May 14, 1973. The Commissioner is deleting references to those functions in the delegation of authority to him from the Assistant Secretary for Health and in his redelegations to other officials in the Agency. He is also deleting Bureau of Product Safety officials from his redelegations since the Bureau is being disestablished as a result of the transfer of functions, published in the FEDERAL REGISTER ON June 6, 1973 (38 FR 14875).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120) Part 2 is amended as follows:

1. In § 2.120(a)(1) by deleting the words "the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq)," and in lieu thereof inserting the word "and", and thereafter deleting the words "the Flammable Fabrics Act (15 U.S.C. 1201(a)), and sections 3, 4, 5, 7, 8, and 9 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq)".

2. In § 2.121(c)(1) by deleting the words "and section 14 of the Federal Hazardous Substances Act".

3. In § 2.121(e)(1) by deleting subdivision (iv) and redesignating subdivisions (v) and (vi) as subdivisions (iv) and (v) respectively.

4. In § 2.121(p)(1)(i) by deleting the words "the Federal Hazardous Substances Act".

*Effective date.* This order is effective June 29, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: June 25, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-13231 Filed 6-28-73; 8:45 am]

### PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

#### Subpart M—Organization

##### MISCELLANEOUS AMENDMENTS

The Commissioner of Food and Drugs is revising Part 2—Administrative Functions, Practices, and Procedures (21 CFR Part 2) to update the organization listing of Headquarters offices. The listings for the Bureaus of Foods, Radiological Health, and Veterinary Medicine are updated to reflect changes due to reorganizations and the listing for the Bureau of Product Safety is deleted due to the transfer of the majority of its functions to the new Consumer Product Safety Commission, published in the FEDERAL REGISTER ON June 6, 1973 (38 FR 14875).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended by revising § 2.171 to read as follows:

#### § 2.171 Washington headquarters.

The central organization of the Food and Drug Administration consists of the following:

##### OFFICE OF THE COMMISSIONER

Commissioner of Food and Drugs.  
Deputy Commissioner.  
Associate Commissioner for Compliance.  
Associate Commissioner for Medical Affairs.  
Associate Commissioner for Science.  
Associate Commissioner for Administration.  
Assistant Commissioner for Public Affairs.  
Assistant Commissioner for Planning and Evaluations.

#### BUREAU OF FOODS

Director.  
Deputy Director.  
Associate Director for Management.  
Office of Sciences.  
Office of Technology.  
Office of Compliance.  
Office of Nutrition and Consumer Sciences.

#### BUREAU OF RADIOLOGICAL HEALTH

Director.  
Deputy Director.  
Associate Director for Administration.  
Division of Biological Effects.  
Division of Compliance.  
Division of Electronic Products.  
Division of Radioactive Materials and Nuclear Medicine.  
Division of Training and Medical Applications.

#### BUREAU OF BIOLOGICS

Director.  
Deputy Director.  
Associate Director for Regulatory and Administrative Management.  
Division of Virology.  
Division of Blood and Blood Products.  
Division of Control Activities.  
Division of Pathology.  
Division of Bacterial Products.

#### NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Director.  
Assistant Director for Plans, Programs, and Systems.  
Assistant Director for Administrative Services.  
Office of Operations.  
Office of Pathology Services.  
Office of Toxicological Research.

#### EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS

Executive Director of Regional Operations.  
Deputy Executive Director of Regional Operations.  
Division of Field Operations.  
Division of Planning and Analysis.  
Division of Federal-State Relations.

#### BUREAU OF VETERINARY MEDICINE

Director.  
Deputy Director.  
Assistant Director for Management.  
Division of Veterinary Research.  
Division of New Animal Drugs.  
Division of Veterinary Medical Review.  
Division of Compliance.  
Division of Nutritional Sciences.

#### BUREAU OF DRUGS

Director.  
Deputy Director.  
Assistant Director for Planning and Analysis.  
Office of Compliance (Drugs).  
Office of Pharmaceutical Research and Testing.  
Office of Scientific Coordination.  
Office of Scientific Evaluation.  
Current locations and addresses of these units may be obtained from the Food and Drug Administration, Information Center, 200 C St. SW., Washington, DC. 20204.

*Effective date.* This order is effective June 29, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: June 25, 1973.

SAM D. FINE,  
Associate Commissioner for  
Compliance.

[FR Doc.73-13230 Filed 6-28-73; 8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION,  
DEPARTMENT OF LABOR

PART 602—LEATHER, LEATHER GOODS  
AND RELATED PRODUCTS INDUSTRY  
IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208), and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 112-A for the Leather, Leather Goods and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 112-A are hereby published, amending subdivisions (i) of subparagraphs (2), (3) and (5) of paragraph (a) of § 602.2 of Title 29, Code of Federal Regulations.

As amended, § 602.2 reads as follows:

§ 602.2 Wage rates.

(a) \* \* \*  
(2) *Baseball and softball classification.* (1) The minimum wage for this classification is \$1.45 an hour.

(3) *Sporting and athletic goods classification.* (1) The minimum wage for this classification is \$1.49 an hour.

(5) *General classification.* The minimum rate for this classification is \$1.425 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

*Effective date.* This amendment shall become effective on July 16, 1973.

Signed at Washington, D.C., this 25th day of June, 1973.

BEN P. ROBERTSON,  
Acting Administrator, Wage and  
Hour Division, United States  
Department of Labor.

[FR Doc.73-13226 Filed 6-28-73;8:45 am]

PART 603—GLOVES AND MITTENS  
INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 112-B for the Gloves and Mittens Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 112-B are hereby published, amending subdivisions (i) of subparagraphs (1), (2), (3) and (4) of paragraph (a) and subdivisions (i) of subparagraphs (1) of paragraphs (b) and (c) of § 603.2 of Title 29, Code of Federal Regulations.

As amended, § 603.2 reads as follows:

§ 603.2 Wage rates.

(a) \* \* \*  
(1) *Hand-sewing on fabric gloves classification.* (i) The minimum wage for this classification is 50 cents an hour.

(2) *Hand-sewing on leather gloves classification.* (i) The minimum wage for this classification is 80 cents an hour.

(3) *Knit gloves classification.* (1) The minimum wage for this classification is \$1.59 an hour.

(4) *Other operations classification.* (1) The minimum rate for this classification is \$1.56 an hour.

(b) \* \* \*  
(1) *Fabric and leather gloves classification.* (i) The minimum rate for this classification is \$1.59 an hour.

(c) \* \* \*  
(1) *Fabric and leather gloves classification.* (i) The minimum rate for this classification is \$1.59 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

*Effective date.* This amendment shall become effective July 16, 1973.

Signed at Washington, D.C., this 25th day of June, 1973.

BEN P. ROBERTSON,  
Acting Administrator, Wage  
and Hour Division, United  
States Department of Labor.

[FR Doc.73-13227 Filed 6-28-73;8:45 am]

PART 615—MEN'S AND BOYS' CLOTHING  
AND RELATED PRODUCTS INDUSTRY  
IN PUERTO RICO

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 111-A for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 111-A are hereby published, amending subdivisions (i) of subparagraphs (1) and (3) of paragraph (a), subparagraph (1) of paragraph (b), and subdivision (i) of subparagraph (1) of paragraph (c) of § 615.2 of Title 29, Code of Federal Regulations.

As amended, § 615.2 reads as follows:

§ 615.2 Wage rates.

(a) \* \* \*  
(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is \$1.57 an hour.

(3) *The general classification.* (1) The minimum wage for this classification is \$1.50 an hour.

(b) *1961 coverage classification.* (1) The minimum wage for this classification is \$1.50 an hour.

(c) \* \* \*  
(1) *Trousers classification.* (1) The minimum wage for this classification is \$1.57 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

**Effective date.** This amendment shall become effective July 16, 1973.

Signed at Washington, D.C., this 25th day of June 1973.

BEN P. ROBERTSON,  
Acting Administrator, Wage and  
Hour Division, U.S. Department  
of Labor.

[FR Doc.73-13228 Filed 6-28-73; 8:45 am]

**PART 687—HOSIERY INDUSTRY IN  
PUERTO RICO**  
Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and by means of Administrative Order No. 625 (38 FR 9031), the Secretary of Labor appointed and convened Industry Committee No. 111-B for the Hosiery Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 111-B are hereby published, amending subdivision (1) of subparagraphs (1) and (2) of paragraph (a) and subdivision (1) of subparagraph (1) of paragraph (c) of § 687.2 of Title 29, Code of Federal Regulations. The Industry Committee recommended that the rate of \$1.37½ an hour be continued as the minimum rate for the all other hosiery classification under the 1966 coverage.

As amended, § 687.2 reads as follows:

§ 687.2 Wage rates.

- (a) \* \* \*
- (1) *Women's hosiery classification.*  
(i) The minimum wage for this classification is \$1.49 an hour.
- (2) *All other hosiery classification.*  
(i) The minimum wage for this classification is \$1.35 an hour.
- (c) \* \* \*
- (1) *Women's hosiery classification.*  
(i) The minimum wage for this classification is \$1.49 an hour.

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

**Effective date.** This amendment shall become effective July 16, 1973.

Signed at Washington, D.C., this 25th day of June 1973.

BEN P. ROBERTSON,  
Acting Administrator, Wage and  
Hour Division, United States  
Department of Labor.

[FR Doc.73-13229 Filed 6-28-73; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY  
AND HEALTH ADMINISTRATION, DE-  
PARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS

Emergency Temporary Standard for Expo-  
sure to Organophosphorous Pesticides

On May 1, 1973, an emergency temporary standard was promulgated (38 FR 10715-17) pursuant to section 6(c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754). The standard prescribed safeguards to be taken regarding the exposure of field workers to certain organophosphorous pesticides. The effective date prescribed for the emergency standard was June 18, 1973. In response to petitions by the Florida Peach Growers Association, Inc., and other associations, the standard was subsequently reconsidered, and its application was postponed on June 15, 1973 (38 FR 15729) with an announced intention to prescribe a new standard responding to the objections raised by the petitioners. The reconsideration, the recent comments from the Farm and Industrial Equipment Institute, and from Dr. J. E. Dewey of Cornell University, and additional consultation with experts in the field raise the question of whether employees are presently exposed to "grave danger" from all of the pesticides listed in the standard and whether the emergency temporary standard, as published, is more than what is "necessary" to protect employees from hazards involved in all situations.

To support an emergency temporary standard, the Assistant Secretary must find that: (1) Employees are exposed to "grave danger" from the substances involved, and (2) that the standard is "necessary" to protect employees from the "grave danger." These findings warranting the extraordinary action permitted by section 6(c) may be separate and apart from issues that may arise concerning the terms of occupational safety and health standards themselves. Petitions for reconsideration of the findings present matters warranting an examination that is independent of proceedings to be commenced under section 6(b). These are matters to be concluded within a reasonable time under general APA requirements. See 5 U.S.C. 555(b).

Careful review has been given to the emergency temporary standard on pesti-

cides and it has been determined that (1) certain pesticides listed in the standard published on May 1, 1973 are not necessarily highly toxic, and (2) the standard, published on May 1, 1973, is broader than necessary as it applies to such pesticides which are not considered highly toxic, and in the manner it protects workers from the pesticides which are considered highly toxic. The table of pesticides and the corresponding reentry intervals have been changed to reflect the recommendations made by the Standard Advisory Committee on Agriculture appointed under section 7(b) of the Act.

Accordingly, pursuant to section 6(c) it is necessary to promulgate a new emergency temporary standard for the protection of farm workers from the occupational exposure to organophosphorous pesticides.

The major differences between the May 1 standard and the new emergency temporary standard are set out below:

(1) The limited field reentry requirements are separated into two categories; (a) reentry within the first 24 hours of treatment, and (b) reentry after the first 24 hours but before the expiration of the field reentry interval. In the first instance, any employee reentering for work must wear protective clothing and equipment as specified in the standard. In the second instance, only those employees who reenter the field and have substantial contact with treated foliage must wear protective equipment.

(2) The standard specifies that the reentry intervals only apply to the area treated with a pesticide. The standard does not apply to any parts of a field that have not been treated.

(3) Warnings to employees may be given orally as well as by posting; however, it is necessary to keep a record of the warning as specified in the standard even when it is given orally.

(4) The field reentry safety intervals are changed in the following ways:

(a) The "wet area" intervals now apply where there is an average rainfall above 25 inches, or where moderate rainfall has occurred or a moderate wash has been applied after pesticide application.

(b) The standard only includes the 12 pesticides which are plainly highly toxic and which pose a danger of probable irreparable personal harm to employees exposed to them.

(c) The changes in the field reentry safety intervals may be noted by juxtaposing the intervals published in the May 1 standard with the intervals published in the new standard. The major changes are indicated below:

(i) All the intervals for the listed pesticides when applied to apples have been changed from 5 to 3 days except for TEPP, which has been changed from 3 to 1.

(ii) Most of the intervals applicable to wet areas have been lowered by 2 days.

(iii) There is no interval specified for Oxydemetonmethyl (Meta-Systox R) when applied to oranges, lemons or grapefruit.

(iv) The interval for Disulfoton (Disyston) has been raised by 2 days.

Interested persons have a right to petition for any changes in the findings that are a prerequisite to the extraordinary action permitted under section 6(c) and in terms of the standard that are subsidiary to these findings. This right is in addition to the opportunity to be afforded interested persons to comment orally and in writing on the terms of any proposed rule which is noticed on this date under section 6(b) of the Act governing the exposure of employees to organophosphorous pesticides.

Accordingly, pursuant to section 6(c), the emergency temporary standard promulgated on May 1, 1973 (38 FR 10715-17) is amended by the new emergency temporary standard which reads as follows:

§ 1910.267a Pesticides.

(a) *General requirements*—(1) *Scope*. This section contains standards relating to operations in which one or more of the crops specified in Table I of this section are treated with one or more of the pesticides listed in Table I.

(2) *Definitions*. (i) "Pesticide" means any substance or mixture of substances which is a pesticide within the meaning of this word in the Federal Environmental Pesticide Control Act of 1972 and which is listed in Table I of this section.

(ii) "Reentry safety interval" means the period of time in days, each day of 24 hours, that must elapse after a field is treated with a pesticide before employees that may have any contact with the treated foliage may be permitted to enter the field.

(iii) "Field" or "area" mean any land upon which one or more of the crops specified in Table I are grown but does not include enclosed structures, such as greenhouses.

(iv) "Substantial contact" means personal contiguity not infrequent or slight, and in such degree or manner as could be reasonably expected to dislodge pesticide residues in sufficient quantities to cause poisoning.

(A) Some examples of operations which may involve substantial contact are: picking crops, hand thinning of crops and pruning of trees bearing foliage.

(B) Examples of operations which normally do not involve substantial contact are: spraying, frost protection, maintenance of equipment within the field, irrigation, grass mowing and incidental transit through a field.

(b) *Application and field reentry*. (1) No employer shall permit the spraying, application or other use of a pesticide on any area unless all employees, other than the applicators of the pesticide, have first been removed from the area.

(2) No employer shall permit any employee to enter any area treated with a pesticide before the passage of the applicable field reentry safety interval prescribed in Table I of this section, except as otherwise provided in paragraph (c) (1) and (2) of this section. When an

area is treated with more than one pesticide, entry into that area shall be prohibited until passage of the longest of the applicable reentry safety intervals.

(3) *Warnings*. (i) When employees are expected to be working in an area treated with a pesticide and when the reentry safety interval for that field and crop has not expired, the employees shall be timely warned. A warning shall be accomplished by one or more of the following methods: (A) Posting of warning signs at usual points of entrance to the treated area; (B) oral warning; or (C) posting of warning notices on bulletin boards at points where employees usually assemble for instructions. Where an employer has reason to believe that any employee is unable to read, he shall give the employee oral warning. Posted signs shall be maintained for the duration of the applicable field reentry safety interval, and, upon the expiration of the interval, should be removed immediately.

(ii) The warnings shall include at least the following information given in the English language and any other language which may be necessary to communicate the warning to employees:

(A) The name of the pesticide or pesticides used, the date of the application, and the date of the first day the warning was given.

(B) The name of the crop treated;

(C) The location and boundaries of the area treated;

(D) The date the applicable field reentry safety interval expires; and

(E) Instruction to stay out of the field until the expiration of the field reentry safety interval.

(iii) Whenever any warning signs are posted, the signs shall include the words "Danger" and "Do Not Enter," and, shall be displayed with letter sizes and styles so as to be legible at a distance of no less than 25 feet. The posted warning signs shall be of such durability and construction that they remain clearly legible for the duration of the field reentry safety interval.

(iv) The information on each warning whether posted, orally given, or otherwise in writing, shall be recorded in writing, and the record maintained for at least one year from the giving of the warning. The record shall be available for inspection and copying to representatives of the Assistant Secretary of Labor for Occupational Safety and Health.

(c) *Limited field reentry*—(1) *Within first 24 hours*. An employee may be permitted to enter that area treated with a pesticide within the first 24 hours after application of the pesticide for activities which cannot reasonably be delayed if the employee is protected with coveralls or other whole body clothing of either a closely woven washable fabric or disposable material, hat, gloves, impermeable shoes or shoe coverings and a respirator approved by either the U.S. Department of Health, Education and Welfare (National Institute for Occupational Safety and Health) or the U.S. Department of the Interior (Bureau of

Mines) for protection from pesticides. Such equipment and clothing shall be provided by the employer. This paragraph (c) does not apply where: (i) The entry is necessary to pass through a treated area in order to go to or from a dwelling or any appurtenance thereto; and (ii) the entry is solely for such purpose and is of short duration.

(2) *After the expiration of the first 24 hours*. (i) An employee may be permitted to enter a treated area after the first 24 hours have passed after the application of a pesticide and before the expiration of the relevant reentry safety interval prescribed in Table I of this section for activities which may involve substantial contact with the treated foliage to perform operations which cannot reasonably be delayed, provided the employee is protected with coveralls or other whole body clothing of either a closely woven washable fabric or disposable material, hat, gloves, impermeable shoes or shoe coverings and, where exposure to airborne concentrations of pesticides is likely to be harmful to the health of the employee, a tional Safety and Health) or the U.S. Department of Health, Education and Welfare (National Institute for Occupational Safety and Health) or the U.S. Department of Interior (Bureau of Mines) for protection against pesticides or dusts. Such equipment and clothing shall be provided by the employer.

(ii) Whenever an employee wishes to enter a treated area after the first 24 hours have passed since the application of a pesticide and before the expiration of the field reentry safety interval prescribed in Table I of this section in order to conduct an activity that does not involve a reasonable likelihood of substantial contact with the treated foliage, the employee may do so without the use of the protective equipment and clothing indicated in paragraph (c)(1) of this section or paragraph (c)(2)(i) of this section or provision of potable water contained in paragraph (c)(4)(1) of this section.

(3) *Use and care of protective clothing and equipment*. (i) All protective clothing, required by this section, shall be thoroughly washed or disposed of after each day's use.

(ii) All respirators and gas masks shall be cleaned and maintained in accordance with § 1910.134(f).

(iii) Any employer who gives pesticide-contaminated clothing or equipment to another person for laundering, cleaning, or maintenance shall inform such person of the warnings and precautions to be taken, as described on the label of the pesticide which has contaminated the clothing or equipment.

(iv) When protective clothing or equipment is cleaned or washed, the process shall be conducted in a manner that will prevent wash-water wastes from the clothing or equipment from creating a hazard to the health of employees.

(v) When the same clothing or equipment is to be used by more than one employee in a given day, the clothing or

equipment shall be adequately washed or cleaned before it is passed from one employee to another.

(vi) When the protective clothing becomes contaminated with a pesticide to the extent that the skin could become contaminated, the clothing shall be removed and the skin washed.

(4) *Sanitation.* (i) The employer shall provide an adequate supply of potable water for emergency washing purposes in reasonable vicinity to any field treated with a pesticide.

(ii) Employers shall not permit employees to store, eat, or drink food or beverage where the food or beverage may be exposed to pesticides.

(iii) Employers shall provide a change room or area for employees required to wear protective clothing as specified in this section. Within the change room, or

area, there shall be provided an individual locker, container, or hanger for the uncontaminated clothing of each employee. A separate container shall be provided for contaminated clothing and equipment.

(iv) The washing and change room facilities shall be separate from those provided for other purposes.

(d) *Medical services and first aid.* (1) The employer shall make arrangements to provide necessary medical assistance to employees who may suffer injuries or illnesses as a result of occupational exposure to pesticides.

(2) The employer shall insure that each crew leader or foreman is instructed to recognize early symptoms of organophosphorous pesticide poisoning and to take appropriate protective measures.

TABLE I.—Field reentry safety intervals in days for crops treated with organophosphorous pesticides

Pesticide	Oranges, Lemons, Grapefruit		Grapes		Peaches		Tobacco
	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	
Azinphosmethyl (Guthion).....	3	14	3	14	3	10	3
Carbophenothion (Trithion).....	3	14	3	14	3	10	3
Demeton (Systox).....	3	4	3	5	3	5	3
Disulfoton (DiSyston).....	3	4	3	5	3	5	3
EPN.....	3	14	3	10	3	10	3
Methyl parathion.....	3	4	3	4	3	10	3
Mevinphos (Phosdrin).....	3	4	2	4	3	5	3
Monocrotophos (Azodrin).....	3	4	2	4	3	5	3
Orydemetonmethyl (Meta-Systox R).....	3	4	3	4	3	5	3
Parathion.....	3	14	3	14	3	10	3
Phosphamidon (Dimcron).....	3	14	3	14	3	10	3
TEPP.....	1	3	1	3	1	3	1

<sup>1</sup> A average annual rainfall of 25 inches or less.

<sup>2</sup> Average rainfall above 25 inches or an area where moderate rainfall has occurred, or a moderate wash has been applied, after pesticide application.

**Effective date.** These amendments shall become effective July 13, 1973. The delay in effective date is to afford affected persons a reasonable and necessary period for adjusting to the standard. Any employer subject to § 1910.267a shall comply therewith, even though a label registered with the Environmental Protection Agency requires a shorter field reentry safety interval. On the other hand, compliance with § 1910.267a does not excuse any person from complying with such a label.

(Sec. 6(c), Public Law 91-596, 84 Stat. 1596, 29 U.S.C. 655. Secretary's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C. this 21st day of June 1973.

JOHN STENDER,  
Assistant Secretary of Labor.

[FR Doc. 73-13071 Filed 6-28-73; 8:45 am]

### Title 39—Postal Service

#### CHAPTER I—U.S. POSTAL SERVICE ADMINISTRATIVE PROCEEDINGS

##### Procedural Matters

Pursuant to 39 CFR 222.11(b) (4), the Judicial Officer has amended portions of the rules of practice for various administrative proceedings contained in Parts 952-955 and 957-958. The amendments reflect the forthcoming change in

the location of the office of the Judicial Officer; make various clarifying language changes; modify certain procedural matters; establish requirements for the contents of replies to briefs on appeal; and delete language indicating that some Board of Contract Appeals orders and decisions are not available for public inspection. The amendments are effective July 1, 1973 unless otherwise noted.

#### PART 952—RULES OF PRACTICE AND PROCEEDING RELATIVE TO FALSE REPRESENTATION AND LOTTERY ORDERS

1. Section 952.4 is amended, effective September 4, 1973, to read as follows:

##### § 952.4 Office, business hours.

The offices of the officials mentioned in these rules are located at the Headquarters of the United States Postal Service, 475 L'Enfant Plaza, West, S.W., Washington, D.C., 20260, and are open Monday through Friday except holidays from 8:45 a.m. to 5:15 p.m.

##### § 952.5 [Amended]

2. The last sentence of § 952.5 is amended to read as follows:

The person so named in the complaint shall be known as the "Respondent" and the General Counsel shall be known as the "Complainant."

##### §§ 952.17, 952.24 [Amended]

3. Paragraph (b) (9) of § 952.17 and paragraph (a) of § 952.24 are amended by deleting the words "appeal is perfected" and inserting in lieu thereof the words "appeal is taken."

4. Section 952.25 is amended by deleting the first sentence of paragraph (d) and revising paragraph (e), as follows:

##### § 952.25 Exceptions to initial decision or tentative decision.

##### (d) [Amended]

(e) Briefs upon appeal or in support of exceptions to a tentative decision by the Judicial Officer and replies thereto shall be filed in triplicate with the Docket Clerk, and contain the following matter in the order indicated:

(1) A subject index of the matters presented, with page references; a table of cases alphabetically arranged; a list of statutes and texts cited with page references.

(2) A concise abstract or statement of the case in briefs on appeal or in support of exceptions.

(3) Numbered exceptions to specific findings and conclusions of fact or conclusions of law of the presiding officer in briefs on appeal or in support of exceptions.

(4) A concise argument clearly setting forth points of fact and of law relied upon in support of or in opposition to each exception taken, together with specific references to the parts of the record and the legal or other authorities relied upon.

##### § 952.27 [Amended]

5. The first sentence of § 952.27 is amended to read as follows:

A party may file a motion for reconsideration of a final agency decision within 10 days after receiving it or within such longer period as the Judicial Officer may fix.

##### § 952.28 [Amended]

6. The second sentence of § 952.28 is amended to read as follows:

The Docket Clerk shall cause notice of the order to be published in the *Postal Bulletin* and cause the order to be transmitted to such postmasters and other officers and employees of the Postal Service as may be required to place the order into effect.

##### § 952.29 [Amended]

7. The second sentence of § 952.29 is amended to read as follows:

\* \* \* The Docket Clerk shall transmit a copy of the application to the General Counsel, who shall file a written reply within 10 days after filing or such other period as the Judicial Officer may fix.

**PART 953—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAILABILITY**

**§ 953.9 [Amended]**

8. Section 953.9 is amended effective September 4, 1973, by deleting the words "12th and Pennsylvania Avenue, N.W." and inserting in lieu thereof the words "475 L'Enfant Plaza West, S.W."

**PART 954—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO THE DENIAL, SUSPENSION OR REVOCATION OF SECOND-CLASS MAIL PRIVILEGES**

9. Section 954.4 is revised effective September 4, 1973, to read as follows:

**§ 954.4 Office business hours.**

The offices of the officials mentioned in these rules are located at the United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, and are open Monday through Friday from 8:45 a.m. to 5:15 p.m.

**§ 954.5 [Amended]**

10. Section 954.5 is amended by striking the words "hereinafter called 'the Director'" and inserting in lieu thereof the words "hereinafter called the authorized official", and by changing "the Director" wherever else it appears in § 954.5 to "the authorized official."

**§ 954.6, 954.7 [Amended]**

11. §§ 954.6 and 954.7 are amended by striking the words "the Director" and inserting in lieu thereof the words "the authorized official."

**§ 954.8 Pleading.**

12. Paragraphs (a), (b) and (d) of § 954.8 are amended to read as follows:

(a) *Place of filing.* Parties shall file an original and three copies of all documents of record, unless otherwise ordered by the presiding officer with the Docket Clerk of the Postal Service, who shall cause copies to be delivered to the other parties and to the presiding officer. Service is ordinarily made on the private parties by certified mail and delivery is deemed complete when a document or notice of its arrival is left at the designated address. The Docket Clerk shall maintain a docket and the files in all proceedings.

(b) *Petition.* A publisher may appeal from a ruling of the authorized official by filing a petition within 15 days of the receipt of the ruling unless the time is extended by the authorized official. The petition shall state the reasons why the publisher (designated "Petitioner" in the proceeding) believes the ruling of the authorized official is erroneous and shall provide the address at which documents may be served on the Petitioner. The petition shall also allege facts showing compliance with each provision of law or regulation on which the publisher's claim to second-class mail privileges is based. The publisher shall attach to his petition a copy of the letter of the authorized official denying, suspending or revoking second class mail privileges.

(d) *Answer.* The authorized official (designated the "Respondent" in the proceeding) shall answer the petition within 15 days after filing and admit or deny each allegation of the petition.

13. Paragraph (a) of § 954.14 is amended to read:

**§ 954.14 Presiding officers.**

(a) The Chief Administrative Law Judge shall assign each case to an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 to preside over the hearing. Such assignments shall be made, so far as practical, in rotation.

14. Section 954.20 is amended by deleting from the heading the words "and final decision", revising paragraph (b) and adding paragraph (d).

**§ 954.20 Appeals.**

(b) The time for the filing of the reply brief is 10 days after receipt of the appeal brief. No additional briefs shall be received unless requested by the Judicial Officer.

(d) Reply briefs shall contain items (1), (2) and (3) of paragraph (c) of this section and the reasons for opposing the exceptions.

**PART 955—RULES OF PRACTICE BEFORE THE BOARD OF CONTRACT APPEALS**

**§ 955.7 [Amended]**

15. Paragraph (a) of § 955.7 is amended by deleting the words "the Recorder of the Board (Docket Clerk)" and inserting in lieu thereof the words "the Docket Clerk."

**§§ 955.7, 955.9, 955.14 [Amended]**

16. Paragraph (b) of § 955.7, § 955.9 and paragraph (c) of § 955.14 are amended by deleting "the Recorder of the Board" and inserting in lieu thereof "the Docket Clerk."

17. A new paragraph (d) is added to § 955.7, effective September 4, 1973, to read as follows:

**§ 955.7 Pleadings.**

(d) Unless the Board otherwise directs, all pleadings filed after the Board has received the notice of appeal shall be delivered to the Docket Clerk at the Board's Offices in the United States Postal Service Headquarters Building, 475 L'Enfant Plaza West, S.W., Washington, D.C., 20260. Communication to the Board shall be addressed to Board of Contract Appeals, United States Postal Service, Washington, D.C. 20260.

18. Section 955.30 is revised as follows:

**§ 955.30 Service and availability of Board decisions.**

Decisions of the Board will be made in writing and copies thereof shall be forwarded simultaneously to both parties. The rules of the Board and all

final orders and decisions shall be open for public inspection at the offices of the Board. Decisions of the Board are made upon the record as described in § 955.14.

**PART 957—RULES OF PRACTICE AND PROCEDURE RELATIVE TO THE REFUSAL TO RENT OR RENEW POST OFFICE BOXES AND THE CLOSING OF POST OFFICE BOXES**

19. Paragraph (g) of § 957.3 is amended effective September 4, 1973 to read as follows:

**§ 957.3 Definitions.**

(g) The "Docket Clerk" means the Docket Clerk of the United States Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260.

**§ 958.4 [Amended]**

20. Section 958.4 is amended by striking the words "Judicial Officer" in the last sentence and inserting in lieu thereof the words "presiding officer."

(39 U.S.C. 204, 401, 3001, 3005; 39 CFR 222.11(b)(4).)

ROGER P. CRAIG,  
Deputy General Counsel.

JUNE 26, 1973.

[FR Doc. 73-13234 Filed 6-28-73; 8:45 am]

**Title 40—Protection of Environment**

**CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY**

**PART 35—STATE AND LOCAL ASSISTANCE**

**Interim Regulations**

Interim regulations are hereby promulgated to publish a new codification of the portions of 40 CFR Part 35, State and Local assistance grant regulations which pertain to water pollution control program grant awards. These interim regulations supplement the Environmental Protection Agency general grant regulations (40 CFR Part 30). They provide minimum guidelines for Federal grant assistance to the States and interstate agencies to assist them in administering their water pollution control programs.

Section 106 of the Federal Water Pollution Control Act, as amended (P.L. 92-500; 86 Stat. 816; 33 U.S.C. 1256 (1972)), authorizes the Administrator of the Environmental Protection Agency to make annual allotments from sums appropriated by Congress in each fiscal year on the basis of the extent of the pollution problem in the several States. The Act requires that the Administrator promulgate regulations governing such allotments.

These regulations describe the annual State program for the control and abatement of water pollution and for the allocation of Federal grant assistance to support these State programs. The program should be viewed as one part of an overall management system to be used by the States, interstate agencies, and

EPA in carrying out the requirements of the Federal Water Pollution Control Act Amendments of 1972. The system begins with the establishment of the continuing planning process described in Part 130 of this chapter. The process is designed to provide States with the basis for developing a "State Strategy" which contains an assessment of their pollution problems, a means for developing their control strategies, and for assessing results. The State strategy, which will be based upon basin plans where they are completed and upon available information where the plans are not completed, together with other associated outputs, provide the basis for developing each State's annual program.

The program is the management device which the State uses to establish what it will accomplish during the year, allocate its resources, and assess its progress toward those accomplishments. At the same time, the State program provides EPA the basis for providing Federal grants to supplement State funds; to include providing funds for program activity at the State level in developing and implementing waste treatment management plans.

Finally the regulations describe the mechanism by which reports are produced and submitted, and by which State efforts are evaluated to determine the compliance milestones achieved, effluent reductions achieved, the extent to which water quality has improved, program status, and resource allocation and use.

Interested parties are encouraged to submit written comments, suggestions, views, or data concerning the interim regulations promulgated hereby to: Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before August 13, 1973 will be considered prior to the promulgation of final regulations.

**Effective date.** The interim water program regulations promulgated hereby shall become effective on June 29, 1973. All Environmental Protection Agency water program grants awarded after June 30, 1973, pursuant to Public Law 92-500 shall be subject to these regulations. It is necessary that these regulations take effect prior to a thirty day period following promulgation to insure their implementation without delay at the beginning of the next fiscal year and to permit States to submit applications for program grants from funds available during the next fiscal year in accordance with the new procedures established pursuant to these regulations. Prior regulations (37 FR 11655, 11658-60) governing water program grants shall remain applicable to grants awarded from funds appropriated for the fiscal year ending June 30, 1973. Prior regulations (37 FR 11655-58) governing the award of air program grants remain in effect.

Dated: June 27, 1973.

ROBERT W. FRI,  
Acting Administrator.

In Subpart B of 40 CFR Part 35, the following sections are revised as set forth below, pursuant to the authorities cited in 40 CFR 30.106.

**§ 35.400 Purpose.**

This subpart, which establishes and codifies policy and procedures for air and water pollution control program assistance grants, supplements the EPA general grant regulations and procedures (Part 30 of this chapter) and is applicable to air and water program grants. These grants are intended to aid programs for the prevention and control of air or water pollution at the State, interstate or local level.

**§ 35.400-2 Water pollution control program grant awards.**

Grants may be awarded to State and interstate water pollution control agencies to assist them in developing or administering programs for the prevention reduction, and elimination of water pollution, including enforcement directly or through appropriate State law enforcement officers or agencies.

**§ 35.401 Authority.**

This subpart is issued under sections 105, 106 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c, 1857c-1, and 1857g) and section 106 and 501 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1256 and 1361).

**§ 35.405 Criteria for evaluation of program objectives.**

(a) Programs set out in the application and submitted in accordance with these regulations shall be evaluated in writing by the Regional Administrator to determine:

(1) Consistency and compatibility of goals and expected results with national strategies in implementing the purpose and policies of the Clean Air Act and the Federal Water Pollution Control Act, as amended.

(2) Feasibility of achieving goals and expected results in relation to existing problems, past performance, program authority, organization, resources and procedures.

(b) Approval of the program developed pursuant to § 35.525 (air) or § 35.554 (water) shall be based on the extent to which the applicant's program satisfies the above criteria.

**§ 35.410 Evaluation of program performance.**

(a) Program performance evaluations shall be conducted at least annually by the appropriate Regional Administrator and the grantee to provide a basis for measuring progress toward achieving approved program objectives or milestones described in the program. The evaluation shall address the objectives, responsibilities, major functions, and other related activities set forth in the grantees' approved program. For air program grants, the evaluation shall be completed not later than 120 days before the beginning of the new budget period.

(b) The Regional Administrator shall prepare a summary of the joint evaluation findings. The grantee shall be allowed 15 working days from date of receipt to concur with or comment on the findings.

**§ 35.415 Report of project expenditures.**

Within 90 days after the end of each budget period, the grantee must submit to the Regional Administrator an annual report of all expenditures (Federal and non-Federal) which accrued during the budget period. Beginning in the second quarter of any succeeding budget period, grant payments may be withheld pursuant to § 30.602-1 of this chapter until this report is received.

**§ 35.420 Payment.**

Grant payments may be made in advance, however payments will be made in a manner so as to minimize the time elapsed between receipt of grant funds by the grantee and disbursement by him. Notwithstanding the provisions of § 30.305 of this chapter the first grant payment subsequent to grant award shall include reimbursement for all allowable costs incurred from the beginning of the approved budget period, provided that monthly costs incurred from the beginning of the budget period to the date of grant award may not exceed the level of cost incurred in the last month of the prior budget period.

**§ 35.551 Scope and purpose.**

This subpart establishes regulations and procedures by which program grant funds may be provided to the States and interstate agencies as authorized by section 106 of the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500; 86 Stat. 816; 33 U.S.C. 1256). These regulations are intended to foster development of State programs which implement PL 92-500.

**§ 35.552 Definitions.**

As used herein, the following words and terms shall have the meaning set forth below:

**§ 35.552-1 Allotment.**

The sum reserved for each State or interstate agency from funds appropriated by Congress. The allotment is determined by formula based on the extent of the water pollution problem in the several States. It represents the maximum amount of money potentially available to the State for its program grant.

**§ 35.552-2 State program grant.**

The amount of Federal assistance awarded to a State to assist in administering programs for the prevention, reduction, and elimination of water pollution.

**§ 35.552-3 State program.**

The annual submissions including revisions, which describe the State's commitments to control water pollution in conformance with § 35.555.

§ 35.552-4 Number of pollution sources.

A count of the sources of discharge associated with any:

(a) One of the twenty-seven Standard Industrial classification (SIC) codes listed in section 306(b)(1)(A) of the Act (the number of establishments are reported in the latest edition of "Census of Manufacturers," U.S. Department of Commerce);

(b) Municipality (as reported in the EPA Municipal Waste Facilities Directory, dated April 6, 1972);

(c) Power plant (Nuclear, oil, coal or gas) (as reported in "STEAM ELECTRIC PLANT FACTORS," NATIONAL COAL ASSOCIATION, 1971 edition);

(d) Feedlot (of more than 1000 head capacity) (as reported in "CATTLE ON FEED," U.S. Department of Agriculture, January, 1972).

Revisions to the above references will be used to recompute the allocation if available prior to the beginning of each fiscal year.

§ 35.552-5 State agency.

The agency designated by the Governor to apply for and receive the State's program grant and responsible for coordinating the water quality control program or primarily responsible for coordinating the State water quality laws.

§ 35.552-6 Interstate agency.

Any agency defined in section 502(2) of the Act which is determined eligible for receipt of a grant under these regulations by the Administrator.

§ 35.552-7 Reasonable cost.

The allowable and allocable costs, up to the level of the annual allocation as determined by the Administrator, of developing and administering a pollution control program by a State or interstate agency consistent with the intent and purposes of the Act.

§ 35.552-8 Interstate segment.

That portion of the area of responsibility of an interstate agency which lies entirely within the borders of a single State.

§ 35.552-9 Recurrent expenditures.

Those expenditures which are identified as being acceptable as recurrent expenditures under generally accepted accounting principles and approved by the Regional Administrator.

§ 35.553 Annual guidance.

EPA will develop and disseminate annual guidance to be used by the States to structure their program for the coming year. The guidance will contain a statement of the national strategy including national objectives and national priorities for the year together with planning figures for Federal program grant assistance based on the EPA budget approved by the President. The guidance will be disseminated within thirty days after the President delivers his budget to Congress.

§ 35.554 State strategy formulation and program development.

§ 35.554-1 State strategy formulation.

Based on (a) current water quality, (b) evaluation of program achievements to date, (c) State plans developed pursuant to Section 303(e) of the Act, and (d) the annual EPA guidance, each State shall prepare an annual State strategy statement. The strategy shall contain:

(1) A statewide assessment of water quality problems and the causes of these problems;

(2) A listing of the geographical and discharger priorities relative to these problems;

(3) A listing of the priorities and scheduling of permits, construction grants, basin plans, and other appropriate program actions including a description of how the strategy has been developed in concert with non-point source control.

§ 35.554-2 State program development.

Each State shall develop, in consultation with the Regional Administrator, a program based on its strategy pursuant to § 35.554-1 (to include defining regional resource support). The essence of the program is relating resources—both Federal and non-Federal—to achieve the expected outputs. Program outputs are then adjusted to conform to resource constraints. To the extent feasible, each State program shall include consideration of efforts in the areas of non-point source control and abatement, and supporting land use control practices. The program shall describe how each major program element fits with the strategy and shall indicate:

(a) the expected outputs to be obtained pursuant to § 35.554-3(b);

(b) the resources to be expended by the State to produce the expected outputs, including anticipated Federal financial and technical assistance; and

(c) an analysis of the previous year's effort. Information on each program element shall be presented in summary form aggregated at the State level.

§ 35.554-3 Major program elements and outputs.

(a) The major program elements are:

(1) Municipal facilities construction, operation, and maintenance

(2) Permits

(3) Planning (to include water quality standards)

(4) Monitoring

(5) Enforcement

(6) Training

(7) Administration

(b) State outputs. Each major program element shall identify the specific outputs to be produced by that activity during the year. Additional program elements and their associated outputs may be addressed in the annual program as deemed appropriate by the State or the Regional Administrator. The major program outputs may include but are not limited to:

(1) *Municipal Facilities Construction, Operation, & Maintenance.* A description of the State priority system, including the criteria used by the State in determining priority of treatment works, and an identification of projects to receive grants for facility planning (step 1), engineering design and specifications (step 2), and construction of facilities (step 3) submitted for approval pursuant to § 35.915 of this chapter.

(i) In determining which projects to fund, the State shall consider the severity of pollution problems, the population affected, the need for preservation of high quality waters, and the national priorities as determined by the Administrator (normally contained in the annual EPA guidance).

(ii) The projects to be funded should be consistent with but need not rigidly follow the ranking of discharges in the municipal discharge inventory developed pursuant to § 130.43 of this chapter; however, projects should be concentrated in the high priority areas.

(iii) Adequate justification must be provided for those projects to be funded which are located in low priority areas (e.g. court orders, critical discharges in low priority segment, etc.).

(iv) The composition of the list of projects to be funded should reflect the guidance contained in the annual EPA guidance.

(v) The list of projects may be revised in accordance with § 35.915.

(2) *Municipal Permits.* Number and identification of municipal permits to be issued by the State for the year covered by the program. The municipal permits to be issued should be determined by the same criteria as described in paragraph (b) (1) (i) of this section.

(3) *Industrial Permits.* Number and identification of industrial permits or permits for other categories to be issued by the State for the year covered by the program. The industrial permits to be issued should be determined by the same criteria as described in paragraph (b) (1) (i) of this section.

(4) *Planning.* Number and identification of plans (by type):

(i) *Basin plans (Section 303(e) of the Act).* The number and priority of plans determined from the schedule for plan preparation developed pursuant to § 130.42 of this chapter and the schedules contained in the strategy developed pursuant to § 35.554-1.

(ii) *Areawide Plans (Section 208 of the Act).* The number and scheduling of areawide management plans pursuant to section 208 of the Act in accordance with the designation criteria set forth in any regulations published to implement section 208.

(iii) *Facility Plans (§ 35.925-1).* The number and priority of facility plans consistent with the priorities contained in the municipal discharge inventory developed pursuant to § 130.43 of this chapter or § 35.915. Required plans are scheduled to permit their completion prior to award of grants for construction (phase 3) projects.

(5) *Monitoring.* Number and identification of monitoring surveys to be done (by type):

(i) *Basin monitoring surveys.* The number and priorities of these surveys determined in conjunction with the schedule for 303(e) basin plans.

(ii) *Compliance Monitoring.* The extent of compliance monitoring related to the number of permits issued and the State's determination of compliance monitoring required to insure that the permit-reporting system is operating.

(iii) *Permanent in-stream monitoring stations.* The number and location of stations required to prepare the annual State water quality inventory required by section 305(b) of the Act.

(6) *Enforcement.* Number of proceedings on actions initiated prior to the passage of the Act; number of enforcement actions to be undertaken, continued, or completed against violators of permit conditions and implementation schedules; and, identification and brief discussion of major actions and proceedings.

(7) *Training.* Number and distribution of waste treatment plant operators to be trained and certified; type of operator training to be received; and, identification of level of training and certification of total operator force.

(8) *Administration.* Identification and description of overall program administration to include major changes to occur during the year.

(c) Section 106(a) of the Act places special emphasis on including enforcement directly or through appropriate State law enforcement officers or agencies as part of the State program. A description of enforcement as a program activity should be included in the State program.

(d) Section 106 of the Act also places special emphasis on monitoring. For the purpose of this regulation, the following brief description of monitoring as a program activity is provided. Further details are set forth in Appendix A to this subpart and § 35.559-6(b)(1).

(1) A minimum monitoring program shall utilize physical, chemical and biological analyses, and shall include:

(i) Intensive surface water monitoring surveys;

(ii) A primary monitoring network;

(iii) Permit compliance monitoring;

(iv) Groundwater quality monitoring;

(v) A means of collecting data for inventories of point and non-point sources of pollution;

(vi) Classification of inland lakes by eutrophic condition;

(vii) Laboratory support and a quality assurance program; and

(viii) A data handling, storage, evaluation and reporting activity.

(2) The State monitoring program shall be carried out in such a manner as to:

(i) Provide support to the Planning Process developed under Part 130 of this chapter;

(ii) Conduct permit compliance monitoring, including spot checks of permitted dischargers, utilizing authorities similar to those provided under Section

308 of the Act and administer the self-monitoring and reporting requirements of the NPDES in States having permit programs approved by the Administrator;

(iii) Provide basic data necessary to update annually the descriptions and analyses required by Section 305(b) of the Act, including specific identification of all State waters suitable for sustaining a balanced population of shellfish, fish and wildlife, and which allow for recreational activities in and on the water;

(iv) Enable the State to describe the extent of their water pollution problem (Section 106(b) of the Act), and to assess the degree of progress in attaining the goals of the Act as required in Section 305(b)(1)(C); and

(v) Define eutrophic status of waters within the State, particularly lakes.

#### § 35.555 State program submission.

Each State shall submit to the Regional Administrator:

(a) An initial program by April 15 of each year consisting of (1) the State strategy statement for the coming year (described in § 130.41 of this chapter), which includes its schedule for plan preparation (§ 130.42 of this chapter), its State municipal discharge inventory (§ 130.43 of this chapter), and its State industrial discharge inventory (§ 130.44 of this chapter).

(2) An initial assessment of the outputs which the State estimates it will achieve during the year.

(b) A final program by June 15 of each year. (1) The final program shall be included as part of the grant application, together with such additional information as the Administrator may require. The form and content of the final submission shall be as described in the application narrative, and any additional guidelines which the Administrator may issue from time to time.

(2) The final program shall include an adjustment of State outputs to reflect resource constraints.

(3) Pursuant to the requirements of Office of Management and Budget Circular A-95, the final program shall reflect comments received through the State office with clearing house responsibilities. It shall also present evidence of participation by the agencies responsible for statewide land use planning, or general or comprehensive planning.

#### § 35.556 Public participation.

The annual State strategy, priority lists, and proposed outputs shall be the subject of public participation to be completed prior to May 15 of each year. Public hearings must have been held on the list of projects to be funded during the year developed pursuant to § 35.554-3 (b)(1), except for the list developed for projects to be funded in FY 74 if time is inadequate to prepare a timely submission. Results of such participation shall be used as appropriate in preparing the final program submission.

#### § 35.557 Program approval.

(a) The Regional Administrator shall act on a State program within thirty

days of its receipt, notwithstanding the provisions of § 30.305 of this chapter. Such program shall be approved only if the program satisfies all terms, conditions, and limitations set forth in these regulations, including adequate resources for enforcement directly or through appropriate State law enforcement officers or agencies.

(b) The Regional Administrator may award a grant based on conditional approval of a State program which requires minor changes to qualify for approval. In the event conditional approval is granted, the Regional Administrator shall establish as part of the grant award, a statement of the conditions which must be met to secure final approval and the date by which such conditions shall be met.

#### § 35.558 Allocation of funds.

Funds appropriated for each fiscal year will be allocated to States and interstate agencies on the basis of the extent of the pollution problem.

#### § 35.558-1 Computation of state allotment ratio.

An allotment ratio will be established for each State.

(a) The initial allotment ratio for FY 1974 will be established according to the ratio of the number of pollution sources in the State compared to the number of pollution sources in the nation.

(b) The initial allotment ratio computed in paragraph (a) of this section will be applied to the first \$20 million of sums appropriated to produce a base allocation. The base allocation of any State which falls below the level of its FY 1973 allocation will be restored to the FY 1973 allocation level, using funds from the balance of the appropriation, subject to the availability of funds.

(c) The remainder of the appropriation is then divided among the States in amounts proportional to what was received following the procedure described in § 35.558-1(b). Each State's incentive amount is then subdivided to fund the key program elements identified by the annual EPA guidance.

(d) The State allocation is the sum of its base allocation and all portions of its incentive amount, except that no State may be allocated more than three hundred percent of its FY 1973 grant amount.

#### § 35.558-2 Computation of Interstate Allocation.

An amount not less than the FY 1973 level of funding for interstate agencies will be divided among interstate agencies.

#### § 35.558-3 Computation of State Allocation.

The table below shows the final allotment ratio for FY 1974 of each State and Interstate after applying the procedures described in § 35.558-1(a)-(d).

FINAL FY 1974 ALLOTMENT RATIO	
STATE/ INTERSTATE	ALLOTMENT RATIO
Alabama	.02663
Alaska	.00303
Arizona	.00815
Arkansas	.01478

State/ Inter- state	Allot- ment ratio	State/ Inter- state	Allot- ment ratio
California	.05890	New Jersey	.02738
Colorado	.00938	New Mexico	.00578
Connecticut	.01532	New York	.05509
Delaware	.00844	North Carolina	.03672
District of Columbia	.00833	North Dakota	.00433
Florida	.02577	Ohio	.03814
Georgia	.03116	Oklahoma	.01107
Hawaii	.00708	Oregon	.01638
Idaho	.00779	Pennsylvania	.04475
Illinois	.03739	Rhode Island	.01044
Indiana	.02095	South Carolina	.01990
Iowa	.01454	South Dakota	.00449
Kansas	.01055	Tennessee	.01807
Kentucky	.01471	Texas	.03694
Louisiana	.01686	Utah	.00615
Maine	.01102	Vermont	.00497
Maryland	.01687	Virginia	.02515
Massa- chusetts	.02879	Washington	.02141
Michigan	.03578	West Virginia	.01270
Minnesota	.01873	Wisconsin	.02828
Mississippi	.01488	Wyoming	.00327
Missouri	.01763	American Samoa	.01156
Montana	.00686	Virgin Islands	.00733
Nebraska	.01150		
Nevada	.00350		
New Hampshire	.00679		

State/ Interstate	Allotment Ratio
Guam	.00741
Puerto Rico	.01628
Trust Territories	.00337
ORSANCO	.00671
DRBC	.00444
ISC	.00546
INCOPT	.00285
NEIWPCC	.00449
SRBC	.00163

§ 35.558-4 Notification of funds.

(a) *Tentative allowances.* No later than April 15 of each year, the Administrator will issue to each Regional Administrator a tentative regional allowance for the next fiscal year. This tentative allowance (planning target) will be based on the amount of the appropriation requested for the next fiscal year. The Regional Administrator shall notify each State and interstate agency of its tentative allotment for the next fiscal year.

(b) *Final allowances.* As soon as practicable after funds are made available, the Administrator will issue to each Regional Administrator a final regional allowance for State and interstate allotments from the funds appropriated for each fiscal year.

(c) *Reallotment.* On October 15 of each year, or as soon thereafter as practicable, the Administrator will issue to each Regional Administrator an allowance derived from reallocation for prior year funds or unused portions of current year funds.

(d) *Computation of Regional allowances.* Tentative or final regional allowances will be the sum of the tentative or final State and interstate allotments with each EPA region.

§ 35.559 Grant amount.

§ 35.559-1 Computation of maximum grant.

(a) *Maximum base grant amount.* Each State shall receive a maximum base

grant equal at least to its total grant for FY 73, subject to the availability of funds.

(b) *Maximum incentive grant amount.* Each State shall receive a maximum incentive grant equal to the amount of the allotment, computed in accordance with § 35.558-3, less the maximum base grant computed in paragraph (a) of this section. Each State's incentive amount is divided into amounts to fund the key program elements identified by the annual EPA guidance.

§ 35.559-2 Determination.

Each State and interstate agency shall receive a grant from its final allotment in an amount not to exceed the reasonable cost of carrying out its approved annual program including the cost of enforcement directly or through appropriate State law enforcement officers or agencies.

(a) From the maximum grant amount reserved for each State, grants shall be approved by the Regional Administrator in amounts to be determined by him to fund the base program and the key program functions identified by the EPA annual guidance as being of particular importance to a sound water pollution control program.

(b) The Regional Administrator shall use the initial resource distribution set forth in the maximum grant structure determined for each State (i.e. base amount plus incentive amounts) as the initial basis for approving a grant.

(1) Should a State elect not to operate a permit program under the National Pollution Discharge Elimination System (NPDES—Part 124 of this chapter), the Regional Administrator shall not approve any portion of the funds for the State within that program element. Funds recovered by these procedures will remain within the Region to be available for reallotment to States as the Regional Administrator may direct.

(2) Should a State propose a different funding mix to produce a set of outputs in the annual program, the Regional Administrator may approve the different mix, provided he believes the outputs can be produced. However, if a State fails substantially to produce the outputs to which it was committed in its program, the Regional Administrator may recover the program costs of such outputs up to the amount originally proposed for the particular program element. Recovery may be by reduction of remaining grant payments, reduction of the following year's grant, or by request for repayment. Funds recovered by these procedures will remain within the Region to be available for reallotment to States as the Regional Administrator may direct.

(3) Should a State submit an approvable program and a funding strategy consistent with the mix reflected in the State's maximum grant, the Regional Administrator shall authorize the award of a grant in the amount applied for, consistent with its program developed pursuant to § 35.554-2.

(4) Should the Regional Administrator's evaluation of the State program

submission reveal that the output commitment is not consistent with the level of funding requested, he shall negotiate with the State either to increase the output commitment or to reduce the grant amount. Funds freed by this procedure will remain within the region to be available for reallotment to State agencies as the Regional Administrator may direct.

(5) At the end of each program year, unobligated funds will revert to headquarters for reallotment in accordance with § 35.558-4(c).

§ 35.559-3 Reduction of grant amount.

(a) The grantee must submit a complete application on or before June 15, preceding the fiscal year for which the program application is prepared. If the State or interstate agency does not meet this deadline, the grant amount shall be reduced one-sixth of the first six months' available allotment for each full month's delay. This money will be available for reallotment on a national basis.

(b) If the Regional Administrator's program evaluation reveals that the grantee will fail or has failed to achieve outputs programmed (see § 35.554-3), the grant amount may be reduced by the approved estimated program cost to produce such outputs. This money will be available for reallotment to State's within the region.

§ 35.559-4 Grant amount limit and duration.

Following approval of the program the budget period of the grant shall be the entire fiscal year and Federal assistance shall not exceed the allotment limits specified in § 35.448-2 plus reallotments under § 35.558-4(c), § 35.559-2(b) and § 35.559-3(b).

§ 35.559-5 Eligibility.

A grant may be awarded to a State or interstate water pollution control agency which has submitted an application meeting the program requirements of these regulations provided however, that such program has been approved by the appropriate Regional Administrator.

§ 35.559-6 Limitation of award.

(a) No grant shall be made under these regulations to any State or interstate agency for any fiscal year unless the State has certified that the expenditures of non-Federal funds by such State or interstate agency during such fiscal year for the recurrent expenses of carrying out its pollution control program are not less than the expenditures by such State or interstate agency of non-Federal funds for recurrent program expenses during the fiscal year ending June 30, 1971, or the first year of Federal support if such Federal support was initiated subsequent to the fiscal year ending June 30, 1971.

(b) No grant shall be made under these regulations to any State, beginning in fiscal year 1974, which has not provided or is not carrying out as part of its program:

(1) The establishment and operation of appropriate devices, methods, systems, and procedures necessary to

monitor, and to compile and analyze data on (including classification according to eutrophic condition), the quality of navigable waters and to the extent practicable, ground waters including biological monitoring; and provisions for annually updating such data and including it in the report required under Section 305 of the Act. Guidelines are set forth in § 35.554-3 and Appendix A.

(2) Authority comparable to that in Section 504 of the Act, "Emergency Powers," and adequate contingency plans to implement such authority.

(3) The criteria used by the State in determining priorities for municipal construction projects as provided in § 35.915, and for issuance of permits as provided in Part 124 of this chapter.

(4) A provision that such agency shall provide information concerning its program in the form and content that the Regional Administrator may require.

#### § 35.559-7 Grant conditions.

In addition to the EPA General Grant Conditions (Appendix A to Subchapter B of this chapter and Part 30, Subpart C, of this chapter) each grant for water pollution control programs shall be subject to the following conditions:

(a) The Regional Administrator may terminate a grant awarded under this subpart pursuant to § 30.903 of this chapter where a Federally assumed enforcement as defined in section 309(a) (2) of the Act is in effect with respect to such State or interstate agency.

(b) The Regional Administrator may terminate a grant awarded under this subpart pursuant to § 30.903 of this chapter where the Administrator has not approved or has revoked approval of the continuing planning process developed under section 303(e) of the Act and any regulation issued by the Administrator thereunder.

#### § 35.560 Program evaluation and reporting.

##### § 35.560-1 Evaluation.

Program evaluation is primarily a State responsibility and should be done continuously throughout the program year. It is EPA policy to limit evaluation to that which is necessary for responsible management of the national effort to control water pollution. Therefore, joint Federal/State evaluations will be decentralized to the regional level. Each Regional Administrator shall review State programs at least twice each year:

(a) Mid-year evaluation: By January 31 of each year, the Regional Administrator shall conduct a joint on-site evaluation meeting with appropriate State officials to review and evaluate the program accomplishments of the current budget period in accordance with § 35.410 of this Subpart. The Regional Administrator shall report to the Administrator the results of each meeting within thirty working days, together with comments from the State.

(b) End-of-Year-Review: Within thirty days of receipt of the final State program submission and grant applica-

tion, the Regional Administrator shall review the accomplishments of the program year which is concluded and the accomplishments projected for the coming year, as stated in the submission. His review shall include (but is not limited to):

(1) Effluent reductions achieved

(2) Improvement in ambient water quality

(3) Compliance milestones achieved

(4) Program status

(5) Resource allocation and use

This review is essential to program approval pursuant to § 35.557.

#### § 35.560-2 Reports.

The Regional Administrator may modify requirements pertaining to the content or submission schedule of information submissions required by this part.

#### §§ 35.565, 35.575 [Revoked]

Sections 35.565 and 35.575 are revoked.

#### APPENDIX A. WATER QUALITY MONITORING—[RESERVED]

#### APPENDIX B. PROGRAM REPORTING [RESERVED]

[FR Doc.73-13323 Filed 6-28-73;8:45 am]

### Title 45—Public Welfare

#### SUBTITLE A—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, GENERAL ADMINISTRATION

##### PART 73—STANDARDS OF CONDUCT

#### Statements of Employment and Financial Interest

Appendix C of the Conduct Regulations of the Department of Health, Education, and Welfare lists positions in the Department whose incumbents must file statements of employment and financial interests. This list is being amended to include additional positions in the Food and Drug Administration. Accordingly, Part 73 is amended, and the listing for Food and Drug Administration should read as follows:

#### FOOD AND DRUG ADMINISTRATION

##### PART 1—Positions at GS-13 and above

[Reference: § 73.735-1002(a)(2)]

#### OFFICE OF THE COMMISSIONER

##### Immediate Office of the Commissioner

Deputy Commissioner  
Special Assistants  
Director, Office of Legislative Services

##### Office of the Associate Commissioner for Medical Affairs

Associate Commissioner  
Deputy Associate Commissioner  
Special Assistant (Medical/Clinical Devices)  
Assistant to the Special Assistant (Medical/Clinical Devices)  
Food and Drug Officers, GS-14 and above  
Supervisory Medical Officer  
Supervisory Program Analyst

##### Office of the Associate Commissioner for Compliance

Associate Commissioner  
Deputy Associate Commissioner  
Special Assistant to the Associate Commissioner

Director, Industry and Government Relations  
Assistant Director, Industry and Government Relations  
Director, Compliance Regulations and Policy Staff  
Director, Compliance Coordination and Policy Staff  
Director, Office of International Affairs  
Food and Drug Officers

##### Office of the Associate Commissioner for Science

Associate Commissioner  
Deputy Associate Commissioner  
Committee Management Officer  
Director, Office of Extramural Research  
Health Scientist Administrators, GS-14 and above

##### Office of the Associate Commissioner for Administration

Associate Commissioner  
Deputy Associate Commissioner  
Director, Division of General Services  
Deputy Director, Division of General Services  
Positions in the GS-1102 series  
Director, ADP Systems Policy & Operations Center

Director, Policy Management Staff  
Deputy Director, Policy Management Staff

##### Office of the Assistant Commissioner for Planning & Evaluation

Assistant Commissioner  
Deputy Assistant Commissioner  
Chief, Evaluation Staff  
Chief, Special Studies Staff  
Chief, Planning Staff  
Chief, Development Strategy Staff

##### Office of the Assistant Commissioner for Public Affairs

Assistant Commissioner  
Deputy Assistant Commissioner  
Chief, Consumer Affairs Staff

##### Office of the Executive Director of Regional Operations

Executive Director of Regional Operations  
Deputy Executive Director of Regional Operations  
Division/Branch Directors, GS-14 and above  
Food and Drug Officers, GS-14 and above

##### Bureau of Drugs

All GS-15 and above positions  
All Supervisory positions, GS-14  
Food and Drug Officers, GS-14  
Project Officers ("Contracting Officer's Technical Representative")

##### Bureau of Foods

All GS-15 and above positions  
All Branch Chiefs  
Food and Drug Officers, GS-14  
Review Scientists, GS-14  
Chief, National Center for Nutrient Analysis  
Project Officers ("Contracting Officer's Technical Representative")

##### BUREAU OF VETERINARY MEDICINE

(excluding Beltsville, Md., Activity)

Supervisory Math-Statistician, GS-15  
Food and Drug Officers, GS-14 and above  
Veterinary Medical Officers, GS-14 and above  
Chemists, GS-14 and above  
Project Officers ("Contracting Officer's Technical Representative")

##### BUREAU OF RADIOLOGICAL HEALTH

All positions, GS-15 and above  
All Branch Chiefs  
All supervisory positions, GS-14  
Project Officers ("Contracting Officer's Technical Representative")

BUREAU OF BIOLOGICS

All GS-15 and above positions  
All supervisory positions, GS-14  
Review Scientists, GS-14  
Project Officers ("Contracting Officer's Technical Representative")

FDA REGIONAL AND DISTRICT OFFICES

Regional Food and Drug Directors  
Deputy Regional Food and Drug Directors  
Public Health Service Advisors  
Food and Drug Officers  
Positions in Series GS-696, GS-1320, GS-0403 and GS-0414

PART II—FDA "Control Activity" Positions (GS-11 & above)

[Reference: § 73.735-1002(a) (3) & (4)]

a. All FDA-wide positions classified at GS-16 and above (or equivalent), and  
b. The following positions at GS-11 through GS-15 (or equivalent), which meet criteria of § 73a.735-502(a) (1), (ii) and (iii) of the FDA Supplement to the DHEW Standards of Conduct regulations:

OFFICE OF THE COMMISSIONER

Immediate Office of the Commissioner

Special Assistant to the Commissioner, GS-0301-15  
Special Assistant to the Commissioner, GS-0301-13  
Supervisory Program Analyst, (Director, Executive Secretariat), GS-0345-15  
Director, Office of Legislative Services, GS-0301-15  
Consumer Safety Officer, (Deputy, Office of Legislative Services), GS-0696-14

OFFICE OF THE ASSOCIATE COMMISSIONER FOR MEDICAL AFFAIRS

Staff Assistant, GS-0301-15  
Food & Drug Officers, GS-0695-13/14  
Consumer Safety Officers, GS-0695-12/13/14/15  
Program Analysts, GS-0435-12/13/14 (Compliance)

OFFICE OF THE ASSOCIATE COMMISSIONER FOR COMPLIANCE

Food & Drug Officers, GS-0695-14/15  
Consumer Safety Officers, GS-0696-12/13/14  
Chemist, GS-1320-14  
Special Assistant, GS-0301-14

OFFICE OF THE ASSOCIATE COMMISSIONER FOR SCIENCE

Health Scientist Administrator, GS-0601-15  
Physical Scientist Administrator, GS-1301-15  
FDA Committee Management Officer, GS-0301-13

OFFICE OF THE ASSOCIATE COMMISSIONER FOR ADMINISTRATION

Deputy Associate Commissioner for Administration, GS-0341-15

Division of Financial Management

Financial Managers, GS-0560-14/15  
Supervisory Operating Accountants, GS-0501-13/14  
Budget Officer, GS-0560-14  
Staff Assistant (Budget), GS-0501-13

Division of General Services

Director, GS-0301-15  
Deputy Director, GS-0301-14  
Industrial Specialist, GS-1150-12  
Office Services Manager, GS-0342-14  
Contract Specialists, GS-1102-13/14  
Supervisory Mechanical Engineers, GS-0830-14  
Supply Management Officer, GS-2001-14  
Procurement Officer, GS-1102-13  
Supervisory Procurement Agent, GS-1102-12

ADP Systems Policy & Operations Center

Digital Computer Systems Administrators, GS-0330-15

Policy Management Staff

Director, GS-0301-15  
Deputy Director, GS-0301-14  
Policy Management Officers, GS-0301-11/12/13/14

Division of Personnel Management

Director, GS-0201-15  
Deputy Director, GS-0201-14  
Chief, Employee Relations Branch, GS-0230-14  
Employee Relations Specialist, (Standards of Conduct), GS-0230-13

OFFICE OF THE ASSISTANT COMMISSIONER FOR PLANNING AND EVALUATION

Deputy Assistant Commissioner for Planning & Evaluation, GS-1515-15  
Chief, Planning Staff, GS-0345-15  
Chief, Evaluation Staff, GS-0345-14  
Chief, Special Studies Staff, GS-1515-15  
Chief, Consumer Safety Statistics Staff, GS-1530-15

OFFICE OF THE ASSISTANT COMMISSIONER FOR PUBLIC AFFAIRS

Assistant Commissioner for Public Affairs, GS-0301-15  
Deputy Assistant Commissioner for Public Affairs, GS-0301-15  
Assistant Press Chief, GS-1081-14

BUREAU OF DRUGS

Office of Scientific Evaluation

Medical Officers, GS-0602-14/15  
Dental Officers, GS-0680-14/15  
Veterinary Medical Officers, GS-0701-14  
Pharmacologists, GS-0405-12/13/14  
Physiologists, GS-0413-12/13/14  
Microbiologists, GS-0403-11/12/13/14/15  
Chemists, GS-1320-11/12/13/14/15  
Food & Drug Officers, GS-0495-12/13/14/15  
Director, OTC Drug Products Evaluation Staff, GS-0696-14

Office of Compliance

Food & Drug Officers, GS-0695-13/14/15  
Supervisory Industry Information Officer, GS-0301-15  
Program Analyst, GS-0345-15

Office of Scientific Coordination

Director, Diagnostic Products Staff, GS-0602-15  
Associate Director, Diagnostic Products Staff, PHS-CC  
Special Assistant to the Director, GS-0602-15  
Director, Product Research & Surveillance Staff, GS-0695-14  
Director, Division of Statistics, GS-1529-15  
Supervisor, Division of Clinical Research, GS-1320-13  
Supervisor, Research Contracts Branch, GS-0602-14

Office of Pharmaceutical Research & Testing

Assistant Director for Planning & Program Coordination, GS-1320-15  
Assistant Director for Scientific Coordination, GS-0701-15  
Deputy Director for Scientific Coordination, GS-0403-15  
Deputy Director, DDB, GS-0403-15  
Deputy Director, DDC, GS-1320-15  
Director, NCAA, GS-1320-15  
Deputy Director, NCAA, GS-0403-15  
Assistant to the Director, NCAA, GS-0403-14  
Director, NCDA, GS-1320-15  
Deputy Director, NCDA, GS-1320-14  
Chemists, GS-1320-11/12/13/14  
Pharmacologists, GS-0405-11/12/13/14  
Biologists, GS-0401-11/12/13/14  
Microbiologists, GS-0403-11/12/13/14

Office of the Assistant to the Director for Planning & Analysis

Supervisory Program Analysis Officer, GS-0345-15  
Supervisory Computer Systems Analyst, GS-0334-15  
Supervisory Technical Information Officer, GS-1412-14

Office of the Assistant to the Director for Regulatory Affairs

Food & Drug Officers, GS-0695-13/14/15  
Office of the Assistant to the Director for Medical Communications  
Deputy Director, ADMC, GS-0601-15  
Director, Scientific & Medical Education Staff, GS-0602-14  
Director, Precedent & Advisory Communications Staff, GS-0695-14  
Drug Efficacy Study Implementation Project Office

Medical Officers, GS-0602-14/15  
Dental Officer, GS-0680-15  
Chemists, GS-1320-11/12/13/14  
Supervisory Food & Drug Officers, GS-0695-14

BUREAU OF VETERINARY MEDICINE

Assistant Director for Management, GS-0301-15  
Veterinary Medical Officers, GS-0701-14/15  
Supervisory Food & Drug Officers, GS-0695-14  
Program Analyst, GS-0345-14  
Supervisory Animal Husbandman, GS-0487-14  
Supervisory Poultry Husbandman, GS-0487-14  
Chemists, GS-1320-13/14

BUREAU OF FOODS

Office of the Director

Assistant Director for Management, GS-0340-15  
Executive Officer, GS-0341-15  
Contracts Program Officer, GS-0401-15

Office of Sciences

Director, PHS-CC  
Research Scientist, PHS-CC  
Supervisory Math Statistician, GS-1529-15  
Chemists, GS-1320-12/13/14/15  
Pharmacologists, GS-0405-14/15  
Veterinary Medical Officers, GS-0701-13  
Microbiologists, GS-0403-11/12/13/14/15  
Entomologists, GS-0414-11/12/13  
Biologists, GS-0401-11/12/13  
Assistant Director, Division of Nutrition, GS-1320-15  
Chief, NCNA, GS-1320-14  
Section Heads, NCNA, GS-1320-13  
Chemists, NCNA, GS-1320-12  
Chief, Food & Nutrition Resources Branch, GS-1320-15  
Sanitarians, GS-0688-11/12  
Director, Division of Food Service, PHS-CC  
Chief, Food Service Sanitation Branch, PHS-CC  
Food Service Officer, PHS-CC  
Sanitarian, PHS-CC  
Food Consultant, PHS-CC

Office of Compliance

Food & Drug Officers, GS-0696-12/13/14/15  
Program Analysts, GS-0345-12/13/14/15  
Quality Control Specialists, GS-1903-13/14  
Quality Assurance Engineer, GS-0801-13  
Engineering Technicians, GS-0802-12/13  
Sanitary Engineers, PHS-CC

Office of Technology

Assistant Director for Packaging Technology, GS-1301-14  
Director, Division of Chemical Technology, GS-1320-15

Deputy Director, Division of Chemical Technology, GS-1320-15  
 Chief, Chemical Industry Practices Branch, GS-1320-15  
 Chief, Industrial Chemical Contaminants Branch, GS-1320-15  
 Deputy Director, Division of Food Technology, GS-1320-15  
 Assistant to the Director, Division of Food Technology, GS-1382-14  
 Chief, Fruit & Vegetable Branch, GS-1382-15  
 Chief, Dairy, Fats & Oils Branch, GS-1382-15  
 Chief, Protein & Cereal Products Branch, GS-1382-15  
 Chief, Food Engineering Branch, GS-0830-14  
 Chief, Shellfish Sanitation Branch, PHS-CC  
 Chief, Milk Sanitation Control Branch, PHS-CC  
 Chief, N.E. Technical Services Unit, PHS-CC  
 Deputy Chief, N.E. Technical Services Unit, PHS-CC

*Division of Color Technology*

Chemists, GS-1320-11/12/13/14

*Division of Cosmetics Technology*

Chemists, GS-1320-11/12/13/14

**BUREAU OF RADIOLOGICAL HEALTH**

Director, PHS-CC  
 Deputy Director, PHS-CC  
 Assistant Director for Special Projects, PHS-CC  
 Associate Director for Administration, PHS-CC  
 Assistant Director, GS-0301-14  
 Special Assistant to the Director, PHS-CC  
 Executive Officer, GS-0341-15  
 Director, Program Office, PHS-CC  
 Deputy Director, Program Office, GS-0345-14  
 Chief, X-ray Exposure Studies Branch, GS-1530-14  
 Director, Office of Criteria & Standards, GS-1306-15  
 Director, Northeastern Radiological Health Laboratory, PHS-CC  
 Assistant Director, Management, NERHL, GS-0340-14  
 Assistant Director, Technical Program, NERHL, PHS-CC  
 Chief, Trend Analysis Branch, NERHL, PHS-CC  
 Chief, Field Investigation & Dosimetry Branch, NERHL, GS-1306-14  
 Director, Division of Medical Radiation Exposure, PHS-CC  
 Chief, Radioactive Materials Branch, DMRE, PHS-CC  
 Chief, Nuclear Medicine Laboratory, DMRE, PHS-CC  
 Associate Chief, Nuclear Medicine Laboratory, DMRE, PHS-CC  
 Director, Office of Training, GS-1712-14  
 Assistant Director, OT, PHS-CC  
 Program Management Officer, OT, GS-0341-11  
 Chief, Training Component, OT, PHS-CC  
 Chief, Dental Component, OT, PHS-CC  
 Deputy Director, DBE, GS-0602-15  
 Program Management Officer, DBE, GS-0341-13  
 Special Assistant to the Director, DEP, PHS-CC  
 Chief, Epidemiologic Studies Branch, DBE, GS-0401-15  
 Chief, Experimental Studies Branch, DBE, GS-0401-14  
 Director, Division of Electronic Products, PHS-CC  
 Deputy Director, DEP, PHS-CC  
 Associate Director, DEP, PHS-CC  
 Assistant to the Director, DEP, PHS-CC  
 Special Assistant to the Director, DEP, PHS-CC  
 Assistant Director for Operations, DEP, GS-340-14

Chief, Compliance Branch, DEP, PHS-CC  
 Deputy Chief, CB, DEP, PHS-CC  
 Section Chiefs, CB, DEP, PHS-CC  
 Imports Officer, CB, DEP, GS-0301-14  
 Regulatory Advisor, GS-0801-13  
 Chief, Radiation Measurements & Calibration Branch, DEP, PHS-CC  
 Chief, Product Testing & Evaluation Branch, DEP, PHS-CC  
 Deputy Chief, PT&EB, DEP, PHS-CC  
 Section Chief, PT&EB, DEP, GS-1310-14  
 Chief, Electro-Optics Branch, DEP, PHS-CC  
 Chief, X-ray Exposure Control Laboratory, DEP, PHS-CC  
 Deputy Chief, XECL, DEP, GS-1306-14

**BUREAU OF BIOLOGICS**

Pharmacist Directors, PHS-CC  
 Medical Director, PHS-CC  
 Pharmacists, PHS-CC  
 Biologics Product Inspectors, GS-0401-11/12/13  
 Microbiologists, GS-0403-12/13/14/15  
 Research Chemist, GS-1320-15  
 Medical Directors (Research), GS-0602-15  
 Scientist Director, PHS-CC  
 Biologics Control Technician, GS-0401-11

**EXECUTIVE DIRECTOR OF REGIONAL OPERATIONS**

Deputy Executive Director of Regional Operations, GS-0695-15  
 Director, Field Program Facilities Management, GS-0695-15  
 Administrative Officers, GS-0341-13/14  
 Director, Division of Planning & Analysis, GS-0345-15  
 Director, Division of Federal-State Relations, GS-0695-15  
 Director, Division of Field Operations, GS-0695-15  
 Special Assistant for Special Programs, GS-0695-14  
 Director, Radiation Operations Staff, PHS-CC  
 Supervisory Health Physicist, GS-1306-14  
 Director, Field Investigations Branch, GS-0695-15  
 Food & Drug Inspectors, GS-0695-13/14  
 Quality Assurance Specialists, GS-1910-12/13/14  
 Biologist, GS-0401-14  
 Chemical Engineer, GS-893-13  
 Mechanical Engineer, GS-0830-12  
 Electrical Engineer, GS-0855-12  
 Industrial Engineer, GS-0896-11  
 Director, Field Compliance Branch, GS-0695-15  
 Assistant for Regulatory Operations, GS-0696-14  
 Assistant for Import Operations, GS-0696-14  
 Assistant for Emergency Operations, GS-0696-13  
 Compliance Officer, GS-0696-13  
 Chemists, Field Sciences Branch, GS-1320-12/13/14/15  
 Microbiologist, GS-0403-13  
 Physicist, GS-1310-11

**EDRO/REGION I/BOSTON FIELD OFFICE**

Regional Food & Drug Director, GS-0340-15  
 Deputy Regional Food & Drug Director-GS-0340-14  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Public Health Advisors, GS-685-12/13  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0430-11/12/13  
 Consumer Specialists, GS-0301-11/12  
 Administrative Officer, GS-0341-12  
 Radiological Health Representative, PHS-CC  
 Interstate Travel Consultant, PHS-CC  
 Sanitarian, PHS-CC  
 Milk & Food Consultant, PHS-CC

**EDRO/REGION II/OFFICE OF THE REGIONAL FOOD & DRUG DIRECTOR**

Regional Food & Drug Director, GS-0340-15  
 Public Information Specialist, GS-0301-13  
 Planning Officer, GS-0345-13  
 Director, Office of Information & Education, GS-0301-14  
 Public Health Advisors, GS-0685-12/13/14  
 General Physical Scientist, GS-1301-14

*Buffalo District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Safety Inspector, GS-1862-11  
 Chemists, GS-1320-11/12/13/14  
 Administrative Officer, GS-0341-12  
 Consumer Specialist, GS-0301-12

*New York District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Safety Inspectors, GS-1862-11/13  
 Recall & Emergency Coordinator, GS-0695-13  
 Director, Science Branch, GS-1320-15  
 Chemists, GS-1320-11/12/13/14  
 Biologists, GS-0401-13/14  
 Microbiologists, GS-0403-11/12  
 Consumer Specialist, GS-0301-12

*Newark District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Specialist, GS-0301-11  
 Administrative Officer, GS-0301-12

*San Juan District Office*

Deputy Regional Food & Drug Director, GS-0340-14  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Supervisory Chemist, GS-1320-13  
 Microbiologist, GS-0403-11

**EDRO/REGION III/OFFICE OF THE REGIONAL FOOD & DRUG DIRECTOR**

Regional Food & Drug Director, GS-0340-15  
 Assistant Regional Director for Compliance, GS-0696-14  
 Chief National Consultant, Programs Branch, GS-0696-14  
 Public Health Advisors, GS-0685-12/13  
 Consumer Specialist, GS-0301-13  
 Milk & Food Consultant, PHS-CC  
 Radiological Health Representative, PHS-CC

*Philadelphia District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Laboratory Director, GS-1320-14  
 Chemists, GS-1320-11/12/13  
 Microbiologists, GS-0403-11/12/13

*Baltimore District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Safety Inspector, GS-1862-11  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-403-11/12  
 Administrative Officer, GS-0341-12  
 Consumer Specialists, GS-0301-11/12

**EDRO/REGION IV/ATLANTA FIELD OFFICE**

Regional Food & Drug Director, GS-0340-15  
 Assistant for Program Management, GS-0696-14

Consumer Safety Officers, GS-0696-11/12/13  
 Chemists, GS-1320-11/12/13/14  
 Entomologist, GS-0414-11  
 Microbiologists, GS-0403-11/12/13  
 Public Health Advisors, GS-0685-11/12  
 Veterinary Medical Officer, GS-0701-14  
 Consumer Specialists, GS-0301-11/12  
 Program Analyst, GS-0345-13  
 Administrative Officer, GS-0341-12  
 Radiological Health Representative, PHS-CC  
 Sanitarian Directors, PHS-CC  
 Milk & Food Consultants, PHS-CC

**EBRO/REGION V/OFFICE OF THE REGIONAL FOOD & DRUG DIRECTOR**

Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Specialist, GS-0301-13  
 Senior Sanitarian, PHS-CC

*Chicago District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Program Analyst, GS-0345-13  
 Administrative Officer, GS-0341-12  
 Chemists, GS-1320-11/12/13/14  
 Entomologist, GS-0414-11  
 Microbiologists, GS-0403-11/12/13  
 Consumer Specialists, GS-0301-11/12

*Cincinnati District Office*

Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Specialists, GS-0301-11/12  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-11/12/13  
 Administrative Officer, GS-0341-12

*Detroit District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Entomologist, GS-0414-11  
 Microbiologists, GS-0403-11/12  
 Consumer Specialists, GS-0301-11/12  
 Administrative Officer, GS-0341-12

*Minneapolis District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Program Analyst, GS-0345-13  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-11/12/13/14  
 Consumer Specialist, GS-0301-12

**EBRO/REGION VI/OFFICE OF THE REGIONAL FOOD & DRUG DIRECTOR**

Regional Food and Drug Director, GS-0340-15  
 Veterinary Medical Officer, GS-0701-14  
 Public Health Advisors, GS-0685-11/12/13/14  
 Assistant to the Regional Food & Drug Director, GS-0696-14  
 Planning Officer, GS-0345-13  
 Chief, Special Programs Branch, PHS-CC  
 Sanitation Consultant, PHS-CC  
 Shellfish Consultant, PHS-CC  
 Milk & Food Consultants, PHS-CC

*Dallas District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Entomologist, GS-0414-11  
 Microbiologists, GS-0403-11/12/13  
 Consumer Specialist, GS-0301-12  
 Administrative Officer, GS-0341-12

*New Orleans District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Program Analyst, GS-0345-12  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-12  
 Administrative Officer, GS-0341-12  
 Consumer Specialist, GS-0301-12

**EBRO/REGION VII/KANSAS CITY FIELD OFFICE**

Regional Food & Drug Director, GS-0340-15  
 Deputy Regional Food & Drug Director, GS-0340-14  
 Veterinary Medical Officer, GS-0701-14  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Public Health Advisors, GS-0685-12/13  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-11  
 Consumer Specialists, GS-0301-11/12  
 Program Analyst, GS-0345-13  
 Radiological Health Representative, PHS-CC  
 Milk & Food Consultant, PHS-CC

*Denver Field Office*

Regional Food & Drug Director, GS-0340-15  
 Deputy Regional Food & Drug Director, GS-0340-14  
 Program Analyst, GS-0345-14  
 Veterinary Medical Officer, GS-0701-14  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Public Health Advisors, GS-0685-12/13  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0430-11/12/13  
 Administrative Officer, GS-0341-12  
 Consumer Specialist, GS-0301-12  
 Milk & Food Consultant, PHS-CC  
 Radiological Representative, PHS-CC

**EBRO/REGION IX/OFFICE OF THE REGIONAL FOOD & DRUG DIRECTOR**

Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-14  
 Veterinarian, GS-0701-14  
 Program Analyst, GS-0345-13  
 Public Health Advisors, GS-0685-12  
 Milk & Food Consultants, PHS-CC  
 Shellfish Consultant, PHS-CC  
 Radiological Health Representative, PHS-CC

*San Francisco District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Consumer Safety Inspector, GS-1862-11  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-11/12  
 Consumer Specialists, GS-0301-11

*Los Angeles District Office*

Deputy Regional Food & Drug Director, GS-0340-15  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Supervisory Biologists, GS-0401-13  
 Microbiologists, GS-0301-11/12  
 Administrative Officer, GS-0341-12

**EBRO/REGION X/SEATTLE FIELD OFFICE**

Regional Food & Drug Director, GS-0340-15  
 Deputy Regional Food and Drug Director, GS-0340-14  
 Consumer Safety Officers, GS-0696-11/12/13/14  
 Chemists, GS-1320-11/12/13/14  
 Microbiologists, GS-0403-11/12/13  
 Public Health Advisors, GS-0685-11/12/13  
 Program Analyst, GS-0345-13  
 Consumer Specialist, GS-0301-12

These regulations were approved by the U.S. Civil Service Commission on

May 7, 1973, and are effective June 29, 1973.

Dated: June 25, 1973.

CASPAR W. WEINBERGER,  
*Secretary.*

[FR Doc.73-13241 Filed 6-28-73;8:45 am]

**CHAPTER IX—ADMINISTRATION ON AGING, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE**

**PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING Interim Funding Regulations**

The Older Americans Comprehensive Services Amendments of 1973 (Public Law 93-29), enacted on May 3, 1973, make major revisions to Title III of the Older Americans Act of 1965. These amendments will require the issuance of amended regulations, and the subsequent amendment of State plans by all States. Because of the extent of the changes in the Title III program, section 307 of the Act provides that the Commissioner on Aging may, during the period ending one year after the date of enactment of the Amendments, pay, in accordance with regulations as he may prescribe, to a State which does not have a State plan approved under section 305 of the amended Act, such amounts as he deems appropriate for the purpose of continuing Federal financial assistance for activities assisted under the plan of such State approved under section 303 of the Act prior to the enactment of the Older Americans Comprehensive Services Amendments of 1973. The regulations set forth below will permit State agencies to continue the expenditure of Federal funds under Title III of the Act in keeping with their previously approved State plan. However, priority must be given to the assistance of those activities that will promote a smooth transition to the new types of activities required under the Older Americans Comprehensive Services Amendments of 1973.

For this purpose, and until additional regulations are issued relating to the Older Americans Comprehensive Services Amendments of 1973, it is necessary to issue interim transitional regulations under Part 903. It is the policy of the Department that notice of proposed rule-making procedures be followed in the formulation of rules and regulations governing grant programs. Compliance with such procedures, however, would involve delay in implementing the provisions of the amendments made by P.L. 93-29 which, as of May 3, 1973, the date of its enactment, superseded prior existing authority for the programs under Part 903. Such delay would be contrary to the public interest because it is necessary to assure continuing validity of the State plans approved under Part 903. Accordingly, the regulations set forth below shall become effective on the dates set forth herein.

The heading of Chapter IX is changed to reflect the fact that, effective April 1,

1973, the Administration on Aging was transferred from the Social and Rehabilitation Service, and is now organizationally a part of the Office of Human Development within the Office of the Secretary.

Accordingly, Chapter IX is amended as set forth below:

1. The heading of Chapter IX is revised to read as set forth in the headings above.

2. Part 903 is amended by inserting before Subpart A thereof a new § 903.0, as follows:

§ 903.0 Transition provision.

(a) A State plan approved under this part shall remain in force and shall be subject to the provisions of this chapter until the approval of an amended State plan submitted after the publication of regulations implementing title III of the Act as amended by the Older Americans Comprehensive Services Amendments of 1973, but in no case may an existing State plan remain in force after May 3, 1974.

(b) Under a State plan remaining in force, States may continue Federal financial assistance for those activities permitted under such plan, except that with respect to the obligation of funds for area planning and social services activities, priority must be given to the establishment of new, or the continuation of existing projects, which:

(1) Will contribute toward the achievement of the goals set forth in section 301 of the Act, as amended by P.L. 93-29;

(2) Will promote a smooth transition into the types of activities required under the new title III of the Act, under which 80 percent of the State allotment for this purpose must be utilized in keeping with plans developed for high priority planning and service areas; and

(3) Are designed to meet a service need that has been identified either by the State agency or as a result of local planning efforts conducted under title III of the Act.

(c) The Federal share of all costs under this authority must be in keeping with the matching provisions of title III of the Older Americans Act prior to its amendment by the Older Americans Comprehensive Services Amendments of 1973.

(Sec. 307, 87 Stat. 44 (42 U.S.C.))

*Effective date.*—These regulations shall be effective on June 29, 1973, except that paragraph (a) of § 903.0 shall be effective as of May 3, 1973.

Dated: June 22, 1973.

DONALD F. REILLY,  
Acting Commissioner on Aging.

Approved: June 22, 1973.

STANLEY B. THOMAS, Jr.,  
Acting Assistant Secretary  
for Human Development.

Approved: June 27, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health, Education,  
and Welfare.

[FR Doc. 73-13277 Filed 6-28-73; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD,  
DEPARTMENT OF TRANSPORTATION

[CGD-72-206B]

SUBCHAPTER F—MARINE ENGINEERING

SUBCHAPTER I—CARGO AND MISCELLANEOUS  
VESSELS

SUBCHAPTER Q—SPECIFICATIONS

SUBCHAPTER T—SMALL PASSENGER VESSELS

MARINE ENGINEERING SYSTEMS AND  
COMPONENTS

The purpose of these amendments is to update Coast Guard regulations to reflect new industry codes and standards and new marine engineering practices. The amendments are based on a notice of proposed rulemaking (CGD 72-206PH) issued on November 17, 1972 (37 FR 24435). That notice described the changes and solicited comments from interested parties. No comments were received.

A public hearing on the proposed regulations was also held on December 12, 1972 and no comments were made.

In consideration of the foregoing, the amendments as proposed are adopted without change.

*Effective date.* These amendments are effective October 1, 1973.

Dated June 22, 1973.

C. R. BENDER,  
Admiral, U.S. Coast Guard,  
Commandant.

PART 50—GENERAL PROVISIONS

1. Section 50.15-5 is amended by revising paragraph (a) and by adding a new paragraph (d) to read as follows:

§ 50.15-5 ASME Boiler and Pressure Vessel Code.

(a) The following sections of the "ASME Boiler and Pressure Vessel Code," published by The American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY, 10017, are adopted subject to modifications specified in this subchapter, which appear with the listing:

(1) Section I, Power Boilers (ASME, sec. I)

(2) Section II, Material Specifications (ASME, sec. II).

(3) Section III (Division 1), Nuclear Powerplant Components, Metal Components (ASME, sec. III).

(4) Section IV, Heating Boilers (ASME, sec. IV).

(5) Section V, Nondestructive Examination (ASME, sec. V).

(6) Section VIII (Division 1), Pressure Vessels (ASME, sec. VIII).

(7) Section IX, Welding Qualifications (ASME, sec. IX).

(d) Fabricators constructing nuclear powerplant components, parts, piping subassemblies, and appurtenances for installation on vessels subject to the regulations in this subchapter shall possess an appropriate Code N-symbol stamp as described in paragraph NA-8230 of section III of the ASME Code. The building facility of the vessel on which the nuclear powerplant is to be installed need not

possess the installer's stamp (NA-8233.7), or N-type symbol stamps for work related to the construction of a containment vessel (Class MC) and piping subassemblies of any class (see NA-2120) that are actually constructed by the building facility for the vessel's nuclear powerplant as provided for in § 55.05-1 (b) and (c) of this subchapter.

PART 54—PRESSURE VESSEL

§ 54.01-1 [Amended]

3. In Table 54.01-1(a), by striking out the words:

UG-116 modified by..... 54.10-20  
UG-118 modified by..... 54.10-20

and inserting the words:

UG-116, except (k) replaced by..... 54.10-20(a).  
UG-116(k) replaced by..... 54.10-20(b).  
UG-117 replaced by..... 54.10-20(c).  
UG-118 replaced by..... 54.10-20(a).  
UG-119 modified by..... 54.10-20(d).

in place thereof.

§ 54.01-5 [Amended]

4. In Table 54.01-5(b), by adding to the heading of the fifth column, immediately after the words "treatment required," a superscript 5, and by adding at the bottom of the table the following footnote:

<sup>5</sup> Specific requirements modifying Table UCS-56 of the ASME Code are found in § 54.25-7.

§ 54.10-20 [Amended]

5. By deleting in the heading of § 54.10-20 the words "(replaces UG-116 and UG-118)."

6. By adding to the heading of § 54.10-20(a) the words "(replaces UG-116, except paragraph (k), and UG-118)."

7. In § 54.10-20(b), by inserting after the heading the words "(replaces UG-116(k))."

8. By inserting in § 54.10-20(c) immediately after the heading "Stamping data" the following parenthetical phrase and sentence: "(replaces UG-117). Except as noted in paragraph (d) of this section, the data shall be stamped directly on the pressure vessel."

9. By adding to § 54.10-20 the following new paragraph at the end thereof:

(d) Thin walled vessels (modifies UG-119). In lieu of direct stamping on the pressure vessel, the information required by paragraph (a) of this section shall be stamped on a nameplate permanently attached to the pressure vessel when the pressure vessel is constructed of—

(1) Steel plate less than one-fourth inch thick; or

(2) Nonferrous plate less than one-half inch thick.

§ 54.15-15 [Amended]

10. By adding the following new sentence at the end of § 54.15-15(a): "Evaporators operating between atmospheric pressure and 15 p.s.i.g., may use a rupture disc as an alternative to the safety valve."

11. By adding the following new sentence at the end of § 54.15-15(b): "Rupture discs used in lieu of these safety valves, as provided for in paragraph (a)

of this section, shall comply with the requirements of § 54.15-13."

**PART 55—NUCLEAR POWERPLANT COMPONENTS**

12. In Part 55, by revising the table of sections to read as follows:

<b>Subpart 55.01—General Requirements</b>	
Sec.	
55.01-1	Adoption of section III of the ASME Code.
<b>Subpart 55.05—Responsibilities and Duties</b>	
55.05-1	General (modifies subsection NA).
<b>Subpart 55.10—Class 1 Components</b>	
55.10-1	General (modifies subsection NB).
55.10-5	Design.
55.10-20	Welding and fabrication.
55.10-25	Quenched and tempered steels.
55.10-30	Marking and stamping (modifies NA-8000).
55.10-35	Manufacturers' data reports (modifies NA-8400).
55.10-40	Overpressure protection (modifies NB-7000).
<b>Subpart 55.15—Class MC Components</b>	
55.15-1	General (modifies subsection NE).
55.15-3	Design (modifies NE-3100).
55.15-5	Welding and fabrication.
55.15-10	Stamping and reports (modifies NE-8000).
55.15-15	Overpressure and vacuum relief protection (modifies NE-7000).
<b>Subpart 55.20—Class 2 Components</b>	
55.20-1	General (modifies subsection NC).
55.20-5	Weld production testing.
55.20-10	Overpressure protection.
55.20-20	Stamping (modifies NA-8000).
<b>Subpart 55.25—Class 3 Components</b>	
55.25-1	General (modifies subsection ND).
55.25-10	Stamping (modifies NA-8000).

**Subpart 55.01—General Requirements**

13. In Subpart 55.01—General Requirements, in the introductory note, by striking out the word "vessels" in the second sentence and inserting the words "powerplant components" in place thereof.

**§ 55.01-1 [Amended]**

14. In § 55.01-1, by inserting the words "division 1" in the heading immediately after the words "section III."

15. In § 55.01-1(a), by striking out the words "pressure vessels" immediately after the first word "Nuclear" and inserting the words "powerplant components" in place thereof.

16. In Table 55.01-1, by inserting "division 1" immediately after the words "section III" in the heading.

17. In Table 55.01-1, by striking out the words

N-110 through N-914 modified by	55.10-1.
N-447 modified by	55.10-5(a).
N-552.1 modified by	55.10-20(a).
N-541 modified by	55.10-20(b).
N-612 replaced by	55.10-15.
N-810 through N-830 modified by	55.10-30.
N-832.2 modified by	55.10-30(d).
N-840 modified by	55.10-35.

N-910 through N-914 modified by	55.10-40.
N-1110 through N-1711.3 modified by	55.15-1.
N-2110 through N-2116 modified by	55.20-1.
N-2116 replaced by	55.20-20(a).

and inserting the words

NA-3000 modified by	55.05-1.
NA-8000 modified by	55.10-30.
NA-8400 modified by	55.10-35.
NB modified by	55.10-1.
NB-3111 modified by	55.10-5.
NB-4300 modified by	55.10-20(a).
NB-4330 and NB-4335 modified by	55.10-20(b).
NB-7000 modified by	55.10-40.
NB-7611 and NB-7612 modified by	55.10-40(b).
NB-7613, NB-7620, and NB-7630 modified by	55.10-40(c).
NB-7640 modified by	55.10-40(b).
NC-modified by	55.20-1.
NA-8000 modified by	55.20-20.
ND-modified by	55.25-1.
NA-8000 modified by	55.25-10.
NE-modified by	55.15-1.
NE-3100 modified by	55.15-3.
NE-7000 modified by	55.15-15.
NE-7116 modified by	55.15-15(a).
NE-8000 modified by	55.15-10.

in place thereof.

18. In footnote 1, Table 55.01-1, by striking out the words "The letter and number following the letter refer" and inserting the words "The second letter refers to the subsection of section III. The number refers" in place thereof.

19. In § 55.01-1(a)(1), by inserting "division 1" immediately after "section III."

20. In § 55.01-1(a)(1), by striking out the words "pressure vessels" and inserting the words "power plant components" in place thereof.

21. In § 55.01-1(b), by striking out the reference "N-130" and inserting "NA-1130" in place thereof.

22. In § 55.01-1(b), by striking out "1-Article 1" and inserting "A-Subsection NA" in place thereof.

23. In § 55.01-1(b), by striking out the words "130-paragraph within Article 1." and inserting the words "1130-Paragraph within Subsection NA" in place thereof.

**Subpart 55.05—Responsibilities and Duties**

24. By revising Subpart 55.05 to read as follows:

**§ 55.05-1 General (modifies Article NA-3000).**

(a) The ship or barge owner or his agent shall comply with NA-3200 except that he need not possess the Society's certificate of authorization nor file an owner's data report as required by NA-3270. The owner or his agent shall submit to the Coast Guard (MMT) the following materials as a minimum:

(1) A preliminary design specification which lists the applicable design codes and standards; design criteria and requirements; materials specifications; quality control provisions; documentation to be provided together with identification of specific components and parts

of the powerplant; packaging (if applicable) and cleaning. The specification shall apply to the complete powerplant including all components, parts, piping subassemblies, and appurtenances.

(2) Preliminary calculations which establish the tentative thickness of all pressure containing components.

(3) Joint design and methods proposed to assemble powerplant components, parts, piping subassemblies, and appurtenances at the construction site.

(4) Methods to be followed in the detailed stress calculations.

(5) Diagrammatic arrangement drawings of all pressure vessels and piping forming reactor coolant pressure boundary.

(6) When completed, the final design specification and stress reports as required by subsection NA (see NA-3250 and NA-3350) together with the final arrangement drawings shall be forwarded to the Coast Guard (MMT) for review.

(b) Each manufacturer shall comply with NA-3300 and shall have received a Certificate of Authorization from the Society as described in NA-3330, and shall have a Society-Approved Quality Assurance Program as required by NA-8120 prior to fabrication. The containment vessel (Class MC) and piping subassemblies of any class fabricated by the building facility of the vessel are exempted; however, such facilities shall have a Quality Assurance Program meeting NA-4000 accepted by the Coast Guard (MMT).

(c) The installer as used in Section III of the ASME Code is defined as the vessel's building facility. The installer shall comply with NA-3400 except that he need not possess the "NA" Code symbol stamp or Certificate of Authorization from the Society. The installer shall have a Quality Assurance Program meeting the requirements of NA-4000 and shall have it accepted by the Coast Guard (MMT).

(d) Inspection of nuclear power plant components of all classes for installation in vessels subject to inspection under the requirements of this subchapter shall be conducted by a marine inspector (see § 50.10-15 of this subchapter) in lieu of the Code authorized inspector defined in NA-5112, except that pumps, line valves, safety valves, and shop fabricated piping subassemblies which have an appropriate N-type Code symbol stamp (as illustrated in Table NA-3120-1), an appropriate data report as required by NA-8400, and inspection by a Code authorized inspector may also be accepted. The marine inspector at the power plant construction site shall insure that all components, parts, piping subassemblies and appurtenances bear proper stamping and documentation, and that each has been properly assembled into the complete system.

**Subpart 55.10—Class 1 Components**

25. By revising Subpart 55.10 to read as follows:

§ 55.10-1 General (modifies subsection NB).

(a) Class 1 components shall meet the requirements of articles NB-1000 through NB-8000 of section III of the ASME Code except as noted otherwise in this subpart.

§ 55.10-5 Design.

(a) *Additional loadings (modifies NB-3111)*. The designer must consider loadings in addition to those listed in NB-3111 of the ASME Code, which are peculiar to the marine application. Loadings which must be determined for each application include but are not limited to—

(1) Loading imposed by vessel's attitude in roll, list, pitch, trim, yaw, sway, surge, and heave;

(2) Dynamic forces due to ship motions;

(3) Loading due to shielding; and

(b) *Foundations and supports*. The designer shall determine the natural frequency of the nuclear pressure vessel in its mode of support, considering the engine and propeller shaft speed, and account for it in the design, and shall investigate the support of other components.

§ 55.10-15 [Revoked]

26. By revoking § 55.10-15.

27. By revising § 55.10-20 to read as follows:

§ 55.10-20 Welding and fabrication.

(a) *Welding procedure and performance qualification (modifies NB-4300)*. Weld procedure and performance qualifications shall be as required by Part 57 of this subchapter and NB-4300 of the ASME Code.

(b) *Production tests (modifies NB-4330)*. NB-4330 of the ASME Code is modified by adding the following requirements:

(1) Weld production test plates are required for vessels. These shall meet the requirements of Subpart 57.06 of this subchapter.

(2) In addition to the Charpy V-notch testing required for weld procedure qualification by NB-4335.1 and NB-4335.2 of the ASME Code, Charpy V-notch production toughness tests of the weld metal and heat affected base metal are required for vessels at the same interval as described in Subpart 57.06 of this subchapter for production test plates. The test specimens and testing shall follow the requirements of NB-4335 of the ASME Code.

28. By revising § 55.10-30, paragraphs (a), (b), and (c) and revoking paragraph (d). As amended, § 55.10-30, would read as follows:

§ 55.10-30 Marking and stamping (modifies NA-8000).

(a) \* \* \*

(4) The numeral 1 for Class 1 nuclear vessel.

(b) \* \* \*

(3) The letters PT.

(4) The letter N for nuclear.

(5) The numeral 1 for Class 1 nuclear vessel.

(c) The markings for safety valves, pumps, piping, and line valves shall follow the requirements of NA-8200. For nuclear components and parts which are not inspected by a marine inspector, see § 55.05-1(d).

(d) [Revoked]

29. Section 55.10-35 by changing section reference in the heading and adding a new paragraph. As amended § 55.10-35 would read as follows:

§ 55.10-35 Manufacturers' data reports (modifies NA-8400).

(c) Safety valves, pumps, piping, and line valves which are not inspected by a marine inspector shall meet the requirements of NA-8400 for the completion of the appropriate ASME data report.

30. By revising § 55.10-40 to read as follows:

§ 55.10-40 Overpressure protection (modifies NB-7000).

(a) The Overpressure Protection report required by NB-7300 shall be submitted to the Coast Guard for approval.

(b) (Modifies NB-7611, NB-7612, and NB-7640.) Automatic spring-loaded safety valves, and those valves equivalent to automatic spring-loaded safety valves as described in NB-7611, NB-7612, and NB-7640 shall comply with Subpart 162.001 of this chapter in addition to NB-7611, NB-7612, and NB-7640.

(c) (Modifies NB-7613, NB-7620, and NB-7630.) The use of antisimmer-type safety valves, pilot operated pressure relief valves, and power actuated pressure relief valves not equivalent to automatic spring loaded safety valves shall be described in the overpressure protection report and shall be specifically approved by the Commandant. Marking and stamping of valves shall be as described in NB-7900 or, if spring loaded, as required by Subpart 162.001 of this chapter.

Subpart 55.15—Class MC Components

31. By revising Subpart 55.15 to read as follows:

§ 55.15-1 General (modifies subsection NE).

(a) Containment provided via pressure vessel configuration is not mandatory, but, if utilized, shall meet the requirements of this subpart.

(b) Class MC components shall meet the requirements of subsection NE of section III of the ASME Code except as noted otherwise in this subpart.

§ 55.15-3 Design (modifies NE-3100).

(a) Treatment of external loadings and supports shall also comply with § 55.10-5.

§ 55.15-5 Welding and fabrication (modifies NE-4300).

(a) *Weld procedure*. Weld procedure and performance qualification shall fol-

low that for Class 1 components in § 55.10-20(a).

(b) *Production test*. Production tests must meet the requirements of Subpart 57.06 of this subchapter.

(c) *Charpy V-notch testing*. When Charpy V-notch testing is required by NE-4335 of the ASME Code, such testing shall be required for both procedure qualification for all components and for regular production welding for vessels as described in § 55.10-20(b)(2). The test temperature for procedure and production toughness testing shall be as required by NE-2330.

(d) *Quenched and tempered steels*. For vessel constructed of quenched and tempered steels refer to § 57.03-1(d) of this subchapter.

§ 55.15-10 Stamping and reports (modifies NE-8000).

(a) In addition to the requirements of NE-8100, the requirements of §§ 55.10-30 and 55.10-35 shall be followed for marking, stamping, and data reports.

(b) The letters "MC" shall be used for class designation.

(c) For components other than the containment vessel, refer to § 55.10-30(c).

§ 55.15-15 Overpressure and vacuum relief protection (modifies NE-7000).

(a) (Modifies NE-7116.) In lieu of the vacuum relief device required by NE-7116, consideration shall be given to designing the containment vessel to remain intact without collapse due to external pressure should sinking occur in a harbor or approach where salvage may be possible. Consideration shall be given to the prevention of pressure vessel crushing in the event of sinking in deep water by relieving external pressure by a method such as flooding. Design proposals shall be submitted to the Coast Guard (MMT) for approval.

Subpart 55.20—Class 2 Components

32. By revising Subpart 55.20 to read as follows:

§ 55.20-1 General (modifies subsection NC).

(a) Class 2 components shall meet the requirements of subsection NC of section III of the ASME Code except as noted otherwise in this subpart.

(b) (Modifies NC-1000.) Class 2 vessels shall be designed, fabricated, inspected, tested, and marked in accordance with the appropriate standards of Part 54 of this subchapter. The requirements of NC-3352 and NC-5200 for vessels shall apply in lieu of the joint design and nondestructive testing requirements of Table 54.01-5(b) of this subchapter. Design based on standards of Division 2 of section VIII of the ASME Code must receive prior approval by the Commandant.

§ 55.20-5 Weld production testing.

\* \* \* Class 2 Vessels \* \* \*

§ 55.20-10 Overpressure protection.

The requirements of NC-7000 shall apply in lieu of Subpart 54.15 of this

subchapter. The overpressure protection analysis (NC-7300) shall be submitted to the Coast Guard (MMT) for review.

§ 55.20-20 Stampings (modifies NA-8000).

In lieu of the stamping required by NA-8000 of the ASME Code, vessels constructed in accordance with this subpart shall be stamped as required by § 55.10-20 with the addition of the symbols "N2" after the class. For components other than pressure vessels, refer to § 55.100-30(c).

Subpart 55.25—Class 3 Components

33. By adding a new subpart as follows:

§ 55.25-1 General (modifies subsection ND).

Class 3 components shall meet the requirements of subsection ND except that pressure vessels shall meet the requirements of Part 54 of this subchapter, in lieu of the requirements of subsection ND. However, the installation testing of piping and complete Class 3 nuclear systems shall meet the requirements of ND-6000.

§ 55.25-10 Stamping (modifies NA-8000).

In lieu of the stamping required by NA-8000, pressure vessels constructed in accordance with this subpart shall be stamped as required by § 54.10-20 of this subchapter with the addition of the symbols "N3" after the class. For components other than pressure vessels, refer to § 55.10-30(c).

PART 56—PIPING SYSTEMS AND APPURTENANCES

34. By revising § 56.04-1 to read as follows:

§ 56.04-1 Scope.

Piping shall be classified as shown in Table 56.04-1.

TABLE 56.04-1—PIPING CLASSIFICATIONS

Service	Class	Section in this part
Normal	I, II	56.04-2
Low temperature	I-L, II-L	56.60-105
Nuclear	See Part 55 of this subchapter.	

§ 56.04-20 [Revoked]

35. By revoking § 56.04-20.

36. By revising § 56.30-25(f) (2) to read as follows:

§ 56.30-25 Flared, flareless, and compression joints.

(f) \* \* \*

(2) Grip-type fittings that are tightened in accordance with the manufacturers' instructions need not be disassembled for checking. For combustible (§ 30.10-15 of this chapter) fluid service with the exception of hydraulic systems, and for flammable (§ 30.10-22 of this chapter) fluid service, flared fittings shall be used, except that flareless fittings

of the nonbite type may be used when the tubing system is of steel, or nickel copper, or copper nickel alloy. When using copper or copper zinc alloys, flared fittings are required. See also §§ 56.50-70 and 56.50-75. In the case of hydraulic systems, flareless fittings of the bite type may be used provided the fittings have been accepted under the provisions of § 50.25-10 of this subchapter.

37. In table 56.60-1(b), by inserting the words "and Threaded." after "SW." in item B16.11, new items B16.23, 28, 29, and SP-44, and striking out SP-49, 50, 59, as revised the table would read as follows:

§ 56.60-1 Acceptable materials and specifications (replaces 123).

TABLE 56.60-1(b)—ADOPTED STANDARD APPLICABLE TO PIPING SYSTEMS (MODIFIES TABLE 126.1)

TABLE 56.60-25(c)—INSTALLATION REQUIREMENTS FOR NONMETALLIC FLEXIBLE HOSE

Lube oil and fuel systems	do <sup>1,2</sup>	***	***
Fluid power systems	do <sup>1</sup>	***	***

<sup>1</sup>The hose assembly shall be capable of withstanding free burning gasoline for 2½ minutes (test details available from the Coast Guard (MMT)).

39. In § 56.85-10(a), by striking out Classes "I-N, II-N." As revised, the section would read as follows:

§ 56.85-10 Preheating.

(a) \* \* \* Classes I, I-L, and II-L piping \* \* \*

40. In § 56.85-15(a) by striking out in lines 12 and 13 "I-N" and "II-N." As revised, the section would read as follows:

TABLE 56.95-10—MANDATORY MINIMUM NONDESTRUCTIVE TESTS FOR WELDS

I, I-L	I, I-L	***	***	***	***	***	***	(7, 8)
--------	--------	-----	-----	-----	-----	-----	-----	--------

<sup>1</sup> Radiographic \* \* \* (see § 56.70-15(b)(2)).  
<sup>2</sup> When nominal \* \* \*  
<sup>3</sup> Use liquid \* \* \*  
<sup>4</sup> Any method \* \* \*

42. In § 56.97-40(a)(5), by striking out class references "I-N, II-N, or III-N." As revised, the section would read as follows:

§ 56.97-40 Installation tests.

(a) \* \* \*  
 (5) Any class I, I-L, II-L piping.

PART 57—WELDING AND BRAZING

43. In § 57.06-1(b), by changing class designations. As revised § 57.06-1 would read as follows:

§ 57.06-1 Production test plate requirements.

(b) Main power boilers and Class 1 nuclear vessels \* \* \* MC nuclear vessels shall \* \* \* 2 nuclear vessels shall \* \* \*

B16.11 Steel S.W. and Threaded Fittings.

B16.23 Cast-Bronze Solder-Joint Drainage Fittings.

B16.28 Wrought Steel Butt Welding Short Radius Elbows and Returns.

B16.29 Wrought-Copper and Wrought-Copper Alloy Solder-Joint Drainage Fittings.

SP-44 Steel Pipe Line Flanges.

SP-49 [Revoked.]

SP-50 [Revoked.]

SP-59 [Revoked.]

38. By revising Table 56.60-25(c) to read as follows:

§ 56.60-25 Nonmetallic materials.

§ 56.85-15 Postheat treatment.

(a) \* \* \* Classes I, I-L, and II-L piping \* \* \*

41. In Table 56.95-10, by striking out the second line and the related footnote 9, and renumbering footnotes 10 through 12, accordingly. As revised, the Table 56.95-10 would read as follows:

§ 56.95-10 Type and extent of examination required.

44. In § 57.06-5(a), by changing class designations. As revised, § 57.06-5 would read as follows:

§ 57.06-5 Production toughness testing.

(a) \* \* \* Class 1 \* \* \* and for Class MC \* \* \*

PART 105—COMMERCIAL FISHING VESSELS DISPENSING PETROLEUM PRODUCTS

45. By revising Table 105.20-3(a)(1) to read as follows:

§ 105.20-3 Cargo tanks.

(a) \* \* \*

TABLE 105.20-3(a)(1)

Aluminum<sup>1</sup>... B209, Alloy...<sup>2</sup> 5056 0.250 (USSG 3)<sup>1</sup> Anodic to most common metals. Avoid dissimilar metal contact with tank body unless galvanically compatible.<sup>2</sup> and other alloys acceptable to the Commandant.**PART 162—ENGINEERING EQUIPMENT**

46. In § 162.001-2(a), by changing class reference. As revised, § 162.001-2 would read as follows:

**§ 162.001-2 Scope.**

(a) \* \* \* Class 1 nuclear \* \* \*

47. By revising § 162.018-3(b) to read as follows:

**§ 162.018-3 Materials.**

(b) All pressure containing external parts of valves must be constructed of materials melting above 1700° F. for liquefied flammable gas service. Consideration of lower melting materials for internal pressure-containing parts will be given if their use provides significant improvement to the general operation of the valve. Flange gaskets shall be metal or spiral wound asbestos.

**PART 182—MACHINERY INSTALLATION**

48. By revising § 182.15-40(a)(3) to read as follows:

**§ 182.15-40 Gasoline fuel supply piping.**

(a) \* \* \*

(3) Flexible hose shall be fabricated with an inner tube and a cover of synthetic rubber or other suitable material reinforced with wire braid. The hose cover shall be adjudged self-extinguishing per ASTM D1692, and the hose assembly shall be capable of withstanding free burning gasoline for 2½ minutes (test details available from Coast Guard (MMT)). Details of other fire tests designed to demonstrate this capability shall be submitted to Coast Guard (MMT) for review.

49. By revising § 182.20-40(a)(2)(ii) to read as follows:

**§ 182.20-40 Diesel fuel supply piping.**

(a) \* \* \*

(2) \* \* \*

(ii) Flexible hose shall be fabricated with an inner tube and a cover of synthetic rubber or other suitable material reinforced with wire braid. The hose cover shall be adjudged self-extinguishing per ASTM D1692, and the hose assembly shall be capable of withstanding free burning gasoline for 2½ minutes (test details available from Coast Guard (MMT)). Details of other fire tests designed to demonstrate this capability shall be submitted to Coast Guard (MMT) for review.

[FR Doc.73-13046 Filed 6-28-73;8:45 am]

**Title 47—Telecommunication  
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 19413; FCC 73-670]

**PART 73—RADIO BROADCAST SERVICES****Table of Assignments, FM Broadcast Stations**

In the matter of amendment of § 73.202(b), Table of assignments, FM broadcast stations. (Hattiesburg, Miss., Parkersburg, W. Va., Tallahassee, Fla.). Docket No. 19413, RM-1758, RM-1767, RM-1772.

1. The Commission here considers the further notice of proposed rulemaking in Docket No. 19413, adopted August 29, 1972 (FCC 72-773; 37 FR 18402), and that portion of the notice of proposed rulemaking in the same docket, adopted January 26, 1972 (FCC 72-83; 37 FR 2790), pertaining to possible amendment of FM Table of assignments (§ 73.202(b) of the Commission's rules and regulations) to assign a fourth FM channel to Tallahassee, Florida. This action was based on the petition of Capitol City Broadcasting, Incorporated (Capitol City), licensee of AM Station WTAL. Comments were filed by Capitol City and Florida State University (University). The University is the licensee of non-commercial educational station WFSU-FM, Channel 218, at Tallahassee.

2. Capitol City had proposed the assignment of Channel 276A which could be added without changes elsewhere. Tallahassee, population 71,637, is the capital of Florida and the seat of Leon County, population 102,530.<sup>1</sup> Tallahassee is a Standard Metropolitan Statistical Area (SMSA) consisting of Leon County. Aural broadcast service in Tallahassee consists of 4 AM stations, 2 daytime, 3 Class C FM stations, and noncommercial educational FM station WFSU-FM.

3. The Further Notice was adopted to more fully canvass the possibility of assigning a channel which would not have the preclusionary effect on assignments elsewhere that Channel 276A would have. The precluded communities included Chattahoochee, population 7,944, Apalachicola, population 3,102, in Florida, two communities of about the same population in Georgia (which subsequent detailed study showed to be already precluded by station WRBL, Channel 275, Columbus, Georgia), and a number of smaller ones. There were a number of questions about the possibility of assigning Channel 221A. As the further notice points out, the alternative of assigning Channel 264C to Tallahassee was deficient.

4. The further notice said that assignment of Channel 221A might be a preferable result insofar as preclusion is concerned but that we needed further information as to a possible substitute channel for station WFSU-FM, Channel 218, that a Channel 221A assignment would require. The University and Capitol City oppose the assignment of Chan-

nel 221A. The University's opposition is bottomed on the required change of the channel for station WFSU-FM (operating at 3 kw ERP and an antenna height of 205 feet) to a lower one<sup>2</sup> which would increase an interference problem between station WFSU and television station WCTV, Channel 6, licensed to John H. Phipps Broadcasting Stations, Inc., at Tallahassee, Florida-Thomasville, Georgia. It is Commission policy to severely restrict the use of educational channels where even minimal interference to Channel 6 TV might result.

5. Capitol City also opposes the Channel 221A possibility. With respect to preclusion caused by a Channel 276A assignment, it points out that Channel 285A could be assigned to Chattahoochee, and Channel 221A could be assigned to Apalachicola, and thus the better alternative is to assign Channel 276A to Tallahassee.<sup>3</sup> Capitol City's assertion that 285A could be assigned to Chattahoochee is correct. However, we are not making that assignment here since we normally do not make assignment of channels to communities of less than 10,000 population unless there has been a showing that someone is willing to build a station and no such showing has been made here. The suggested assignment of Channel 221A to Apalachicola is not possible because of the 65-mile adjacent mileage separation required for station WFSU-FM. In the circumstances, we agree that if a channel assignment is to be made to Tallahassee, Channel 276A is preferable.

6. As to the question of intermixture of channels raised in the notice and further notice, there is no Class C channel available for assignment at Tallahassee, and Capitol City states that it is willing to apply for a Class A channel if assigned. A Class A channel can meet the requirements of our rules as to signal strength. As also pointed out in both the notice and further notice, Tallahassee is the State capital and a center of higher education (two universities and a college with an estimated total student body enrollment of about 24,000 for 1971). In the circumstances, an active interest for a fourth FM channel<sup>4</sup> and the importance of Tallahassee, we find that the public interest, convenience, and necessity would be served by the allocation of Channel 276A to Tallahassee.

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

<sup>1</sup> As pointed out in the Further Notice, Capitol City, or the successful applicant for Channel 221A, if assigned to Tallahassee, would have to reimburse the University for change.

<sup>2</sup> Capitol City makes other arguments as to why it prefers 276A to 221A at Tallahassee. Since not pertinent to our final determination here, we do not discuss them.

<sup>3</sup> Under our population criteria, a city of 50,000 to 100,000 persons is entitled to two to four FM assignments. See Further Notice of Proposed Rule Making, Docket No. 14185, adopted July 25, 1962, and incorporated by reference in para. 25 of the Third Report, Memorandum Opinion and Order, adopted July 23, 1963 (23 R.R. 1859, 1871 (1963)).

<sup>4</sup> Unless otherwise indicated, population data are from the 1970 Census.

8. In view of the foregoing, it is ordered, That effective August 6, 1973, § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, is amended for Tallahassee, to read as follows:

City	Channel No.
Tallahassee, Florida	235, 255, 276A, 281

9. It is further ordered, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: June 21, 1973.

Released: June 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-13238 Filed 6-28-73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Hunting Seasons for Puerto Rico and the Virgin Islands—1973-74

By notice of proposed rule making published in the FEDERAL REGISTER of May 17, 1973, on page 12926 (38 FR 12926), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, shooting hours, and bag and possession limits for migratory game birds for the 1973-74 hunting seasons.

Interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240, by June 17, 1973. After consideration of the responses received, hunting seasons are prescribed for Puerto Rico and the Virgin Islands. Since these amendments benefit the public by relieving existing restrictions, they shall become effective on July 29, 1973.

Accordingly, Title 50, Chapter I, Subchapter B, Part 10, Subpart K, § 10.101, is amended to read:

§ 10.101 Seasons, limits, and shooting hours for Puerto Rico and the Virgin Islands.

Subject to the applicable provisions of the preceding sections of this part, the open seasons (dates inclusive), the shooting hours and the daily bag and possession limits on the species designated in this section are prescribed as follows:

(a) Puerto Rico.

<sup>1</sup> Commissioner Hooks absent.

	Doves	Pigeons
Daily bag limits.....	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.
Possession limit.....	10 singly or in the aggregate of all permitted species.	5 singly or in the aggregate of all permitted species.

Open season dates. September 15 to November 18, 1973.

Shooting hours. ½ hour before sunrise to sunset daily.

Restrictions. Only the following species of doves and pigeons may be hunted during the open season: Zenaida dove (*Tortola cardosantera*); White-winged dove (*Tortola albivitta cubanita*); Mourning dove (*Tortola rabularia o rabiche*); Scaly-naped pigeon (*Paloma turca o torcaz*); White-crowned pigeon (*Paloma cabeciblanca*).

No open season is prescribed for doves and pigeons of any species on Culebra Island in the Municipality of Cidra which is composed of the following wards: Bayamon, Arenas, Monte Llano, Sud, Beatriz, Ceiba, Rio Abajo, Rincon, Toita, Honduras, Rabanel, and Salto. Check Commonwealth regulations for additional restrictions.

(b) Puerto Rico.

	Ducks	Coots	Gallinules	Common snipe (Wilson's)
Daily bag limits.....	4	6	6	6
Possession limit.....	8	12	12	12

Open season dates. December 8, 1973, through January 28, 1974.

Shooting hours. 12 o'clock noon until sunset daily.

Restrictions. No open season for waterfowl is prescribed for Culebra Island. The season on Bahama pintail is closed by Commonwealth law. Check Commonwealth regulations for additional restrictions.

(c) Virgin Islands.

	Zenaida Doves
Daily bag limit.	10
Possession limit.	10
Open season dates.	July 29 to October 6, 1973.
Shooting hours.	½ hour before sunrise until sunset daily.
Restrictions.	The season is closed on all species of game birds in the Virgin Islands except Zenaida doves. Check Territorial regulations for additional restrictions.

NOTE: Local names for game birds: Zenaida dove (*Zenaida aurita*)—mountain

dove; Bridled quail dove (*Geotrygon mystacea*)—Perdiz, Barbary dove (protected); Ground dove (*Columbigallina passerina nigrostris*)—stone dove, tobacco dove, rola, tortolita (protected).

40 Stat. 755, 16 U.S.C. 703 et seq.

Effective date: July 29, 1973.

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

JUNE 26, 1973.

[FR Doc.73-13259 Filed 6-28-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Charles M. Russell National Wildlife Range; Montana

The following special regulation is issued and is effective June 29, 1973.

§ 28.25 Special regulations.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Camping on the Charles M. Russell National Wildlife Range is permitted year-round. All forms of camping are limited to two weeks at any one site except in state parks where special state regulations apply. These special regulation areas are delineated on maps available at refuge headquarters, Lewistown, Mt and from the area office headquarters, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Mt. 59102.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through August 31, 1974.

ROLLAND J. KRIEGER,  
Acting Refuge Manager, Charles M. Russell National Wildlife Range, Lewistown, Mont.

JUNE 19, 1973.

[FR Doc.73-13120 Filed 6-28-73;8:45 am]

PART 32—HUNTING

Charles M. Russell National Wildlife Range; Montana

The following special regulation is issued and is effective June 29, 1973.

§ 32.22 Special regulations; upland game birds, for individual wildlife refuge areas.

MONTANA

CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Upland game birds may be hunted on the Charles M. Russell National Wildlife Range in accordance with applicable state regulations. These hunting areas comprising 948,000 acres are delineated on maps available at refuge headquarters, Lewistown, Mt and from the area

office headquarters, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Mt 59102.

The provisions of this special regulation supplement the regulations which govern upland game bird hunting on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through August 31, 1974.

Date: June 19, 1973.

ROLLAND J. KRIEGER,  
Acting Refuge Manager.

[FR Doc.73-13118 Filed 6-28-73;8:45 am]

#### PART 32—HUNTING

##### Charles M. Russell Wildlife Range; Montana

The following special regulation is issued and is effective June 29, 1973.

§ 32.32 Special regulations; big game, for individual wildlife refuge areas.

#### MONTANA

##### CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Big game may be hunted on the Charles M. Russell National Wildlife Range in accordance with applicable state regulations. These hunting areas comprising 948,000 acres are delineated on maps available at refuge headquarters, Lewistown, Mt and from the area office headquarters, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Mt 59102.

The provisions of this special regulation supplement the regulations which govern big game hunting on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 32, and are effective through August 31, 1974.

Date: June 19, 1973.

ROLLAND J. KRIEGER,  
Acting Refuge Manager.

[FR Doc.73-13119 Filed 6-28-73;8:45 am]

#### PART 32—HUNTING

##### Charles M. Russell National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on June 29, 1973.

§ 32.12 Special regulations; migratory game birds, for individual wildlife refuge areas.

#### MONTANA

##### CHARLES M. RUSSELL NATIONAL WILDLIFE RANGE

Migratory game birds may be hunted on the Charles M. Russell National Wildlife Range in accordance with applicable state regulations. These hunting areas comprising 840,000 acres are delineated on maps available at refuge headquarters, Lewistown, Montana and from the area office headquarters, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102.

The provisions of this special regulation supplement the regulations which govern migratory game bird hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through August 31, 1974.

ROLLAND J. KRIEGER,  
Acting Refuge Manager.

JUNE 19, 1973.

[FR Doc.73-13117 Filed 6-28-73;8:45 am]

#### SUBCHAPTER F—FEDERAL AID TO STATES IN FISH AND WILDLIFE RESTORATION

##### PART 80—RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

On page 7334 of the FEDERAL REGISTER, Vol. 38, No. 53, for Tuesday, March 20, 1973, there was published a notice of proposed rulemaking amending Part 80 of Title 50, Code of Federal Regulations.

Interested persons were given 45 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations. In addition to the notice in the FEDERAL REGISTER, every State and Territorial fish and game department was notified of the proposed revision by letter, as were members of the Advisory Commission on Intergovernmental Relations (OMB Circular A-85).

All comments, objections, or suggestions were reviewed and the following changes have been made:

1. Section 80.1(m) has been altered to provide a more meaningful definition of technical assistance.

2. Section 80.3 has been revised to specify the Regional Director as the recipient of project applications.

3. Section 80.5 has been revised to clarify the source of funds used to replace real property which passes from control of the State fish and game department or which is no longer useful for the purposes for which it was acquired. "Non-Federal funds" is replaced by "non-Federal Aid funds."

4. Section 80.20(a) has been revised to substitute "performance reports" in lieu of "progress reports" to make the term consistent with reporting requirements contained in OMB Circular A-102. Section 80.20(b) is altered by deletion of "development" to avoid confusion with the more familiar use of the term.

5. Section 80.21 has been changed to correct a grammatical error.

6. Section 80.25 has been revised to clarify that the State fish and game department is the State agency to designate the receipt of Federal Aid payments. Section 80.25(c) has been changed by the addition of the word "assistance" in referring to expenses incurred for relocation assistance.

7. Section 80.28 has been clarified by specifying the starting point for the 3-year period for records retention. It also makes the Section conform to the wording used in OMB Circular A-102.

There were other comments, which, upon analysis, were found not to be in conflict with the proposed Regulations.

The purposes of these regulations are to lessen the administrative burden and

standardize grant-in-aid requirements for grantees in accordance with Office of Management and Budget Circular A-102. Therefore, all comments having been fully considered, and no other changes being deemed necessary, the revised part, with the above-stated exceptions is hereby adopted as set forth below. It is determined that compliance with a delayed effective date (5 U.S.C. 553) is impracticable and contrary to the public interest. Accordingly, these regulations shall become effective July 1, 1973.

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

JUNE 27, 1973.

Part 80 of Title 50 of the Code of Federal Regulations is revised to read as follows:

Sec.	Definitions.
80.1	Definitions.
80.2	Apportionment and certification.
80.3	Notice of desire to participate.
80.4	Period of availability of funds.
80.5	Diversions of funds.
80.6	General information for the Secretary.
80.7	Hunting and fishing license information.
80.8	Activities prohibited.
80.9	Uses other than for fish and wildlife.
80.10	Minimum Federal participation.
80.11	Application for Federal assistance.
80.12	Personnel.
80.13	Safety and accident prevention.
80.14	Project agreement.
80.15	Officials not to benefit.
80.16	Assurances.
80.17	Submission of documents.
80.18	Divergent opinions over project merits.
80.19	Land Control.
80.20	Prosecution of work.
80.21	Contracts.
80.22	Management and maintenance of completed projects.
80.23	Production of income.
80.24	Inspection.
80.25	Federal aid payments.
80.26	Form of vouchers.
80.27	Records and reporting.
80.28	Records retention period.
80.29	Convict labor.
80.30	Water pollution control.
80.31	Purchase of equipment.
80.32	Patents and inventions.
80.33	Utilization of excess Federal personal property.
80.34	Environmental impact statements.
85.35	Comprehensive plan alternative.

AUTHORITY: Sec. 10 of the Federal Aid in Wildlife Restoration Act as amended (50 Stat. 919; 16 U.S.C. 669i) and sec. 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i).

#### § 80.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) *Federal Aid Act(s)*. (1) The Act of Congress, approved September 2, 1937, entitled "An Act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes" (50 Stat. 917, as amended; 16 U.S.C., sec. 669-669i), commonly referred to as the Pittman-Robertson Act; and (2) the Act of Congress, approved August 9, 1950, entitled "An Act to provide that the United States shall aid the States in fish restoration and management projects, and for other

purposes" (64 Stat. 430, as amended; 16 U.S.C., sec. 777-777k), commonly referred to as the Dingell-Johnson Act.

(b) *State*. Any State of the United States, the territorial areas of Guam, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.

(c) *State fish and game department*. Any department or division, or commission, or official of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department.

(d) *Administration*. As used in section 1 of each of the Federal Aid Acts, relating to diversion of license fees, in this part, administration of a fish and game department includes all of the normal operations and functions of such an organization.

(e) *Fish and wildlife*. (1) The term "fish" is limited to aquatic, gill breathing, vertebrate animals bearing paired fins; and (2) the term "wildlife" is limited to wild birds and wild mammals.

(f) *Project*. A substantial undertaking with the objective of (1) restoring or managing fish and wildlife populations now and for the future and for preserving and improving sport fishing, hunting, and related uses of these resources, or (2) providing facilities and services for conducting a hunter safety program.

(g) *Project substantiality*. A substantial project is one which will provide benefits to hunters and fishermen commensurate with cost, and which is designed in accordance with accepted fish and wildlife conservation and management practices and sound engineering principles.

(h) *Project segment*. An essential part or division of a project, usually separated as a period of time, occasionally as a unit of work.

(i) *Land acquisition*. The acquisition of lands, waters, or interests therein, by purchase, condemnation, lease, or gift.

(j) *Development*. Improving areas of land or water through the construction of works and facilities, improvement of soil and water conditions, establishing or controlling vegetation and animal populations and including operation and protection of the areas.

(k) *Research and surveys*. Investigations into problems of fish and wildlife management necessary for the efficient administration of these resources, including:

(1) *Research*—studies designed to supply new information about fish and wildlife, their environment, or the development of new methods for management of these resources.

(2) *Surveys*—routine collection of data on the abundance and utilization of fish and wildlife, or the condition of their environment, through the application of established methodology.

(l) *Coordination*. The selection, planning, direction, supervision, and coordination of projects within a State's Federal aid program, including the coordination of this program with other related activities of the fish and game department.

(m) *Technical assistance*. Assistance provided to individuals, groups, and State, local, or municipal governments in the form of analysis, advice and counsel by State fish and game departments for matters relating to fish and wildlife management, land use planning, or improvements in environmental quality substantially beneficial to fish and wildlife.

(n) *Hunter safety program*. A program to provide:

(1) Instruction and practice in safe use of firearms and archery equipment and the avoidance of all types of accidents and hazards associated with hunting. Training may include survival techniques, first aid, sporting ethics, and the basic principles of wildlife management.

(2) Target ranges which are public facilities that may be constructed, operated, and maintained to provide for training on practice in the safe use of shotguns, rifles, pistols, and archery equipment.

(o) *Comprehensive plan*. A documentation of the processes whereby program decisions and implementation strategies are evaluated and synthesized into 5-year schedules of definite actions for accomplishing the objectives of the fish and game department. The plan is comprehensive in that it considers all fish and wildlife activities in particular and all activities which impact on natural resources in general.

#### § 80.2 Apportionment and certification.

The Secretary shall apportion funds in the manner prescribed in the Acts, as soon as possible after receiving notification of the amounts which have become available for the purposes of the Acts. He shall promptly certify to the Secretary of the Treasury and to each State fish and game department the respective sums which he has deducted for administering and executing the Acts and the respective sums which he has apportioned to each State for the ensuing fiscal year.

#### § 80.3 Notice of desire to participate.

Any State fish and game department desiring to avail itself of the benefits of the Acts, shall notify the Secretary within 60 days after it has received from him a certificate of apportionment of funds available to the State. Such notification may be accomplished by the submission to the Regional Director of a properly executed project application under each of the Acts within the 60-day period.

#### § 80.4 Period of availability of funds.

Funds are available to a State for expenditure or obligation during the fiscal year for which they are apportioned and until the close of the succeeding fiscal year. For the purpose of this section, obligation of apportioned funds occurs when a project agreement or amendment thereto is signed by the Secretary or his authorized representative.

#### § 80.5 Diversion of funds.

(a) Conditions for participation in the benefits of these Acts are that a State's

hunting and fishing license revenues must be used only for administration of its fish and game department and Federal Aid funds granted under the Acts must be used for the purposes of approved projects. A diversion of license fees occurs when a State fish and game department, through legislative action, or otherwise, loses control of the expenditure of any portion of its hunting license or sport fishing license revenues, or expends such revenues for any purpose other than the administration of the State fish and game department. A diversion of Federal Aid funds occurs whenever they are applied by a State to activities or purposes which are not a part of an approved project, or when real property acquired or constructed with Federal Aid funds under these Acts passes from the control of the State fish and game department or is used for unapproved purposes in a manner or to an extent which interferes with the accomplishment of project purposes as they were approved by the Secretary, or as they may be amended with the approval of the Secretary.

(b) When a diversion of funds occurs, a State thereby becomes ineligible to receive Federal Aid funds under the pertinent Act from the date the diversion occurs until (1) action is taken to return the administration of hunting and sport fishing license fees to the State fish and game department; (2) hunting and sport fishing license fees used for purposes other than the programs of the State fish and game department are replaced; (3) Federal Aid funds used for purposes or activities which are not a part of an approved project are replaced; (4) Federal Aid financed real property which has passed from the control of the State fish and game department is restored to that control, or a property of equal value at current market prices and with commensurate benefits to fish and wildlife is acquired with non-Federal Aid funds to replace it; or (5) uses of Federal Aid financed real property, which interfere with the accomplishment of approved project objectives are ceased: *Provided, however*, That, where any projects were approved in compliance with the terms of the pertinent Act prior to diversion, and Federal Aid funds were obligated to carry out such projects, such funds shall remain available therefore, until expended, without regard for the intervening period of the State's ineligibility under the Federal Aid Acts: *Provided, further*, That, when the State shall find, and the Secretary agree, that a property is no longer useful for the purposes for which it was acquired or constructed, and that it is not practical to convert the property to other fish or wildlife restoration, development, or management purposes, the State may sell the property and apply the proceeds of sale as the State fish and game department and the Secretary may then agree: *Provided, further*, That, when required by this section to acquire a property with non-Federal Aid funds, a State shall be given a reasonable time, up to 3 years,

to accomplish this, before becoming ineligible to receive Federal Aid funds.

**§ 80.6 General information for the Secretary.**

Before any Federal funds may be obligated for any project to be undertaken in a State, there shall be furnished to the Secretary upon his request, information regarding the laws affecting fish or wildlife conservation and the authority of the State fish and game department and of local officials with respect to the establishment and maintenance of projects, and the existing provisions of the State constitution of laws relating to revenues for the protection, restoration, and management of fish or wildlife.

(a) *Document signature.* The Secretary of State of each State or any authorized official of the State shall certify as to the duly appointed official(s) authorized in accordance with State law to commit the State to participation under the provisions of the Acts and to sign Federal Aid project documents. The Secretary shall be advised promptly of any change made in such authorizations to sign Federal Aid documents.

(b) *Program information.* The Secretary may, from time to time, request and the State fish and game department shall furnish information relating to the administration and maintenance of any project established under the Acts.

**§ 80.7 Hunting and fishing license information.**

(a) Information concerning the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation in the State in the preceding year shall be furnished the Secretary by the fish and game department of each State on or before March 1 of each year in form specified by the Secretary.

(b) This information shall be certified as accurate by the director of State fish and game department. He shall furnish, when requested by the Secretary, evidence used in determining accuracy of the certification.

(c) License holders shall be counted over a period of 12 months; the calendar year, fiscal year, or other licensing period may be used provided it is consistent from year to year in each State. In determining licenses which are eligible for inclusion, the following guidelines shall be observed:

(1) Trapping licenses, commercial licenses, and other licenses which are not for the express purpose of permitting the holder to hunt or fish for sport or recreation may not be included.

(2) Free licenses or those for which only a token charge is made may not be counted. Do not count licenses sold for a fee which does not produce significant net revenue for the State.

(3) Holders of licenses which are valid for an indeterminate number of years, the cost of which is not sufficient to contribute significantly to the administration of the fish and game department over the expected license period, may be counted only in the year in which they purchase the license. On the other hand,

resident holders of licenses which are valid for a specific number of years, the cost of which is commensurate with the period for which hunting or fishing privileges are granted, may be counted in each of the years covered by the license. States issuing such licenses should employ sampling techniques to determine the number of such license holders who remain resident in the State after the year in which the license was purchased. Those who no longer live in the State should not be counted.

(4) Combination fishing and hunting licenses (a single license which permits the holder to both hunt and fish) should be included in the determination of both the number of paid hunting license holders and the number of persons holding paid licenses to fish for sport or recreation.

(5) Some licensing systems require or permit an individual to hold more than one license to hunt or more than one license to fish in a State. Care must be taken that such an individual is not counted more than once as a hunting license holder, or more than once as the holder of a license to fish for sport or recreation. The fish and game director, or other official certifying license information to the Secretary is responsible for seeing that no such duplication or multiple counting of single individuals is present in the figures which they certify. Sampling and other statistical techniques may be utilized by the certifying officer for this purpose.

**§ 80.8 Activities prohibited.**

Law enforcement and public relation activities which are not functions of an approved Federal Aid project may not be financed under the programs.

**§ 80.9 Uses other than for fish and wildlife.**

With respect to projects which are designed to include uses other than for fish or wildlife, reimbursement of costs from funds under the Federal Aid Acts shall be limited to the extent of the benefits to fish and wildlife resulting from such projects. Participation in maintenance of completed projects shall be similarly limited. Also, the costs of maintenance shall be appropriately shared according to the use of the area and facilities; Federal Aid funds shall not be applied to maintenance required by use other than for approved project purposes.

**§ 80.10 Minimum Federal participation.**

Except for the territories of the Virgin Islands, Guam, American Samoa, and the Commonwealth of Puerto Rico, a minimum Federal Aid participation of 10 percent in the cost of each project is required as a condition of approval.

**§ 80.11 Application for Federal assistance.**

Application for Federal assistance shall be submitted for each proposed project which shall contain such fundamental information as the Secretary may require, in order that he may determine if a project meets the requirement of being substantial in character and design in

accordance with standards set forth in the Federal Aid in Fish and Wildlife Restoration Manual.

**§ 80.12 Personnel.**

The State shall maintain an adequate and competent force of employees to initiate and carry cooperative agreements to satisfactory completion. Personnel employed on projects shall be selected on the basis of their competence to perform the services required and shall conduct their duties in a manner acceptable to the Secretary.

**§ 80.13 Safety and accident prevention.**

In the performance of each project, the State shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation.

**§ 80.14 Project agreement.**

(a) Following approval of the Application for Federal Assistance by the Secretary, the mutual obligations by the cooperating agencies will be shown by an agreement to be executed between the State and the Secretary. An agreement shall cover the financing proposed in one project segment and the work items described in the documents supporting it.

(b) Where the comprehensive plan alternative has been selected, the project agreement will be used to obligate funds for those elements within the operating plan to be accomplished with Federal Aid participation.

**§ 80.15 Officials not to benefit.**

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or any part of any agreement, made under the Federal Aid Acts, or to any benefit that may arise therefrom.

**§ 80.16 Assurances.**

The State must assure and certify that it will comply with all applicable Federal laws, regulations, and requirements as they relate to the application, acceptance, and use of Federal funds for projects under the Acts.

**§ 80.17 Submission of documents.**

Papers and documents required by the Acts or by the regulations in this part shall be deemed submitted to the Secretary from the date of receipt by the Director of the Bureau of Sport Fisheries and Wildlife, or by the appropriate Regional Director of the Bureau.

**§ 80.18 Divergent opinions over project merits.**

Any difference of opinion about the substantiality of a proposed project, nature of development required, or appraised value of land to be acquired, are considered by qualified representatives of the Bureau of Sport Fisheries and Wildlife and the State. Final determination in the event of continued disagreement rests with the Secretary.

**§ 80.19 Land control.**

The State must control lands or waters on which improvements are made. Control may be exercised through fee title, lease, easement, or agreement. Control

must be adequate for protection, maintenance, and use of the improvement throughout its useful life.

#### § 80.20 Prosecution of work.

(a) The State shall carry projects through to a state of completion acceptable to the Secretary with reasonable promptness. Failure to render satisfactory performance reports or failure to complete the project to the satisfaction of the Secretary shall be cause for the Secretary to suspend the project until the project provisions are satisfactorily met. Projects may be terminated upon determination by the Secretary that satisfactory progress has not been maintained. The Secretary shall have the right to inspect and review work being done at any time.

(b) Research work shall be continuously coordinated by the State with studies conducted by others to avoid unnecessary duplication.

(c) All work shall be performed in accordance with applicable State laws, except when in conflict with Federal laws or regulations, in which case Federal laws or regulations shall prevail.

#### § 80.21 Contracts.

The State may use its own regulations in obtaining services provided that they adhere to applicable Federal laws, regulations, policies, guidelines, and requirements. The State is the responsible authority, without recourse to the Federal agency regarding the settlement of contractual issues.

#### § 80.22 Management and maintenance of completed projects.

The State shall exercise all reasonable means to insure permanent and proper management and maintenance of each completed acquisition or development of lands or waters.

#### § 80.23 Production of income.

Federal Aid funds shall not be spent for the purpose of producing income. However, income produced as a result of federally aided activities which is incidental to the project activities is allowable. Such income shall be credited to the project as directed by the Secretary.

#### § 80.24 Inspection.

Supervision of each project by the State shall include adequate and continuous inspection. The project will be subject at all times to Federal inspection.

#### § 80.25 Federal aid payments.

Federal Aid payments to States are made either through a letter of credit under the comprehensive fish and wildlife plan option or by Treasury check under the traditional project option. Payments under the Federal Aid Acts, including such preliminary costs and expenses as may be incurred in and about such projects, shall not be made unless all documents that may be necessary or required in the administration of these Acts, shall have first been submitted to and approved by the Secretary. Pay-

ments shall be made for expenditures reported and certified by the State fish and game departments. Payments shall be made only to the State office or official designated by the State Fish and Game Department and authorized under the laws of the State to receive public funds of the State.

(a) Federal Aid payments shall not exceed 75 percent of the cost of a project or the amount specified in the agreement, whichever is less: *Provided*, That Federal Aid payments to the territorial areas of Guam, the Virgin Islands, American Samoa, and the Commonwealth of Puerto Rico shall not exceed the amount specified in the agreement and in no event shall they be required to pay an amount which will exceed 25 percent of the cost of any project.

(b) Federal Aid payments on projects terminated prior to completion shall be limited to the cost of benefits produced as of the date of the termination and in conformance with the Project Agreement.

(c) Payments for acquired real property, including all associated acquisition and relocation assistance expenses, shall not exceed 75 percent of the fair and reasonable cost of acquiring property in accordance with the Uniform Relocation and Land Acquisitions Policy Act (84 Stat. 1894) and the regulations and procedures promulgated thereunder by the Secretary.

(d) Preliminary costs which are clearly tied to an approved project may be reimbursed provided the claims are supported by accurate records.

(e) Payments for administrative costs in the form of overhead or indirect costs for State central services outside of the State fish and game department must be in accord with an approved cost allocation plan and shall not exceed in any one fiscal year 3 percent of the annual apportionment.

#### § 80.26 Form of vouchers.

Vouchers on forms provided by the Secretary and certified as therein prescribed, showing amounts expended and the amount of Federal Aid funds claimed to be due on account thereof, shall be submitted to the Secretary by the State fish and game department.

#### § 80.27 Records and reporting.

Reports shall be furnished as requested by the Secretary. Cost records shall be maintained separately for each project. In projects containing multiple activities, costs by activity shall be segregated. The accounts and records maintained by the State, together with all supporting documents, shall be open at all times to the inspection of authorized representatives of the United States, and copies thereof shall be furnished when requested.

#### § 80.28 Records retention period.

The records, accounts, and supporting documents required to be maintained under the regulations in this part for each project shall be retained by the State fish and game department until

the expiration of 3 years after submission of the final expenditure report.

#### § 80.29 Convict labor.

The State shall not employ any persons undergoing sentence of imprisonment at hard labor to perform work on projects approved under the Federal Aid Acts.

#### § 80.30 Water pollution control.

In the performance of each project, the State shall take necessary action to avoid pollution of water as a direct or indirect result of project activity. Water quality must be maintained at a level consistent with applicable water quality standards.

#### § 80.31 Purchase of equipment.

Advance approval by the Secretary is required for the purchase with Federal Aid participation of items of equipment costing in excess of \$2,500.

#### § 80.32 Patents and inventions.

Determination of the patent rights in any inventions or discoveries resulting from work under cooperative agreements entered into pursuant to the Act shall be governed by the Statement of Government Patent Policy promulgated by the President in his memorandum of October 10, 1963 (3 CFR 1963, Supp. p. 238, 28 FR 10943).

#### § 80.33 Utilization of excess Federal personal property.

In the interest of achieving program objectives at minimum cost, expanding abilities, and enhancing program accomplishments, States are encouraged to consider fulfilling personal property requirements through utilization of excess Federal property. Such utilization will be applied to needs documented in approved projects according to law and related policy.

#### § 80.34 Environmental impact statements.

The National Environmental Policy Act of 1969 (Public Law 91-190, 83 Stat. 852, January 1, 1970) requires environmental impact statements on Federal or federally assisted programs that significantly affect the quality of human environment. Statements covering major Federal Aid in Fish and Wildlife Restoration activities will be on file with the Council on Environmental Quality in the Executive Office of the President. Environmental impact statements will be required for proposed Federal Aid activities which will have a significant effect on human environment and which are not adequately described in the impact statements on file.

#### § 80.35 Comprehensive plan alternative.

As an alternative to submission of individual project application, a State may present to the Secretary a comprehensive fish and wildlife resource plan as program documentation. A comprehensive fish and wildlife management plan is comprised of: A strategic plan which

identifies program goals and objectives and is based on 15-year projections of resource availability and demands; and a 5-year operation plan of definite actions for accomplishing such program goals and objectives. It also incorporates a system of frequent or continuous evaluation and updating. The plan shall be presented over the signature of the State fish and game director with evidence that it has been reviewed by the Governor of the State or his designee. Standards for the scope and quality of a plan which will be acceptable to the Secretary are published in the Federal Aid in Fish and Wildlife Restoration Manual.

SPENCER SMITH,  
Director, Bureau of  
Sport Fisheries and Wildlife.

[FR Doc.73-13326 Filed 6-28-73;8:45 am]

#### Title 6—Economic Stabilization

#### CHAPTER I—COST OF LIVING COUNCIL

#### PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

#### PART 140—COST OF LIVING COUNCIL FREEZE REGULATIONS

#### Ceiling Prices for Certain Commodity Futures

The purpose of these amendments is to remove the exemption on the sale of commodity futures maturing during the freeze and to impose ceiling prices on trading in those commodity futures. This action is necessary in order to avoid market dislocations, windfall profits to speculators, and substantial losses to those who use the futures market in a conservative manner to hedge against price risks.

These amendments do not alter the existing rule that the sale of a commodity future is exempt if the sale of the commodity itself is exempt. The trading of September (or later) futures remains uncontrolled.

Prior to these amendments, the sale of all commodity futures on an organized commodity exchange was exempt under the freeze, subject to the rule that any delivery of a commodity pursuant to a futures contract must be made at the freeze price unless that commodity is itself exempt. At the same time, the freeze now in effect does apply to "cash" trading of non-exempt agricultural and other products which are subject to futures trading. This has resulted in significant disparities between the "cash" price (subject to the freeze) and the futures price (not subject to the freeze) in certain of these commodities, such as crude soybean oil, soybean meal, iced broilers, frozen pork bellies, platinum, palladium, silver, gold, copper, silver coins and propane, with respect to futures which mature in July and August.

If futures prices had been allowed to rise well above cash prices, the effect would have been to artificially increase demand which, in turn, would have tended to drive all cash prices for the commodities under discussion to 100% of the freeze prices and would have per-

haps encouraged widespread violation of the rule requiring any delivery on a futures contract to be made at the freeze prices. In addition, those who normally rely on futures trading as a protection against price declines in volatile price markets could suffer substantial losses if the cost of the purchase of a futures contract to cover an earlier hedge rises significantly. Finally, trading by market speculators is encouraged when futures prices are out of line with case prices, and new speculation in futures is particularly undesirable at a time when the Council is fully engaged in efforts to stem inflation and reduce prices.

The new ceiling price rule on futures contracts maturing in July and August is similar to the rule in Phase I, in which commodity futures which matured during the 1971 freeze were subject to price ceilings. Effective July 4, 1973, it is unlawful to trade in commodity futures maturing in July or August at prices which exceed the commodity futures ceiling prices established by the various individual commodities exchanges. Each commodity exchange is required by July 4 to establish a separate ceiling price for each commodity future traded on that exchange which matures during July or August. The ceiling price for each commodity future is the highest price at or above which at least 10% of the volume of that commodity future was priced in trading in the nearest future during the freeze base period. The nearest future is the July future which was open during the freeze base period (i.e., trading which occurred on that exchange during the period June 1-8 in commodity futures maturing in July) or, if no July future was open during that period on that exchange, the nearest future is the August future which was open then.

Each exchange establishes its own ceiling on each commodity future, without regard to trading which occurred on other exchanges. Thus, the ceiling price for a commodity future on the Chicago exchange may be different from that for a commodity future for the same commodity on the Kansas City or New York exchanges.

A conforming change is made in § 140.34 relating to the exemption of commodity futures.

This amendment does not alter the pre-existing rules as applied to trading in nonexempt futures contracts maturing before July 4 and after August, 1973. For example, delivery on July 2 or 3 pursuant to a contract maturing in July must be at a price which does not exceed the freeze price for that commodity. Futures trading with respect to futures maturing in September and later is uncontrolled, as is delivery pursuant to any futures contract after the termination of the freeze. Post-freeze delivery and sale of futures maturing in September and later will, of course, be affected by any Phase IV regulations which concern these actions.

A parallel change is made in Subpart M of the Phase III regulations to apply the same rule to meat futures maturing

in July and August. (The new Part 140 freeze regulations published June 15 do not apply to meat because a freeze on meat prices is separately provided for in Subpart M of the Phase III regulations). Instead of using the February 26-March 27 base period provided in Subpart M, however, the commodity exchanges in which nonexempt meat items are traded use the June 1-8 freeze base period to establish the commodity futures meat ceilings.

Because the purpose of these regulations is to provide immediate guidance and information with respect to the current price freeze, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these regulations effective in less than 30 days. Interested persons may submit comments regarding these regulations. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Special Freeze Group, Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473, Cost of Living Council Order No. 14, 38 FR 1489; E.O. 11723, 38 FR 15765; Cost of Living Council Order No. 30, 38 FR 16267)

In consideration of the foregoing, Chapter I of Title 6 of the Code of Federal Regulations is amended as follows, effective June 27, 1973.

Issued in Washington, D.C., on June 27, 1973.

JAMES W. McLANE,  
Deputy Director, Cost of Living  
Council, and Director, Special  
Freeze Group.

#### 1. A new § 130.126 is added as follows:

#### § 130.126 Ceiling Prices for Meat Futures.

(a) *Applicability.* This section applies to any futures contract on an organized commodities exchange in which the subject of that contract is a meat item the sales of which are subject to this subpart (further referred to in this section as a meat future or a meat futures contract). It applies only with respect to meat futures which call for delivery during the months of July and August, 1973.

(b) *General Rule.* Notwithstanding any other provision of this Subpart or of Subpart D of this Part, effective July 4, 1973, no person may buy or sell a meat future, or deliver or pay upon delivery pursuant to a meat futures contract, at a price which exceeds the ceiling price established pursuant to paragraph (c) of this section for that meat commodity.

(c) *Establishment of Ceiling Prices.* Not later than July 4, 1973, each organized commodities exchange shall establish a meat futures ceiling price for each meat commodity, traded on that exchange. The meat futures ceiling price for each commodity shall be the highest price at or above which at least 10 percent of the volume of that meat commodity was priced in trading in the nearest future during the freeze base period as

defined in § 140.2 of this Chapter. The nearest future is the July 1973 future which was open during the freeze base period. If no July future was open during that period, the nearest future is the August 1973 future which was open during that period.

2. A new § 140.15 is added as follows:

**§ 140.15 Ceiling Prices for Commodity Futures.**

(a) *General Rule.* Notwithstanding the provisions of § 140.10, effective July 4, 1973, no person may buy or sell a commodity future on an organized commodities exchange, or deliver or pay upon delivery pursuant to a commodity futures contract on an organized commodities exchange, at a price which exceeds the ceiling price established pursuant to paragraph (b) of this section for that commodity. This section applies only with respect to commodity futures which call for delivery during the months of July and August, 1973.

(b) *Establishment of Ceiling Prices.* Not later than July 4, 1973, each orga-

nized commodities exchange shall establish a commodity futures ceiling price for each commodity traded on that exchange, other than a commodity the sale of which is exempt under Subpart D of this part. The commodity futures ceiling price for each commodity shall be the highest price at or above which at least 10% of the volume of that commodity was priced in trading in the nearest future during the freeze base period. The nearest future is the July 1973 future which was open during the freeze base period. If no July future was open during that period, the nearest future is the August 1973 future which was open during that period.

3. Section 140.34 is amended to read as follows:

**§ 140.34 Commodity Futures.**

(a) The purchase or sale of a commodity future on an organized commodities exchange is exempt if the sale of the commodity itself is exempt.

(b) If the sale of the commodity itself is nonexempt, the following rules apply:

(1) Except as provided in paragraph (b) (2) of this section, the purchase or sale of a commodity future on an organized commodities exchange is exempt but delivery of the commodity pursuant to the futures contract may not be made at a price higher than the freeze price.

(2) The purchase or sale on an organized commodities exchange of a futures contract calling for delivery in July or August, 1973, is nonexempt and is subject to the requirements of § 140.15. Delivery pursuant to that futures contract is also subject to § 140.15 unless delivery takes place prior to July 4, 1973. If delivery takes place under that contract prior to July 4, 1973, delivery may not be made at a price higher than the freeze price.

[FR Doc.73-13355 Filed 6-27-73;3:57 pm]

# Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[ 7 CFR Ch. IX ]

[Docket No. AO-375]

### IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

#### Findings and Determinations of Referendum and Termination of Proceedings on Proposed Marketing Agreement and Order

This document terminates proceedings with respect to a proposed marketing order program because it failed to obtain sufficient grower approval in the referendum.

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 at Grand Forks, North Dakota, November 29-30, 1972, pursuant to notice thereof issued on October 19, 1972 (37 FR 22878) on a proposed marketing agreement and order to authorize regulation of the handling of potatoes grown in the Red River Valley of North Dakota and Minnesota.

The recommended decision of the Deputy Administrator, Agricultural Marketing Service, was issued on March 21, 1973 (38 FR 7988) and the final decision of the Assistant Secretary was issued on April 26, 1973 (38 FR 10730) setting forth a proposed marketing order as the appropriate means for effectuating the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The final decision of the Assistant Secretary directed that a referendum be conducted among producers in the production area to determine whether the required percentage of producers favored issuance of the proposed order.

It is hereby found and determined from the referendum conducted pursuant to the aforesaid referendum order that the issuance of the proposed order regulating the handling of potatoes grown in the Red River Valley of North Dakota and Minnesota as set forth in the aforesaid decision is not favored by the required percentage of producers who voted in the aforesaid referendum and therefore shall not be made effective.

Accordingly, the proceedings with respect to the proposed marketing order and the accompanying agreement are hereby terminated.

Signed at Washington, D.C., on June 26, 1973.

CLAYTON YEUTTER,  
Assistant Secretary.

[FR Doc. 73-19130 Filed 6-28-73; 8:45 am]

[ 7 CFR Part 958 ]

### ONIONS GROWN IN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

#### Proposed Handling Regulation

This proposal, designed to promote orderly marketing of Idaho-Eastern Oregon onions, would require minimum quality standards and inspection of fresh market shipments to keep low quality onions from being shipped to consumers.

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the Idaho-Eastern Oregon Onion Committee, established pursuant to Marketing Agreement No. 130 and Order No. 958, both as amended (7 CFR Part 958), regulating the handling of onions grown in the production area defined therein. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the Committee reflect its appraisal of the composition of the 1973 crop of Idaho-Eastern Oregon onions and the marketing prospects for this season and are consistent with the marketing policy it adopted. Harvesting of early transplant onions is expected to begin about mid-July and of the late summer crop of seeded onions two to three weeks later.

The grade, size and quality requirements provided herein are necessary to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality onions consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes. The regulations with respect to special purpose shipments for other than fresh market use are designed to meet the different requirements for such outlets.

All persons who desire to submit written data, views, or arguments in connection with this proposal shall file the same with the Hearing Clerk, Room 112A, U. S. Department of Agriculture, 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)).

#### § 958.318 Handling regulation.

During the period July 16, 1973, through April 30, 1974, no person may handle any lot of yellow or white varieties of onions unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraph (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c), (d), or (e) of this section.

(a) *Grade, size, and pack requirements*—(1) *Yellow varieties*. U. S. No. 1, 2½ inches minimum diameter or larger; or U. S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter, if packed separately; or U. S. No. 2 grade, 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U. S. No. 1 quality.

(2) *White varieties*. U. S. No. 1, 1½ inches minimum diameter or larger; or U. S. No. 2, if not more than 30 percent of the lot is comprised of onions of U. S. No. 1 quality, 1½ inches minimum diameter; or U. S. No. 2, 1 inch minimum to 2 inches maximum diameter if packed separately.

(b) *Inspection*. No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) and (e) of this section.

(c) *Special purpose shipments*. The minimum grade, size, quality and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

- (1) Planting;
- (2) Livestock feed;
- (3) Charity;
- (4) Dehydration;
- (5) Canning; and
- (6) Freezing.

(d) *Safeguards*. Each handler making shipments of onions for dehydration, canning, or freezing pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for and obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office shall be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideration.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 1 ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size, and quality requirements of this section. This exception shall not apply to any portion of a shipment that exceeds 1 ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as when used in the United States Standards for Grades of Onions (§§ 51.2830-51.2854 of this title; 36 FR 19243, except for sizes and grades regulated). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

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

Dated: June 25, 1973.

FLOYD F. HEDLUND,  
Director,  
Fruit and Vegetable Division.

[FR Doc. 73-13131 Filed 6-28-73; 8:45 am]

[ 7 CFR Part 980 ]

ONION IMPORTS

Minimum Quality Requirements

This proposal would establish minimum quality requirements for imported onions.

Notice is hereby given of proposed grade, size, and maturity requirements to be made applicable to the importation of onions into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would be based on, and comply with, regulations to be made effective under the Federal marketing order for onions grown in certain designated counties in Idaho, and Malheur County, Oregon.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are filed in quadruplicate with the Hearing Clerk, Room 112-A, United States Department of Agriculture, 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)).

The proposal is as follows:

§ 980.112 Onion import regulation.

Except as otherwise provided herein, during the period beginning July 16, 1973, and continuing through April 30, 1974, no person may import onions of the yellow or white varieties unless such onions are inspected and meet the requirements of this section.

(a) *Grade, size, and maturity requirements—*(1) *Yellow varieties, U.S. No. 2, or better grade, 1½ inches minimum diameter.*

(2) *White varieties, U.S. No. 2, or better grade, 1 inch minimum diameter.*

(3) *Yellow and white varieties. At least "moderately cured."*

(b) *Condition.* Due consideration shall be given to the time required for transportation and entry of onions into the United States. Onions with transit time from country of origin to entry into the United States of ten or more days may be entered if they meet an average tolerance for decay of not more than 5 percent, provided they meet the other requirements of this section.

(c) *Minimum quantity.* Any importation which in the aggregate does not exceed 100 pounds in any day, may be imported without regard to the provisions of this section.

(d) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on onions under the Plant Quarantine Act of 1912.

(e) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of onions that are imported into the United States under the provisions of section 8e-1 of the act.

(f) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the onions meet the United States import requirements for onions under Section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specific lot is required on all imports of onions.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of onions should make advance arrangements

for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the onions will be imported.

Ports	Office	Advance Notice
All Texas points..	L. M. Denbo..... P.O. Box 107 San Juan, Texas 78889 (Phone 513-787-4091 or 6881)	1 day
All Arizona points	B. O. Morgan..... P.O. Box 1614 Nogales, Arizona 85621 (Phone 602-287-2902)	1 day
All California points	D. P. Thompson..... 784 S. Central Avenue Room 206 Los Angeles, California 90021 (Phone 213-622-8756)	3 days
All Hawaii points.	Stevenson Ching..... P.O. Box 5425, Pawa Substation 1428 S. King Street Honolulu, Hawaii 96814 (Phone 808-941-3071)	1 day
All Puerto Rico points.	Darrell McNeal..... P.O. Box 10163, Santurce Santurce, Puerto Rico 00908 (Phone 809-783-2230 or 4116)	2 days
New York City..	Frank J. McNeal..... Rm. 28A Hunts Point Market Bronx, New York 10474 (Phone 212-991-7669-7668)	1 day
New Orleans.....	Paul J. Lamarea..... 5027 Federal Office Building 701 Loyola Avenue New Orleans, Louisiana 70113 (Phone 504-527-6741-6742)	1 day
All other points..	D. S. Matheson..... Fruit and Vegetable Division, AMS Washington, D.C. 20250 (Phone 202-447-5870)	3 days

(4) Inspection certificates shall cover only the quantity of onions that is being imported at a particular port of entry by a particular importer.

(5) In the event the required inspection is performed prior to the arrival of the onions at the port of entry, the inspection certificate that is issued must show that the inspection was performed at the time of loading such onions for direct transportation to the United States; and if transportation is by water, the certificate must show that the inspection was performed at the time of loading onto the vessel.

(6) Each inspection certificate issued with respect to any onions to be imported into the United States shall set forth, among other things:

- (i) The date and place of inspection;
- (ii) The name of the shipper, or applicant;
- (iii) The commodity inspected;
- (iv) The quantity of the commodity covered by the certificate;
- (v) The principal identifying marks on the containers;
- (vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
- (vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e-1.

(g) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of onions for the purpose of making it eligible for importation.

(h) *Definitions.* For the purpose of this section, "Onions" means all varieties of Allium cepa marketed dry, except dehydrated, canned and frozen onions, onion sets, green onions, and pickling onions. The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. "Importation" means release from custody of the United States Bureau of Customs.

Dated: June 25, 1973.

FLOYD F. HEDLUND,  
Director, Fruit and Vegetable  
Division, Agricultural Market-  
ing Service.

[FR Doc. 73-13132 Filed 6-28-73; 8:45 am]

[ 7 CFR Part 989 ]

**RAISINS PRODUCED FROM GRAPES  
GROWN IN CALIFORNIA**

**Miscellaneous Amendments**

Notice is hereby given of a proposal to: Revise § 989.158(a)(6) of the Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176); revise § 989.159(g)(2)(i) by deleting therefrom the definition of the term "other falling raisins" and by adding a reference to § 989.59(f) which similarly defines that term; revise the reference in § 989.173(d)(2) to that definition; remove the "notes" following §§ 989.60 and 989.97 Exhibit B of Subpart—Order Regulating Handling (7 CFR 989.1-989.97); and set forth the contents of said "notes" with minor changes in two new sections, §§ 989.203 and 989.204, of Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201-989.229).

The proposal was unanimously recommended by the Raisin Administrative Committee (hereinafter referred to as the "Committee") pursuant to the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order", regulating the handling of raisins produced from grapes grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Subparagraph (6) of § 989.158(a) provides that the requirements prescribed in subparagraphs (3) and (4) of § 989.158(a) apply to raisins produced by handlers, and prescribes the time when these requirements apply. Subparagraphs (3) and (4) pertain generally to raisins received by or tendered to handlers. The Committee indicates that the present wording of said subparagraph (6) is confusing and recommended that it be revised for clarity.

Section 989.59(f) of the order defines the term "other falling raisins". Section 989.159(g)(2)(i) contains the same definition. The definition in subdivision (i) is unnecessary and should be deleted, but

a reference to the definition in § 989.59(f) should be added to subdivision (i).

Section 989.173(d)(2) of the Subpart—Administrative Rules and Regulations contains a reference to other falling raisins "(as defined in § 989.159(g)(2))". The citation—§ 989.159(g)(2)—should be changed to § 989.59(f).

On August 20, 1958, an action was published in the FEDERAL REGISTER (23 FR 6374), effective September 1, 1958, modifying minimum grade and condition standards for natural condition Layer Muscat raisins and minimum grade standards for packed Layer Muscat raisins. This action eliminated the moisture content requirements prescribed for such raisins, and the modifications are still in effect. However, the action did not provide for the modifications to be included in any subpart of Part 989, and therefore, for reference, the modifications were included as "notes" following two sections in Subpart—Order Regulating Handling (7 CFR 989.1-989.97). These notes follow §§ 989.60 and 989.97 Exhibit B of that subpart. However, the notes are not provisions of the subpart and could be overlooked by interested persons. For better reference and clarity, the notes should be deleted from that subpart and the modifications of the minimum standards set forth as two new sections—§ 989.203 Changes in minimum grade and condition standards for Layer Muscat raisins, and § 989.204 Changes in minimum grade standards for Layer Muscat raisins.—of Subpart—Supplementary Orders Regulating Handling.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U. S. Department of Agriculture, Room 112, Administration Building, Washington, D. C. 20250, not later than July 16, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend Subpart—Administrative Rules and Regulations (7 CFR 989.101-989.176) and Subpart—Supplementary Orders Regulating Handling (7 CFR 989.201-989.229) as follows:

1. Revise subparagraph (6) of § 989.158(a) to read:

§ 989.158 Natural condition raisins.

(a) *Incoming inspection.* \* \* \*

(6) Raisins produced by a handler shall be subject to the requirements of paragraph (d)(3) and (4) of this section upon delivery to an inspection point. Raisins produced by a handler by dehydration within an inspection point shall be subject to the requirements of paragraph (a)(3) and (4) of this section immediately upon completion of said dehydration.

§ 989.159 [Amended]

2. Revise the first sentence of § 989.159(g)(2)(i) to read: "Except as authorized in this part, no handler shall ship or otherwise dispose of any off-grade raisins,

other falling raisins (as defined in § 989.59(f)), or raisin residual material (including defective raisins, stemmer waste, sweepings, and other residue)."

3. Delete the second sentence of § 989.159(g)(2)(i).

§ 989.173 [Amended]

4. Revise the parenthetical phrase "(as defined in § 989.159(g)(2))" in the first sentence of § 989.173(d)(2) to read, "(as defined in § 989.59(f))".

5. Add a new section, § 989.203, reading as follows:

§ 989.203 Changes in minimum grade and condition standards for Layer Muscat raisins.

Pursuant to § 989.58(b), the following changes are hereby issued relative to subparagraph 3 and subdivision d thereof of paragraph B of § 989.97 Exhibit B:

B. MUSCAT RAISINS

3. The moisture content shall not exceed 16 percent (except that there shall be no maximum permissible percent prescribed for moisture content of Layer Muscates) as determined by Dried Fruit Moisture Tester Method and the raisins shall be of such quality and condition as can be expected to withstand storage as provided in the marketing agreement and order and that when processed in accordance with good commercial practice will meet "U.S. Grade C" or better grade as defined in the effective United States Standards for Grades of Processed Raisins, and that with respect to Layer Muscat raisins in addition to the above requirements the raisins shall be:

d. Of such quality and condition that, when processed in accordance with good commercial practice, will, except for moisture content, meet "U.S. Grade B" or better grade as defined in the effective United States Standards for Grades of Processed Raisins.

6. Add a new section, § 989.204, reading as follows:

§ 989.204 Changes in minimum grade standards for Layer Muscat raisins.

Pursuant to § 989.59(b), the requirement set forth in § 989.59(a)(2)(iii) shall read as follows: "with respect to Layer Muscat raisins, 'U.S. Grade B' as defined in the said standards except the provision therein relating to moisture content; and".

Dated: June 25, 1973.

FLOYD F. HEDLUND,  
Director,  
Fruit and Vegetable Division.

[FR Doc. 73-13133 Filed 6-28-73; 8:45 am]

[ 7 CFR Part 1073 ]

[Docket No. AO 173-A29]

**MILK IN THE WICHITA, KANSAS,  
MARKETING AREA**

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to pro-

posed amendments to the tentative marketing agreement and order regulating the handling of milk in the Wichita, Kansas, marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C. 20250, on or before July 9, 1973. The exceptions should be filed in quadruplicate. 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 above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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).

**PRELIMINARY STATEMENT.** The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Wichita, Kansas, on April 3, 1973, pursuant to notice thereof which was issued March 14, 1973 (38 FR 7234).

The material issues on the record of the hearing relate to:

1. Diversion of producer milk.
2. Pool plant qualifications.
3. Designating a cooperative as the handler on bulk tank milk.
4. Reports included in uniform price computation.
5. Need for emergency action.

**FINDINGS AND CONCLUSIONS.** The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Diversion of producer milk.* Milk diverted by a cooperative from pool plants to nonpool plants should be limited to a quantity not greater than the total producer milk physically received at all pool plants from the cooperative during the month; and milk diverted by the proprietary operator of a pool plant should not exceed the quantity of nonmember producer milk physically received at his plant. All diverted milk should be priced at the location of the plant to which diverted and only the milk of those producers from whom not less than 15 percent of their production during the month was physically received at a pool plant should qualify as diverted milk.

Diverted milk is now priced at the plant from which diverted, and none of a producer's milk must be received at a pool plant during the month to qualify his shipments to a nonpool plant as diverted milk. Also, no limitations now apply to the quantities of milk that cooperatives and proprietary handlers may divert in any month.

The changes in the diversion provisions adopted in this decision reflect substantially those proposed, and supported at the hearing, by the major cooperative in the market. It contended that, because they provide a means of associating milk with the market solely for manufacturing purposes at the expense of producers who regularly supply the market and on whom the market depends for its Class I needs, the present diversion provisions are inappropriate under current conditions in the Wichita order market. No testimony was presented in opposition to the cooperative's proposals to revise the order's diversion provisions.

The purpose of the diversion provisions is to facilitate marketing the reserve milk that is a necessary part of the market supply. Because of variations in market needs and in production, the milk of each producer is not needed every day for processing as fluid milk at the plant to which it is customarily delivered. It is necessary, however, that there be a reserve of qualified milk available for the fluctuating needs of handlers serving the market. At times, therefore, when milk of a dairy farmer regularly supplying the market is not needed at the plant to which it is usually shipped, it can be handled most economically by moving it as diverted milk from the farm to a nonpool manufacturing plant.

Only that milk from dairy farmers genuinely associated with the market, as evidenced by their deliveries to pool plants, should be eligible for diversion to nonpool plants. Otherwise, it cannot be said that such dairy farmers are supplying the Class I needs of the market. Therefore, it is provided that at least 15 percent of the production of a producer must be received at a pool plant during the month to qualify any of his production in the same month for diversion. The requirement herein adopted, which was proposed by proponent cooperative, is sufficient to establish a producer's continuing association with the fluid market and still permit the necessary flexibility in diverting milk not needed for fluid use.

Limiting diversions of producer milk by cooperatives and proprietary handlers to the quantities delivered to pool plants in the same month, as proposed by the cooperative, are reasonable standards under current conditions in the Wichita market. In conjunction with the order's performance requirements for pool plants, they will implement orderly marketing by facilitating the movement of reserve supplies of producer milk to the most practicable outlet.

Milk diverted to nonpool plants in excess of the limitations provided should not be considered producer milk. Hence, eligibility for pricing and pooling under the order would be forfeited on a quantity of milk equal to such excess. It would be the responsibility of the diverting handler to specify which milk is ineligible as producer milk. If the handler fails to make such designation, and the market administrator is unable to

determine which milk is overdiverted, all milk diverted to nonpool plants by such handler would be ineligible as producer milk.

Providing for the diversion of producer milk to an other order plant for manufacturing purposes will contribute to orderly marketing. In some instances, a pool plant operator may find that his most desirable outlet for this purpose is an other order plant. Specifying under the order that such milk may be diverted as producer milk if a Class II or Class III classification is designated for such milk pursuant to the other order will tend to insure the integrity of both orders. Otherwise, such milk's eligibility to be included under a Federal order would more appropriately be determined at the other order plant where received. Diversion to such plants, if permitted unconditionally, could result in the pricing and pooling of the same milk under two orders.

As a corollary change, when milk from a dairy farmer is received at a pool plant as diverted from an other order plant, it should not be eligible for pooling as the milk of a producer under this order if a Class II or Class III classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population centers in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to continue to price milk as if delivered to a plant in or near the principal population centers in the market when actually delivered as diverted milk to a nonpool plant at a location at which a different price is appropriate based on the location adjustment that would be applicable to a pool plant at the same location.

When producer milk is received as diverted milk at a nonpool plant, its location value is similar to that of milk delivered by producers to a pool plant at the same distance from the market. Pricing milk at the location of the pool plant from which diverted (as now provided in the order) tends to subsidize, at the expense of producers generally, the more distant producers when the latter's milk is diverted to distant manufacturing plants rather than delivered to the market center. This is because the distant producers receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

2. *Pool plant qualifications.* The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from such plant under the diversion limits. Similarly, the quantities of milk on which the pooling percentage qualification of a supply plant is based should include milk diverted from the

plant in addition to its receipts of producer milk. Qualifying percentages (unchanged by this decision) are now based on the producer milk physically received at a plant plus, in the case of distributing plants, receipts from supply plants.

"Automatic" pool status in January through August should be accorded a supply plant that was a pool plant in the preceding September through December. Automatic pooling is now provided in December-July for a supply plant that qualified as a pool plant in the preceding August-November.

A cooperative "balancing plant" should be designated a pool plant for the month if 50 percent (now 60 percent) of the producer milk of its members was received at pool plants during the month.

The proposals to amend the pooling provisions were made by the principal cooperative in the market. It stated that the present provisions are inappropriate under current conditions by providing undue incentive for pooling plants that have no real association with the market and on which the market cannot depend for its fluid needs. The changes proposed, according to the cooperative, are necessary to avoid possible dilution of returns to producers that would result from attaching milk supplies to the Wichita pool largely predestined for manufacturing.

The cooperative proposed increasing the monthly route disposition requirement for pooling distributing plants from 35 percent (25 percent in March-July) of a plant's receipts to 50 percent in all months. As proposed, the percentage would be based on a plant's total receipts of all fluid milk products (except filled milk) plus diverted milk. The percentage is now computed only on the basis of the total producer milk physically received from farms at the plant and receipts from supply plants. The cooperative also proposed that the present pooling requirement that not less than 10 percent of a distributing plant's receipts be disposed of on routes in the marketing area be changed to 15 percent of total route disposition from the plant.

The pooling qualifications for a distributing plant should be based on its route disposition relative to the quantity of approved fluid milk products physically received at such plant plus the milk of producers diverted therefrom by the plant operator or the cooperative through which the producers' milk is marketed. All such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with all approved fluid milk products physically received at the plant. It is not necessary for this purpose to specify that such receipts be producer milk or receipts from supply plants, as now specified in the order, but should include approved milk from any source.

As indicated above, diverted milk may now be pooled without being considered as a part of the supply of the plant from

which diverted in determining its qualifications to pool. In the case of a distributing plant receiving its total supply from producers, if 50 percent of producer milk associated with such plant is diverted without being counted as part of the plant's supply, the route disposition percentage requirement for pooling the plant is, in effect, reduced by 50 percent as compared to a plant that diverted no milk during the month.

Similarly, if 50 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping as little as 25 percent of its producer milk to pool distributing plants. On the other hand, a supply plant that diverted no milk would have shipped 50 percent of its actual producer receipts to qualify for pooling.

The requirements adopted for both types of plants will provide a more equitable basis for pooling.

The quantities of fluid milk products physically received at or diverted from plants in determining their pool status should be that milk approved for fluid consumption by a "duly constituted regulatory agency." The terms "duly constituted health authority" and "approved health authority" are now used in the order to designate such approved milk. The cooperative spokesman suggested that the term "duly constituted regulatory agency" would be more appropriate in referring to approved milk throughout the order. That term is more inclusive than the designations now used for agencies having jurisdiction in this field. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In some states, for example, this function is the responsibility of the state Department of Agriculture.

The cooperative's proposals to increase the monthly route disposition requirement for pooling a distributing plant from 35 percent (25 percent in March-July) of a plant's receipts to 50 percent in all months and to change the requirement for route disposition in the marketing area from 10 percent of a plant's receipts to 15 percent of the plant's total route disposition were intended to insure that only bona fide plants regularly associated with the market are pooled under the order. It can reasonably be expected that the present route disposition percentage requirements in conjunction with the changes in the other pooling provisions adopted in this decision (e.g., basing the route disposition percentage requirements on a plant's receipts of fluid milk products plus milk diverted from the plant instead of on the plant's receipts only) will substantially tend to achieve this end. In this circumstance, no change should be made on the basis of this

record in the route disposition percentage requirements for pooling distributing plants.

As proposed by the cooperative, "automatic" pool status in January-August should be accorded a supply plant that qualified as a pool plant in the preceding September-December. Automatic pooling is now accorded in December-July to a plant that was a pool supply plant in the preceding August-November. In effect, August would replace December as one of the four months during which a supply plant must qualify as a pool plant to obtain automatic pool status for the eight other months of the year.

The proposed September-December qualifying period is the period of the year when supply for the market is lowest relative to fluid demand. Replacing August with December in this four-month qualifying period recognizes the change in recent years in seasonal production for the market. Although production for the market relative to demand was generally lower in August than December in the past, this is not the case now. In 1970, 1971 and 1972, for example, the proportion of producer milk used in Class I was significantly greater in December than in August. The December Class I utilization of producer milk in this three-year period exceeded that for August by an average of 5.5 percentage points. The average Class I utilization of producer milk during this period was 79.9 percent for December and 74.4 percent for August.

The cooperative's proposal to require a plant that was a pool supply plant in the preceding September-December to ship also at least 20 percent of its receipts to pool distributing plants in each subsequent month of January-August is denied. Such a plant is not now required to make any shipments to be pooled in the latter months. No testimony presented by proponent was directed specifically to the need or justification for this change in this market. It is highly questionable that in this relatively small market regular supplies of milk could be most economically handled if every plant (that might have demonstrated its regular association with the market in the preceding period of low production) were required to ship milk in the seasonally high production months when the milk is not needed for fluid processing.

A plant operated by a cooperative is now accorded pool plant status if not less than 60 percent of its producer members' milk is received at pool plants, either by direct delivery from producers' farms or as a transfer from the cooperative's plant. A plant that would qualify as a pool plant under this provision is commonly referred to as a "balancing plant."

The cooperative proposed changing the percentage qualification for a balancing plant to 50 percent (from 60 percent) of its producer members' milk received at pool distributing plants (instead of at pool distributing plants and at pool supply plants), either by direct delivery

from producers' farms or as a transfer from the balancing plant. In addition, it proposed that the order be changed to require that such a plant be located in the marketing area.

A plant operated by the proponent cooperative (which incidentally now qualifies for pooling by meeting the shipping requirements for a supply plant) also serves the market as a balancing plant. In that capacity, it enables pool distributing plants to tailor their receipts each day to their bottling needs. A bottling plant that receives milk by direct delivery from the farms of designated producer members of the cooperative may accept a part or none of such deliveries on any day. That is, the total deliveries of such producers on the days the bottling plant is not operated, and the amounts in excess of its Class I needs on other days, are received at the cooperative's plant. When the direct deliveries of the producers assigned to such a distributing plant are inadequate for its needs, it obtains supplemental supplies from the cooperative's plant.

The cooperative's plant is the only pool supply plant now on the market. If this plant were to qualify for pooling as a balancing plant, rather than by meeting the shipping percentage as it now does, it would be on the basis of supplying the supplemental needs of pool distributing plants and receiving any producer member milk when it was not needed at such plants. Since the services provided by a balancing plant concern only pool distributing plants, milk received at or shipped to pool supply plants should not be included in the computation to determine a balancing plant's percentage qualification to pool.

The cooperative claims that changing conditions may make it increasingly difficult to qualify its plant for pooling on the basis of its shipping performance as a supply plant. This is because the cooperative's plant is operated to a substantial degree in carrying out the supply equalizing, or balancing function. The cooperative indicated it may need to qualify its plant under the pooling standards for a balancing plant instead of those for a supply plant. In that circumstance, the present pooling requirement for a balancing plant (supplying at least 60 percent of its total producer milk receipts to pool plants) could force it to make some unnecessary and uneconomic movements of milk.

Requiring at least 50 percent of a cooperative's member producer milk be received at pool distributing plants during the month, either by direct delivery from such members' farms or as a shipment from the cooperative's balancing plant, as proposed by the cooperative, is a reasonable basis to qualify a balancing plant for pooling in any month. The 50 percent rate is fully adequate for determining association with the market and provides sufficient safeguard against a cooperative's qualifying a plant to pool as a balancing plant in order to exploit the pool.

The proposal that a cooperative's plant must be located in the marketing area to qualify for pooling as a balancing plant should not be adopted. Proponent stated that such a provision would prevent the pooling of unneeded milk supplies, and would thereby insure that the balancing plant was genuinely associated with the market.

As above-stated, the primary function of a balancing plant is to receive a cooperative's producer member milk when it is not needed at the regulated plants to which it is regularly assigned and to provide supplemental supplies to such plants when the deliveries of the producers regularly assigned to them are inadequate for their needs. It cannot be concluded that the current situation concerning location of plants to be served in the Wichita market is such that a balancing plant must be located inside the marketing area to carry out its intended function.

3. *Designating a cooperative as the handler on bulk tank milk.* Except when the operator of the pool plant to which the milk is delivered receives it on the basis of farm weights and tests, a cooperative should be the handler for the milk of each producer (whether or not he is a member of that cooperative) whose milk it picks up at his farm for delivery to any pool plant or for diversion to a nonpool plant in a tank truck under control of the cooperative.

Milk produced for this market is handled through farm bulk tanks and moved to the market in tank trucks. After the milk has been pumped from the farm tank into the tank truck and commingled with the milk of other producers, there is no further opportunity to measure, sample or reject the milk of the individual producer. Milk of a nonmember when commingled in a tank truck with that of producer members of a cooperative cannot be distinguished from milk of such members. The amount of milk delivered by producers using farm bulk tanks, and the butterfat content thereof, can be determined only by measurement at the farm and from milk samples taken at the farm.

A cooperative may now elect whether or not to be the handler for milk picked up at producer members' farms in a bulk tank truck under the cooperative's control. When the pickup is performed by a cooperative association or by a person under contract to, or control of, such association, it is the association that controls the operation with respect to individual producer weights and tests. Accordingly, the association must be the handler accountable for the producer milk on its tank truck unless the operator of the pool plant to which such milk is delivered accepts it on the basis of the farm weights and tests. In that circumstance, the pool plant operator would be the responsible handler for such milk.

As a handler under § 1073.8(d) a cooperative's obligation is basically limited, however, to filing a report as to farm

weights and tests on such milk and as to the quantities transferred to other handlers. The cooperative's monetary obligation to the pool normally will be for the difference in these amounts which usually will be at its value as shrinkage in accordance with the shrinkage provisions. Even this small monetary obligation is eliminated, however, when the handler receives milk from the cooperative on the farm weights and tests. Thus, the cooperative must report to the market administrator, and is responsible to the pool, only for that portion of milk received from a producer's farm for delivery to pool plants that is not accounted as actually received at a pool plant because of a difference between the weight and test of the milk at the plant and the weight and test as picked up at the farm.

A cooperative opposed the changes here adopted because it claimed there was an implication that it might be required to pick up milk of nonmember producers. Nothing in the present order, or as here proposed to be amended, requires a cooperative to pick up the milk of any nonmember producer. It is entirely the cooperative's decision whether it does so. However, if a cooperative picks up milk of nonmember producers on routes under its control, it will be, for the foregoing reasons, the responsible handler for such milk unless the plant operator to whose plant such milk is delivered receives the milk on the basis of farm weights and butterfat tests.

4. *Reports included in uniform price computation.* The order provision excluding from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month is not appropriate under current marketing conditions.

The market administrator must compute the uniform price for each month by the 12th of the following month. Four weeks earlier (by the 14th of the month) handlers must have completed their payments for producer deliveries in the preceding month.

It is not administratively feasible to audit the records of all handlers between the final date when payments to producers for the preceding month were due and the date by which the next monthly uniform price must be computed. Within that limited period of time, it is not practicable for the market administrator to determine that each handler has actually completed his payments to individual producers and cooperatives. Handlers' cancelled checks, for example, are necessary to verify such payments. They are received by handlers from their banks periodically, usually monthly, and it cannot be expected that all handlers' cancelled checks would be available for audit within the necessary time period.

In view of the above, the requirement to exclude from the current month's uniform price computation the report of a handler who has not paid his producers for the preceding month should be discontinued.

5. *Need for emergency action.* Proponent cooperative stated that emergency conditions now exist that warrant the omission of a recommended decision on their proposals to revise the diversion provisions. It alleged that emergency action is necessary because another cooperative contemplates adding to the pool, as diverted milk, the milk of dairy farmers who would ship to a distant cheese plant. These dairy farmers, proponent claimed, are told they will receive the f.o.b. Wichita order uniform price without incurring the cost of transporting such milk to a pool plant in the marketing area. This, the cooperative argued, would result in their exploiting the Wichita pool at the expense of producers regularly supplying the market.

The conditions under which milk may be diverted and the location at which diverted milk is priced are important provisions of the order. They can significantly affect returns to producers for diverted milk. The proposed changes in the present diversion provisions could, therefore, have a significant effect on producers, currently and prospectively, subject to the order. In view of this there should be opportunity to file exceptions thereto. The request for omission of the recommended decision on proposals to revise the diversion provisions therefore is denied.

Rulings on proposed findings and conclusions, Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

*General findings.* 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 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) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) 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 marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby

proposed to be 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; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 1073.7 is revised as follows:

#### § 1073.7 Producer.

"Producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant, diverted to a nonpool plant pursuant to § 1073.14(b), or accounted for by a cooperative association pursuant to § 1073.14(c), except:

(a) A producer-handler as defined in any order (including this part) issued pursuant to the Act, or

(b) A person with respect to milk that is physically received at a pool plant as diverted milk from an other order plant if a Class II or Class III classification under this order is designated for such milk and it is subject to the pricing and pooling provisions of another order issued pursuant to the Act.

2. In § 1073.8, paragraphs (c) and (d) are revised as follows:

#### § 1073.8 Handler.

(c) Any cooperative association with respect to milk of producers diverted from a pool plant to a nonpool plant for the account of such association;

(d) A cooperative association for producer milk it moves from the farm for delivery to the pool plant of another person in a tank truck owned and operated by, or under contract to, such cooperative association. This paragraph shall not apply to milk received by the pool plant operator on the basis of the farm weights determined by farm bulk tank measurement readings and butterfat tests based on samples taken at the farm; and

3. Section 1073.10 is revised as follows:

#### § 1073.10 Distributing plant.

"Distributing plant" means a plant approved by a duly constituted regulatory

agency for the processing or packaging of Grade A milk and from which during the month route disposition is made in the marketing area.

4. Section 1073.11 is revised as follows:

#### § 1073.11 Supply plant.

"Supply plant" means a plant from which fluid milk products, acceptable to a duly constituted regulatory agency for distribution under a Grade A label, are shipped during the month to, and physically received at, a distributing plant.

5. Section 1073.12 is revised as follows:

#### § 1073.12 Pool plant.

"Pool plant" means a plant specified in paragraph (a), (b) or (c) of this section that is not an other order plant or a producer-handler plant.

(a) A distributing plant that has:

(1) Route disposition, except filled milk, during the month of not less than 35 percent (25 percent for each month of March through July) of the fluid milk products, except filled milk, that are approved by a duly constituted regulatory agency for distribution under a Grade A label and are physically received at such plant, or diverted therefrom by the plant operator or a cooperative association to a nonpool plant as producer milk pursuant to § 1073.14, and route disposition, except filled milk, in the marketing area during the month is not less than 10 percent of such fluid milk products. If the entire quantity of fluid milk products, except filled milk, disposed of in packages in a particular size and form is received in such packages from other plants, all such disposition shall be credited to the plant from which such packages were received and shall be deducted from the appropriate disposition of the receiving plant; or

(2) Qualified as a pool plant in the immediately preceding month on the basis of performance standards described in paragraph (a) (1) of this section.

(b) A supply plant from which during the month not less than 50 percent of the total quantity of Grade A milk approved by a duly constituted regulatory agency that was physically received at such plant from dairy farmers and handlers described in § 1073.8(d), or diverted therefrom by the plant operator or a cooperative association as producer milk to a nonpool plant pursuant to § 1073.14, is shipped to a plant(s) described in paragraph (a) of this section. A supply plant that was a pool plant pursuant to this paragraph in each of the months of September through December shall be a pool plant in each of the following months of January through August unless the plant operator requests the market administrator in writing that such plant not be a pool plant. Such nonpool status shall be effective the first month following such notice and thereafter until the plant again qualifies as a pool plant on the basis of shipments; and

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption, that is operated by a cooperative association, and from which during the month not less

than 50 percent of the milk of producer members of such association is delivered directly or is transferred by the association to pool plants described in paragraph (a) of this section, unless such plant qualifies for the month as a pool plant under another order issued pursuant to the Act by delivering 50 percent or more of its Grade A receipts from dairy farmers to plants qualified as pool distributing plants under such other order.

6. Section 1073.14 is revised as follows:

**§ 1073.14 Producer milk.**

"Producer milk" shall be that skim milk and butterfat in milk from producers that is:

(a) Received at a pool plant directly from a producer or a handler pursuant to § 1073.8(d);

(b) Diverted by the operator of a pool plant or by a cooperative association to a nonpool plant other than a producer-handler plant, subject to the conditions of paragraph (d) of this section; or

(c) The difference between the quantity of milk as received by a handler pursuant to § 1073.8(d) from producers' farms and the quantity of such milk delivered to pool plants. For the purposes of §§ 1073.53 and 1073.82, such milk shall be deemed to have been received by such handler at the pool plant to which all other producer milk in the same tank truck was delivered.

(d) The following conditions shall apply to milk diverted from a pool plant to a nonpool plant that is not a producer-handler plant:

(1) Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant;

(2) Milk of a producer shall not be eligible for diversion from a pool plant under this section if during the month less than 15 percent of total milk of such person as a producer is received at a pool plant;

(3) The total quantity of milk diverted by a cooperative association that is greater than the total quantity of producer milk received at all pool plants during the month from the cooperative association shall not be producer milk;

(4) The total quantity of milk diverted by the operator (other than a cooperative association) of a pool plant that is greater than the total quantity received at such plant during the month from producers who are not members of a cooperative association shall not be producer milk;

(5) The diverting handler shall designate the dairy farmers' deliveries that are not producer milk pursuant to this paragraph. If the handler fails to make such designation, no milk diverted by him to a nonpool plant shall be producer milk;

(6) To the extent that it would result in nonpool plant status for the pool plant from which diverted, milk diverted for the account of a cooperative association from the pool plant of another handler shall not be producer milk; and

(7) Milk diverted to an other order plant shall be producer milk only if a Class II or Class III classification is designated for such milk pursuant to the provisions of another order issued pursuant to the Act and such milk is not subject to the pricing and pooling provisions of such order.

7. In § 1073.30, paragraph (c) is revised as follows:

**§ 1073.30 Reports of receipts and utilization.**

(c) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1073.8(c) and (d), as follows:

(1) Receipts of skim milk and butterfat in producer milk;

(2) The quantities delivered to each pool plant of another handler pursuant to § 1073.8(d) (the utilization of which is accountable by the latter under paragraph (a) of this section);

(3) The utilization of milk received under § 1073.8(d) but not delivered to the pool plant of another handler pursuant to such paragraph, and the utilization of milk for which the cooperative is the handler pursuant to § 1073.8(c); and

(4) Such other information as the market administrator may require.

8. In § 1073.41, paragraph (c) (8) (iii) is revised as follows:

**§ 1073.41 Classes of utilization.**

(c) \* \* \*

(8) \* \* \*

(iii) 1.5 percent of milk received from a handler pursuant to § 1073.8(d); plus

9. In § 1073.53, the section title and the introductory paragraph are revised as follows:

**§ 1073.53 Location adjustments to handlers.**

For milk received from producers or from a handler pursuant to § 1073.8(d) at a plant and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (d) of this section or for other source milk to which a location adjustment is applicable, the price at such plant when located:

10. In § 1073.61, paragraph (c) is revised as follows:

**§ 1073.61 Plants subject to other Federal orders.**

(c) A supply plant meeting the requirements of § 1073.12(b) that also meets the pooling requirements of another Federal order and from which greater qualifying shipments are made during the month to plants regulated under such other order than are made to plants regulated under this part, except during the months of January through August if such plant retains automatic pooling status under this part.

11. In § 1073.71, paragraph (a) is revised as follows:

**§ 1073.71 Computation of uniform prices.**

(a) Combine into one total the values computed pursuant to § 1073.70 for all handlers who filed the reports prescribed by § 1073.30 for the month, except those in default of payments required pursuant to § 1073.84 for the preceding month;

12. In § 1073.82, the section title and paragraph (a) are revised as follows:

**§ 1073.82 Location adjustments to producers and on nonpool milk.**

(a) For producer milk received at plants located outside Zone 1 there shall be added or deducted, as the case may be, an adjustment for each such plant for all milk at the rates specified in § 1073.53 (b) and (c); and

Signed at Washington, D.C., on: June 25, 1973.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs.

[FR Doc.73-13256 Filed 6-28-73; 8:45 am]

**Forest Service**

**[ 36 CFR Part 292 ]**

**NATIONAL RECREATION AREAS**

**Sawtooth National Recreation Area;  
Extension of Time for Comments**

The time period for submission of written comments on proposed regulations for land acquisition and standards for use of private lands is extended from June 25, 1973 to August 13, 1973. The proposed regulations were published on May 25, 1973, page 13754. This extension is granted at the request of interested parties.

ROBERT W. LONG,  
Assistant Secretary.

JUNE 25, 1973.

[FR Doc.73-13134 Filed 6-28-73; 8:45 am]

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**[ 29 CFR Part 1910 ]**

**EXPOSURE OF EMPLOYEES TO ORGANOPHOSPHOROUS PESTICIDES**

**Emergency Temporary Standard**

Section 6(c) of the Williams-Steiger Occupational Safety and Health Act 1970 (29 U.S.C. 655) provides that upon publication of an emergency temporary standard in the Federal Register the Secretary of Labor shall commence a rule-making proceeding in accordance with section 6(b) of the Act, and that the emergency standard as published shall also serve as a proposed rule for the proceeding. An emergency temporary

standard concerning exposure to organophosphorous pesticides is published in the FEDERAL REGISTER on this date amending an earlier standard published on May 1, 1973 (38 FR 10715).

Accordingly, pursuant to sections 6(b) and (c) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is hereby proposed to amend Part 1910 of Title 29, Code of Federal Regulations as set forth below.

A draft environmental impact statement on the proposed standard for pesticides has been filed with the Council on Environmental Quality (38 FR 12436) and distributed to the appropriate Federal and State agencies.

Interested persons are invited to submit written data, views, and arguments concerning the proposed standard and the draft environmental impact statement. Communications should be addressed as follows:

Mr. Harry Clements, Acting Chief  
Division of Special Industries Standards  
OSHA-U.S. Department of Labor  
Room 504 Railway Labor Building  
Washington, D.C. 20210

Written data, views, and arguments on the proposals may be filed, together with 4 copies thereof, with Mr. Harry Clements no later than September 4, 1973. Any such submissions, timely received will be included in the record of the proceedings and will be available for public inspection and copying, except as to matters the disclosure of which is prohibited by law, at the Office of Standards Occupational Safety and Health Administration, Railway Labor Building, Room 507, 400 First Street, NW., Washington, D.C. 20219.

Oral data, views, and arguments will be heard before an administrative law judge or judges to be designated for this purpose at regional informal hearings to be held at places and at the times indicated below. A prehearing conference, commencing at 9:30 a.m. local time, will be held before each hearing in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. Each hearing shall be commenced following a prehearing conference at the following places on the indicated dates in 1973:

July 31.....	Boise, Idaho..	Downtowner Motel 1901 Main Street.
August 2...	Phoenix, Arizona.	Airport Holiday Inn 2201 South 24th St.
August 15..	Atlanta, Georgia.	Walter C. Hill Auditorium High Museum of Art 1260 Peachtree St., NE.
August 22..	Washington, D.C.	Hearing Room B Interstate Commerce Com- mission 12th & Constitution Ave.

Interested persons wishing to appear at any one of the listed hearings must file with Mr. Harry Clements a written notice of intention to appear, together with two copies, postmarked no later than July 21, 1973. The notice must state the name and address of the person wishing to appear, the capacity in which he will

appear, and the approximate amount of time required for his presentation. The notice must also include, or be accompanied by, a statement of the position to be taken with regard to the proposed rules. A notice of intention to appear not complying with the above rules will be unacceptable and may be returned by the Assistant Secretary with indication of deficiencies thereof and reasons for non-acceptance and return. No interested person shall be permitted to testify at more than one hearing.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted should be submitted in triplicate (original and two copies).

The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing including the powers:

- to regulate the course of the proceeding;
- to dispose of procedural requests, objections, and comparable matters;
- to confine the presentations to matters pertinent to the proposed standard;
- to regulate the conduct of those present at the hearing by appropriate means;
- in his discretion, to permit cross-examination of any witness; and
- in his discretion, to keep the record open for a reasonable stated time to receive written recommendations, and supporting reasons, and additional data,

views, and arguments from any person who has participated in the oral proceeding.

Following the close of the hearings, the Chief Hearing Examiner shall certify the entire record of the hearings to the Assistant Secretary of Labor for Occupational Safety and Health.

Upon consideration of the record of the hearings together with any other written data, views, or arguments received in response to this notice, the Assistant Secretary may adopt the proposals with or without changes, or determine to revoke the existing emergency temporary standard. The proposals may be changed in the light of the comments received.

Accordingly, it is hereby proposed: (1) to adopt as a standard under section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970, the emergency temporary standard published at 17214 of the Federal Register on this date; (2) to adopt field reentry safety intervals for additional pesticides as indicated in the table below; and (3) to establish several different field reentry safety intervals in lieu of uniform national field reentry safety intervals if there is sufficient data to support regional intervals and if reasonable lines of regional demarcation can be drawn in light of relevant climatic and other conditions.

Signed at Washington, D.C. this 21st day of June 1973.

JOHN STENDER,  
Assistant Secretary of Labor.

TABLE.—Field reentry safety intervals in days for crops treated with organophosphorous pesticides

Pesticide	Apples		Oranges, Lemons, Grapefruit		Grapes		Peaches		Tobacco
	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	Dry Area <sup>1</sup>	Wet Area <sup>2</sup>	
Diazinon.....	1	2	2	2	2	2	2	2	2
Dimethoate (cygon).....	2	2	2	2	2	2	2	2	2
Dioxathion (Deltav).....	2	2	2	2	2	2	2	2	2
Ethion.....	3	14	5	8	5	8	5	8	5
Imidan (Prolate).....	1	2	2	2	2	2	2	2	2
Malathion.....	1	1	1	1	1	1	1	1	1
Naled (Dibrom).....	1	1	1	1	1	1	1	1	1
Phosalone (Zolone).....	1	1	1	1	10	5	1	1	1
Trichlorfon (Dylox).....	1	1	1	1	1	1	1	1	1

<sup>1</sup> A average rainfall of 25 inches or less.

<sup>2</sup> A average rainfall above 25 inches or an area where moderate rainfall has occurred, or a moderate wash has been applied, after pesticide application.

[FR Doc.73-13072 Filed 6-28-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Social Security Administration

[ 20 CFR Part 405 ]

[Reg. No. 5]

## FEDERAL HEALTH INSURANCE FOR THE AGED

### Medical and Other Health Services

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments set forth in tentative form below are proposed by the Acting Commissioner of Social Security, with the approval of the Secretary of

Health, Education, and Welfare. The purpose of these revisions is to reflect the changes made by sections 251(a)(1), 252, 256, 264, and 273 of Public Law 92-603, the Social Security Amendments of 1973, approved on October 30, 1972. The proposed amendments to the regulations provide coverage under the supplementary medical insurance program for the services of a qualified physical therapist in independent practice when furnished in his office or the patient's home. The services must be furnished in accordance with health and safety requirements and reimbursement will be based on not more than \$100 of incurred expenses in any

calendar year. The amendments also provide coverage for colostomy bags and supplies directly related to colostomy care under the prosthetic devices benefit and for the services of a licensed chiropractor who also meets uniform minimum standards. Coverage of the chiropractor's services is limited, however, to treatment by means of manual manipulation of the spine to correct a subluxation demonstrated by X-ray to exist; diagnostic services and other therapeutic services of a chiropractor would not be covered. Under the amendments a licensed optometrist would be considered a physician, but only for the purpose of attesting to a beneficiary's need for prosthetic lenses and a dentist would be considered a physician for purposes of making the certification (where intermediaries require such certification) as to the need for inpatient hospital services where his patient must be hospitalized for a dental procedure because of other impairments of such severity as to require hospitalization; coverage under the hospital insurance program also would extend to such inpatient hospital stays.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before July 30, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed regulations are to be issued under the authority contained in sections 1102, 1861(s), 1871, 49 Stat. 647, as amended, 79 Stat. 321, 81 Stat. 850, 81 Stat. 858; 42 U.S.C. 1302, 1395 et seq.

(Catalog of Federal Domestic Assistance Program Nos. 13.800, Health Insurance for the Aged—Hospital Insurance, and 13.801, Health Insurance for the Aged—Supplementary Medical Insurance.)

Dated: June 22, 1973.

ARTHUR E. HESS,  
Acting Commissioner  
of Social Security.

Approved: June 27, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education, and Welfare.

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

1. Paragraphs (h) and (l) of § 405.231 are revised to read as follows:

§ 405.231 Medical and other health services; included items and services.

(h) Prosthetic devices (other than dental) which replace all or part of an

internal body organ, including replacement of such devices (effective with respect to items furnished on or after October 30, 1972, such devices include colostomy bags and supplies directly related to colostomy care);

(l) Outpatient physical therapy services which are furnished:

(1) By or under arrangements made by a participating clinic, rehabilitation agency, public health agency (see Subpart Q of this part) or other provider of services (see Subparts J, K, and L of this part); or

(2) After June 30, 1973, by or under the direct supervision of a qualified physical therapist in independent practice in his office or in the individual's home (see § 405.232(e)(2)).

2. Paragraph (e) of § 405.232 is revised to read as follows:

§ 405.232 Medical and other health services; conditions, limitations, and exclusions.

(e) Outpatient physical therapy services. (1) There shall be excluded from the outpatient physical therapy services described in § 405.231(l)(1) any item or service which:

(i) Is furnished before July 1, 1968 (with respect to services furnished before such date, see § 405.231(c)); or

(ii) Would not be included as inpatient hospital services if furnished to an inpatient of a hospital.

(2) The outpatient physical therapy services described in § 405.231(l)(2) shall include only those items and services:

(i) The incurred expenses for which do not exceed \$100 in any calendar year; and

(ii) Furnished by a physical therapist in independent practice, i.e., he renders services on his own responsibility and free of the administrative and professional control of an employer; the individuals he treats are his own patients and he has the right to collect the fee or other compensation for the services he renders; he maintains at his own expense an office or office space and the necessary equipment to provide an adequate program of physical therapy; he is engaged in such practice on a regular basis; and

(iii) Furnished by a physical therapist licensed by the State in which the items and services were furnished and who meets the other qualifications set out in § 405.1720(e).

3. Sections 405.232a, 405.232b, and 405.232c are added to read as follows:

§ 405.232a Physician defined.

(a) The term "physician," when used in connection with the performance of any function or action means:

(1) A doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which he performs such function or action (including

a physician within the meaning of section 1101(a)(7) of the Act);

(2) A doctor of dentistry or of dental oral surgery who is legally authorized to practice dentistry by the State in which he performs such function but only with respect to surgery related to the jaw or any structure contiguous to the jaw, or the reduction of any fracture of the jaw or any facial bone, or the certification required by section 1814(a)(2)(E) of the Act;

(3) Except for the purposes of section 1814(a), section 1835, and subsections (j), (k), (m), and (o) of section 1861 of the Act, a doctor of podiatry or surgical chiropody, but (unless clause (a) of this section also applies to him) only with respect to functions which he is legally authorized to perform as such by the State in which he performs them;

(4) A doctor of optometry who is legally authorized to practice optometry by the State in which he performs such function, but only for the purpose of attesting to the necessity for prosthetic lenses; or

(5) A chiropractor who is licensed as such by the State (or in a State which does not license chiropractors as such, is legally authorized to perform the services of a chiropractor in the jurisdiction in which he performs such services), and who meets uniform minimum standards set forth in § 405.232b(b), but only for the purpose of sections 1861(s)(1) and 1861(s)(2)(A) of the Act and only with respect to treatment by means of manual manipulation of the spine (to correct a subluxation demonstrated by X-ray to exist) which he is legally authorized to perform by the State or jurisdiction in which such treatment is provided.

(b) For the purposes of section 1862(a)(4) of the Act and subject to the limitations and conditions provided in paragraph (a)(1) through (a)(5) of this section, the term "physician" includes a doctor of one of the arts, specified in paragraph (a)(1) through (a)(5) of this section legally authorized to practice such art in the country in which the inpatient hospital services (referred to in such section 1862(a)(4) of the Act) are furnished.

§ 405.232b Chiropractors.

(a) Licensure and authorization to practice. A chiropractor must be licensed or legally authorized to furnish chiropractic services by the State or jurisdiction in which he provides them. Reimbursement may not be made for chiropractic services rendered in the State of Louisiana where the practice is not legal.

(b) Uniform minimum standards. (1) Chiropractors licensed or authorized to practice prior to July 1, 1974, and those individuals who commence their studies in a chiropractic college before that date must meet all of the following minimum standards to render reimbursable services under the program:

(i) Preliminary education equal to the requirements for graduation from an accredited high school or other secondary school; and

(ii) Graduation from a college of chiropractic approved by the State's chiropractic examiners which included the completion of a course of study covering a period of not less than 3 school years of 6 months each year in actual continuous attendance covering adequate courses of study in the subjects of anatomy, physiology, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including clinical instruction in vertebral palpitation, nerve tracing and adjusting; and

(iii) Passage of an examination prescribed by the State's chiropractic examiners covering the subjects listed in subdivision (ii) of this subparagraph.

(2) Individuals commencing their studies in a chiropractic college after June 30, 1974, must meet all of the following additional requirements:

(i) Satisfactory completion of 2 years of pre-chiropractic study at the college level;

(ii) Satisfactory completion of a 4-year course of 8 months each year (instead of a 3-year course of 6 months each year) at a college or school of chiropractic which includes not less than 4,000 hours in the scientific and chiropractic courses specified in subparagraph (1) (ii) of this paragraph plus courses in the use and effect of X-ray and chiropractic analysis; and

(iii) The practitioner must be over 21 years of age.

(c) *Coverage of chiropractic services.* Payment may be made only for the chiropractor's manual manipulation of the spine to correct a subluxation (demonstrated by X-ray to exist) which has resulted in a neuromusculoskeletal condition for which such manipulation is appropriate treatment. No reimbursement may be made for X-rays or other diagnostic or therapeutic services.

#### § 405.232c Optometrists.

The prescription or order of a doctor of optometry will be accepted as evidence of the medical need for prosthetic lenses. However, optometric examinations for any purpose are not covered.

4. Paragraph (i) of § 405.310 is revised to read as follows:

#### § 405.310 Types of expenses not covered.

(i) Routine dental services in connection with the care, treatment, filling, removal, or replacement of teeth, or structures directly supporting the teeth, except that payment may be made under Part A of title XVIII for inpatient hospital services in connection with a dental procedure where the individual suffers from other impairments of such severity that hospitalization is required;

5. Paragraph (a) (3) of § 405.1627 is revised to read as follows:

§ 405.1627 Inpatient hospital services other than inpatient psychiatric or tuberculosis hospital services; certification and recertification for services furnished on or after January 3, 1968.

(a) *General.* \* \* \*

(3) Certifications and recertifications should be signed by the physician responsible for the case, or by another physician having knowledge of the case who is authorized to do so by the responsible physician or by the hospital's medical staff. Effective with admissions occurring on and after January 1, 1973, certification as to the need to admit a patient for a dental procedure because he has other impairments of such severity as to require hospitalization, may, in those cases where intermediaries have required such certifications, be made by the dentist caring for the patient.

[FR Doc.73-13279 Filed 6-28-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 73-WE-9-AD]

### ROCKWELL INTERNATIONAL MODEL NA-265 SERIES AIRPLANES

#### Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Rockwell International NA-265 series airplanes. There have been cracks of the wing spar on the military version of the NA-265 series airplanes, (T-39), that could result in structural failure. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection of the wing spars and related areas for cracks and repair if necessary.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Western Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California, 90009. All communications received on or before August 3, 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 Airworthiness 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, 1423), and of sec-

tion 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:

ROCKWELL INTERNATIONAL. Applies to Sabreliner Model NA-265-40, Serial Numbers 282-1 and subsequent, Model NA-265-50 Serial Number 287-1, Model NA-265-60 Serial Numbers 306-1 and subsequent and Model NA-265-70 Serial Numbers 370-1 and subsequent, airplanes.

Compliance required as indicated after the effective date of this A.D.

To detect possible cracks, corrosion, or breaks in the surface finish in the wing spars and related areas, accomplish the following:

(a) On or before June 18, 1974, unless previously accomplished within one year, and at intervals not to exceed two years thereafter, inspect the upper and lower flanges of the front and rear spars in the area of the wing center section, and the lugs on the rear spar and wing trailing edge panel rib, per the instructions of Rockwell International, Inc., Sabreliner Division Service Bulletin No. 73-11, dated June 18, 1973, or later FAA-approved revisions, or an equivalent inspection approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(b) Prior to further flight, if cracks, corrosion, or breaks in the surface finish are found in the front or rear spars in the area of the wing center section, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Prior to further flight, if cracks are found in the lugs on the rear spar and wing trailing edge rib, replace with like serviceable parts, or repair in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Airplanes may be operated in accordance with FAR 21.197 to a base where maintenance is to be performed.

Issued in Los Angeles, California on June 21, 1973.

ROBERT O. BLANCHARD,  
Acting Director,  
FAA Western Region.

[FR Doc.73-13082 Filed 6-28-73;8:45 am]

#### [14 CFR Part 71]

[Airspace Docket No. 73-EA-42]

### CONTROL ZONE AND TRANSITION AREA

#### Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Poughkeepsie, N.Y., Control Zone (38 FR 413) and Transition Area (38 FR 561), and revoke the Millbrook, N.Y. Transition Area (38 FR 534).

A revision of the VOR/DME RWY 6 instrument approach procedure for Dutchess County Airport is pending. A review of the controlled airspace requirements for the Poughkeepsie, Stormville, and Millbrook, New York, terminal areas indicates alteration of the Poughkeepsie, New York control zone and 700-foot floor transition area is required to provide controlled airspace in consonance

with Terminal Instrument Procedure (TERPs). The Millbrook transition area will be revoked, since the controlled airspace required to protect IFR arrivals and departures at Sky Acres Airport, Millbrook, New York is included in the proposed alteration of the Poughkeepsie transition area.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 30, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Stormville, Poughkeepsie, and Millbrook, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Poughkeepsie, N.Y. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 41°37'36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N.Y., within 3.5 miles each side of the Kingston, N.Y. VORTAC 025° radial, extending from the VORTAC to 9.5 miles northeast of the VORTAC; within 2 miles each side of the Kingston, N.Y. VORTAC 231° radial, extending from the 5-mile radius zone to 10.5 miles southwest of the VORTAC.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting in the description of the Poughkeepsie, N.Y. transition area, all before "That airspace extending upward from 1,200 feet above the surface" and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the center, 41°37'36" N., 73°52'59" W., of Dutchess County Airport, Poughkeepsie, N.Y.; within a 15.5-mile radius of the center of Dutchess County Airport, extending clockwise from a 040° bearing to a 215° bearing from the airport; within 3.5 miles each side of the Kingston, N.Y. VORTAC 025° radial, extending from the 10-mile radius area to 19.5 miles northeast of the VORTAC; within 6.5 miles northwest and 4.5 miles southeast

of a 231° bearing from a point 41°34'06" N., 73°58'42" W., extending from said point to 11.5 miles southwest; within 5 miles each side of a direct line between a point 41°31'42" N., 74°06'48" W., and a point 41°34'06" N., 73°58'42" W.; within a 5-mile radius of the center, 41°42'30" N., 73°44'00" W., of Sky Acres Airport, Millbrook, N.Y.; within an 8.5-mile radius of the center of Sky Acres Airport, extending clockwise from a 011° bearing to a 201° bearing from the airport; within a 6-mile radius of the center 41°34'30" N., 73°44'00" W., of Stormville Airport, Stormville, N.Y.; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 327° bearing to a 077° bearing from the airport; within a 7.5-mile radius of the center of Stormville Airport, extending clockwise from a 077° bearing to a 121° bearing from the airport; within a 10.5-mile radius of the center of Stormville Airport, extending clockwise from a 121° bearing to a 239° bearing from the airport; within 3.5 miles each side of the Kingston, N.Y. VORTAC 323° radial, extending from the VORTAC to 11.5 miles northwest of the VORTAC, excluding the portion that coincides with the Newburgh, N.Y. transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on June 18, 1973.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[PR Doc.73-13083 Filed 6-28-73;8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-EA-45]

#### CONTROL ZONE

##### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.171 of Part 71 of the Federal Aviation Regulations so as to alter the Teterboro, N. J., Control Zone (38 FR 426).

A revision of the present VOR/DME-A instrument approach procedure for Teterboro Airport, Teterboro, New Jersey is pending. Additionally, new VOR procedures for the airport have been developed. Terminal airspace requirements for Teterboro Airport will require alteration of the control zone to provide controlled airspace in consonance with Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before July 30, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Teterboro, New Jersey, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations by deleting the description of the Teterboro, N. J. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 40°50'57" N., 74°03'47" W. of Teterboro Airport, Teterboro, N. J.; within 3.5 miles each side of the Teterboro Airport ILS localizer southwest course, extending from the 5-mile radius zone to 11 miles southwest of the OM; within 3.5 miles each side of the Teterboro VOR 018° radial, extending from the 5-mile radius zone to 8.5 miles northeast of VOR, excluding the portion that coincides with the Newark, N. J. control zone.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N. Y., on June 18, 1973.

ROBERT H. STANTON,  
Acting Director, Eastern Region.

[PR Doc.73-13084 Filed 6-28-73;8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SO-37]

#### VOR FEDERAL AIRWAYS

##### Proposed Redesignation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would redesignate a segment of V-11 between Greene County, Miss., VORTAC and Richton, Miss., Intersection; also, redesignate a segment of V-70 between Greene County VORTAC and Picayune, Miss., VORTAC.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 30, 1973, will be considered before action is taken on the proposed amendment. The proposal

contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would delete the present 9,800-foot airway floors on segments of V-11 and V-70. Originally the airspace at and below 9,800 feet was designed to provide off-airway airspace for acrobatic maneuvers required by the Air Force. The Air Force has advised that their mission has been changed and there is no longer a requirement for the present 9,800-foot restriction.

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

Issued in Washington, D.C., on June 20, 1973.

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

[FR Doc. 73-13085 Filed 6-28-73; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SO-44]

#### TRANSITION AREA

##### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Marion, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 30, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Marion transition area described in § 71.181 (38 FR 435) would be amended as follows: " \* \* \* VORTAC excluding the portion that coincides with the Florence transition area \* \* \* " would be deleted and " \* \* \* VORTAC; within 3

miles each side of the 211° bearing from Marion RBN (Latitude 34°11'06" N, Longitude 79°20'00" W), extending from the 6-mile radius area to 8.5 miles southwest of the RBN; excluding the portion within Florence transition area \* \* \* " would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR aircraft executing the proposed NDB RWY 4 Instrument Approach Procedure to Marion County Airport, utilizing the Marion (private) Nondirectional Radio Beacon.

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

Issued in East Point, Ga., on June 19, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 73-13086 Filed 6-28-73; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-SO-45]

#### TRANSITION AREA

##### Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Newberry, S. C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received within on or before July 30, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Ga.

The Newberry transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Newberry Municipal Airport (Latitude 34°18'40" N, Longitude 81°38'20" W); within 3 miles each side of Prosperity RBN (Latitude 34°18'22" N, Longitude 81°37'58" W), extending from the 6.5-mile radius area to 8.5 miles northeast of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Newberry Municipal Airport. A prescribed instrument ap-

proach procedure to this airport, utilizing the Prosperity (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

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

Issued in East Point, Ga., on June 19, 1973.

PHILLIP M. SWATEK,  
Director, Southern Region.

[FR Doc. 73-13087 Filed 6-28-73; 8:45 am]

#### [ 14 CFR Part 71 ]

[Airspace Docket No. 73-WA-12]

#### TERMINAL CONTROL AREA

##### Proposed Adoption

The Federal Aviation Administration (FAA) is considering the adoption of a Group II terminal control area for Seattle, Wash. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation regulations. Further information concerning flight within TCAs is contained in FAA Advisory Circular AC No. 91-30 dated 6/11/70, Subject: Terminal Control Areas (TCAs).

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before August 28, 1973 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69-41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

The issue of whether or not to establish a TCA at each of the specified locations was decided as a result of Notice

69-41 and is not within the scope of this notice. This notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this notice proposes a configuration for a Group II TCA at Seattle, Wash.

On March 9 and 12, 1973, the Federal Aviation Administration held an FAA/Industry meeting in Seattle to consider user operational requirements. Representatives of general aviation training identified a need for additional airspace in the vicinity of Crest Airport and north of Enumclaw Airport for training activities. The original proposal presented to the user working group was changed by raising the floors of the TCA in this area. These changes are reflected in this NPRM.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(b) Group II Terminal Control Areas.

SEATTLE, WASH., TERMINAL CONTROL AREA  
PRIMARY AIRPORT

Seattle-Tacoma Airport (Latitude 47°26'55" N., Longitude 122°18'28" W.).

Seattle VORTAC (Latitude 47°26'08" N., Longitude 122°18'30" W.).

Boundaries (Based on Seattle VORTAC (SEA) arcs, DME distances, and radials).

1. *Area A.* That airspace extending upward from the surface to and including 7,000 feet MSL within an area bounded by a line beginning at the 4-mile DME point on the SEA 012° (350°M) radial thence south along the 012° (350°M) radial to and clockwise along a 2-mile arc to and southeast along the 163° (141°M) radial to and clockwise along a 5-mile arc to and north along the 192° (170°M) radial to and clockwise along a 2-mile arc to and northwest along the 342° (320°M) radial to and clockwise along a 4-mile arc to the point of beginning.

2. *Area B.* That airspace extending upward from 1,100 feet MSL to and including 7,000 feet MSL beginning at the 6-mile DME point on the SEA 007° (345°M) radial thence south along the 007° (345°M) radial to and counterclockwise along a 4-mile arc to and north along the 346° (324°M) radial to and clockwise along a 6-mile arc to the point of beginning.

3. *Area C.* That airspace extending upward from 1,600 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 163° (141°M) radial thence south along the 163° (141°M) radial to and clockwise along an 11-mile arc to and north along the 192° (170°M) radial to and counterclockwise along the 5-mile arc to the point of beginning.

4. *Area D.* That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 12-mile DME point on the SEA 007° (345°M) radial thence south along the 007° (345°M) radial to and counterclockwise along a 6-mile arc to and northwest along the 342° (320°M) radial to and clockwise along the 12-mile arc to the point of beginning.

5. *Area E.* That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 18-mile DME point on the

SEA 007° (345°M) radial thence south along the 007° (345°M) radial to and counterclockwise along a 12-mile arc to and southeast along the 342° (320°M) radial to and clockwise along a 6-mile arc to and southeast along the 346° (324°M) radial to and counterclockwise along a 4-mile arc to and southeast along the 342° (320°M) radial to and counterclockwise along a 2-mile arc to and south along the 192° (170°M) radial to and counterclockwise along an 11-mile arc to and northwest along the 163° (141°M) radial to and counterclockwise along a 5-mile arc to and southeast along the 137° (115°M) radial to and clockwise along a 15-mile arc to and north along the 185° (163°M) radial to the 14-mile DME point thence direct to the 15-mile DME point on the 257° (235°M) radial thence clockwise along a 15-mile arc to and northwest along the 312° (290°M) radial to and clockwise along an 18-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 12-mile DME point on the SEA 032° (010°M) radial thence southwest along the 032° (010°M) radial to and counterclockwise along the 8-mile arc to and north along the 007° (345°M) radial to and clockwise along the 12-mile arc to the point of beginning.

6. *Area F.* That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 5-mile DME point on the SEA 123° (101°M) radial thence southeast along the 123° (101°M) radial to and clockwise along a 15-mile arc to and northwest along the 137° (115°M) radial to and counterclockwise along a 5-mile arc to the point of beginning; and that airspace within an area bounded by a line beginning at the 15-mile DME point on the SEA 137° (115°M) radial thence southeast along the 137° (115°M) radial to and clockwise along an 18-mile arc to and north along the 185° (163°M) radial to and counterclockwise along a 15-mile arc to the point of beginning.

7. *Area G.* That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the 22-mile DME point on the SEA 032° (010°M) radial thence south along the 032° (010°M) radial to and counterclockwise along a 12-mile arc to and north along the 007° (345°M) radial to and counterclockwise along the 18-mile arc to and northwest along the 312° (290°M) radial to and clockwise along the 22-mile arc to the point of beginning; and that airspace within an area DME point on the SEA 123° (101°M) radial thence southeast along the 123° (101°M) radial to and clockwise along an 18-mile arc to and northwest along the 137° (115°M) radial to and counterclockwise along a 15-mile arc to the point of beginning.

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

Issued in Washington, D.C., on June 21, 1973.

LLOYD D. GRAY,  
Acting Chief, Airspace and  
Air Traffic Rules Division.

[FR Doc. 73-13068 Filed 6-28-73; 8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 73-WA-31]

TERMINAL CONTROL AREA  
Proposed Alteration

On January 5, 1973, a notice of proposed rule making (NPRM) was pub-

lished in the FEDERAL REGISTER (38 FR 890) proposing to alter the Chicago, Ill., Terminal Control Area (TCA) by expanding the area from 20 to 25 miles; eliminating Area D in the vicinity of Meigs Airport; reducing the size of Area D in the vicinity of Northbrook VORTAC; and redefining certain TCA boundaries by the use of VORTAC radials and DME arcs. Subsequent to the publication of the proposal, problems in distribution of the notice arose. Therefore, on February 2, 1973, the public comment period was extended to February 26, 1973, in order to insure ample opportunity for all interested persons to participate in the rulemaking.

This supplemental notice of proposed rule making contains an alternate proposal formulated by an appointed working group made up of FAA and user representatives and differs from the airspace configuration specified in the original NPRM.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before August 13, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Sixty eight comments were received in response to the NPRM. Three commenters (Department of the Navy, Air Transport Association, and Air Traffic Control Association) concurred in the proposal. Thirty-two comments were general in nature in that they opposed the TCA principle and therefore any expansion of the TCA airspace. Generally these objections concerned compression of VFR traffic beneath the TCA floors, reduction of airspace available for use by nonparticipating aircraft, longer routings to avoid the TCA, and the requirement to fly over Lake Michigan or as far west as Elgin, Ill., when circumnavigating the TCA in a north or south direction.

Comments were received from 18 persons having an interest in glider operations at Clow Airport. They suggested that a 1.5-mile radius of Clow be excluded from Area C. Also, that the area bounded by the O'Hare VORTAC 190° and 240° radials between the 20 and 25-mile radii be excluded from Area D.

The other comments voiced objections to the low altitude vectoring of jet aircraft at low speeds causing high fuel

consumption, affecting the energy crisis, noise and air pollution.

As a result of these comments, it was decided that an informal FAA/User Group Meeting was necessary to explain the rationale for altering the TCA including the aircraft flight path and radar monitoring requirements for conducting parallel approaches to O'Hare Airport. Additionally, user operational requirements would be further identified and an alternate proposal drafted. Thirty-seven user representatives were invited to the March 22, 1973, meeting. Twenty-four were in attendance. It was agreed that consideration should be given to establishing "SPUR" extensions between 20-25 miles from O'Hare to cover the final approach course turn-on areas. If established, the floors of the extensions would of necessity be 3,000 feet MSL in certain areas in order to contain aircraft being turned on to the "Low Side" of the parallel ILS approaches. It was decided that an additional smaller working group meeting was necessary to work out an alternate proposal and the users designated individuals to represent them at a meeting on April 10, 1973. The proposal contained herein was developed and agreed to in the April 10th meeting.

The airspace action proposed herein would alter the Chicago, Ill., TCA to read as follows:

#### CHICAGO, ILL., TERMINAL CONTROL AREA

##### a. Primary Airport

- (1) Chicago-O'Hare International Airport (Lat. 41°58'57"N., Long. 87°54'24"W.)
- (2) Chicago-O'Hare VORTAC (Lat. 41°59'16"N., Long. 87°54'17"W.)

##### b. Boundaries

(1) *Area A.* That airspace extending upward from the surface to and including 7,000 feet MSL within the Chicago, Ill. (O'Hare International Airport), control zone and including that airspace within 2 statute miles NW of the centerline extended of Runway 4L, and 2 statute miles SE of the centerline extended of Runway 4R, extending from the 5-statute mile radius control zone to 2 statute miles SW of the Pine Outer Marker.

(2) *Area B.* That airspace extending upward from 1,900 feet MSL to and including 7,000 feet MSL within a 10.5-mile radius of Chicago-O'Hare (ORD) VORTAC, excluding Area A previously described and that area bounded on the SE by a line 2 miles NW of and parallel to the centerline extended of Runway 22R, on the S and SW by the SW boundary of Glenview, Ill., control zone, on the N by a 10.5-mile radius arc of the O'Hare VORTAC, and excluding Area E described hereinafter.

(3) *Area C.* That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 25-mile radius of O'Hare VORTAC excluding Areas A and B, previously described, Areas D and E described hereinafter, and excluding those areas between the 20 and 25-mile radii of O'Hare VORTAC from a line 7 miles SW of and parallel to the extended centerline of Runway 32L, clockwise to a line 7 miles SE of and parallel to the extended centerline of Runway 4R and from a line 7 miles NW of and parallel to the extended centerline of Runway 4L, clockwise to a line 7 miles SW of and parallel to the extended centerline of Runway 14R.

(4) *Area D.* That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL N of Chicago bounded on the

west by the O'Hare VORTAC 321°T (320°M) radial, on the south by the Northbrook VORTAC 269°T (268°M) and 094°T (093°M) radials, on the east by the O'Hare VORTAC 018°T (017°M) radial and on the north by a 25-mile radius arc of the O'Hare VORTAC and an area SW of Chicago bounded on the northwest by a line 2 miles SE of and parallel to the extended centerline of Runway 4L, on the southwest by a 25-mile radius arc of O'Hare VORTAC, on the southeast by a line 7 miles SE of and parallel to the extended centerline of Runway 4R, on the northeast by a 20-mile radius arc of O'Hare VORTAC and that portion of a 1.5-mile radius arc of Clow Airport which is north of a 20-mile radius arc of O'Hare VORTAC.

(5) *Area E.* That airspace NE of Chicago extending upward from 2,500 feet MSL to and including 7,000 feet MSL bounded on the NE by a 10.5-mile radius arc of ORD VORTAC, on the S by the extended centerline of Runway 9/27 at NAS Glenview and on the NW by a line 2 miles NW of and parallel to the extended centerline of Runway 22R.

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

Issued in Washington, D. C., on June 20, 1973.

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

[FR Doc.73-13089 Filed 6-28-73;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19561; FCC 73-671]

### FM BROADCAST STATION TABLE OF ASSIGNMENTS

#### Request for Supplemental Information

In the Matter of amendment of § 73.202 (b), Table of Assignments, FM Broadcast Stations. (Enterprise and Greenville, Alabama; Bonifay, Chipley, and Pensacola, Florida) RM-1844, RM-1855, RM-1982.

1. This Request for Supplemental Information concerns proposed amendments of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with respect to Enterprise and Greenville, Alabama, and Chipley and Pensacola, Florida (37 FR 21857). Some issues cannot be resolved on the present record compiled in response to the Notice of Proposed Rule Making, adopted July 26, 1972 (FCC 72-680; 37 FR 15940), which began this proceeding.

2. The notice was the outgrowth of a petition by Wallace Miller, D.V.M., requesting the assignment of Channel 294C as a second FM allocation to Enterprise (RM-1844), and petitions of Barba Investment Company and Roy L. Hess for further channel assignments at Pensacola (RM's-1855 and 1982). The Commission in the Notice, for reasons stated therein, suggested assignment of Channel 296A to Bonifay and to Greenville, or assignment of Channel 296A to Chipley and to Greenville, as alternatives to the Enterprise proposal. These alternative

proposals conflict with one of the proposals for Pensacola. Because of this, the Pensacola proposals, the Enterprise proposal, and the Commission's alternatives to that proposal were combined for consideration together in this docket.

3. Comments and reply comments have been filed in this proceeding by Wallace Miller and Wiregrass Broadcasting Company, as concerns the assignment to Enterprise; the mayor of Greenville and W. J. Williamson, as concerns the assignment of a channel to Greenville; Sunny Hills of Chipley, Incorporated, as concerns the assignment of a channel to Chipley, Florida; and Barba Investment Company, Roy L. Hess, WCOA Radio Inc., and Sound Broadcasting Corporation, as concerns the proposals for Pensacola.

4. After careful evaluation of the record herein concerning the proposals and counterproposals, two alternatives emerge. One would permit the assignment of channels to Greenville, Chipley, and Pensacola. The other would permit assignment of channels to these three communities and to Enterprise as well, but would require that the transmitter for the Chipley station be located at least 7.5 miles south of the city in order to meet mileage requirements to existing stations.<sup>1</sup> In this respect, we need further information as to the availability and feasibility of such a site. The purpose of the instant request is to invite comments on this topic only.

5. Interested parties may file such comments on or before August 6, 1973, and reply comments on or before August 16, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room, at its Headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: June 21, 1973.

Released: June 25, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION<sup>2</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-13239 Filed 6-28-73;8:45 am]

<sup>1</sup> Although the notice invited comments concerning three proposed channel assignments to Pensacola, it stated that absent some compelling consideration the Commission would only consider assigning one additional channel there. The Notice also stated that Enterprise "possibly" is entitled to another FM channel.

<sup>2</sup> Commissioner Hooks absent.

[ 47 CFR Part 73 ]

[Docket No. 19734]

FM BROADCAST TABLE OF ASSIGNMENTS

Order Extending Time for Filing Comments and Reply Comments

In the Matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations. (Sioux Falls, South Dakota and Windom, Minnesota). RM-1987.

1. On May 9, 1973, the Commission adopted a Notice of Proposed Rule Making in the above-captioned proceeding. Publication was given in the FEDERAL REGISTER on May 21, 1973, 38 F. R. 13389. Comments and reply comment dates are presently designated as June 22 and July 3, 1973, respectively.

2. In a petition for extension of time dated June 20, 1973, Counsel for John L. Breece (proponent in this proceeding) requested that the time for filing comments and reply comments be extended to July 23 and August 3, 1973, respectively. Counsel states that it requires additional time in order to complete studies necessary to provide additional information required by the Notice of Proposed Rule Making.

3. It appears that the requested extension is warranted. Accordingly, it is ordered, that the dates for filing comments and reply comments are extended to and including July 23 and August 3, 1973, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d) (1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d) (8) of the Commission's rules.

Adopted: June 22, 1973.

Released: June 26, 1973.

[SEAL] WALLACE E. JOHNSON,  
Chief, Broadcast Bureau.

[FR Doc. 73-13240 Filed 6-28-73; 8:45 am]

FEDERAL POWER COMMISSION

[ 18 CFR Parts 2, 154, 157 ]

[Docket No. R-389-B]

JUST AND REASONABLE NATIONAL RATES FOR FUTURE SALES OF NATURAL GAS

Delay of Issuance

JUNE 19, 1973.

In the notice of proposed rulemaking and order prescribing procedures issued in this proceeding on April 11, 1973 (38 FR 10014), the Commission proposed to issue, by July 1, 1973, an order establishing a single uniform just and reasonable rate for all jurisdictional sales of natural gas produced from wells commenced on or after January 1, 1973 (paragraph 21).

On June 13, 1973, the President issued Executive Order No. 11723 which established a sixty-day freeze on all price increases for goods and services, subject only to limited exemptions for raw agricultural products. Thereafter, the Cost of Living Council issued regulations im-

plementing this freeze, and Phase IV of the Economic Stabilization Program.

Consequently, although the Commission desires to be as expeditious as possible in this matter, the Commission defers any action in this proceeding during the 60-day freeze under the Economic Stabilization Act of 1970, as amended, and as implemented by Executive Order 11723.

By direction of the Commission.

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-13173 Filed 6-28-73; 8:45 am]

[ 18 CFR Part 34 ]

[Docket No. R-479]

WHOLESALE RATE SCHEDULES

Fuel Adjustment Clauses

JUNE 21, 1973.

1. Notice is given pursuant to section 553 of Title 5 of the United States Code that the Commission is proposing to amend § 34.14 of its regulations under the Federal Power Act to provide for revision of the principles to which all fuel adjustment clauses in filed rate schedules must comply.

2. We intend to allow automatic rate adjustment for changes in the cost of fossil and nuclear fuels used for generation of electric energy. We likewise propose to permit inclusion of the net effect of fuel costs in inter-system exchanges or sales of electric energy, and to automatically adjust for change in system heat rate.

3. The proposed rate adjustment will be based on the difference in fuel cost per kWh generated by fossil and nuclear fuel sources for the current period from the cost of such fuel in a base period. For purposes of this proposed rulemaking, we are soliciting comments on alternative versions of the basic adjustment formula, designated as Alternate 1 and Alternate 2.

4. The adjustment will be based on the cost of fossil and nuclear fuel consumed for the purpose of supplying energy to the utility's customers. Recognition of inter-system purchases and exchanges of energy may be provided by exclusion of fuel costs incurred because of inter-system energy sales, including the price received for economy energy sales; and by inclusion of the fuel cost of energy purchased from other systems, including the price paid for economy energy.

5. Where the cost of fuel includes fuel from company owned or controlled sources, that fact shall be noted and described as part of any filing. Only the reasonable cost of such fuel may be included. Amounts collected from customers in excess of such reasonable cost shall be subject to refund.

6. To effect these changes, it is proposed to delete the present § 35.14 in its entirety except for the first paragraph (a) and substitute for the remaining, the following:

Alternate 1. (1a) The fuel clause shall be of the form that provides for periodic

adjustments per kWh of sales equal to the difference between the fuel cost per kWh of sales in the base period and in the current period:

$$\text{Adjustment Factor} = \frac{F_m - F_b}{S_m - S_b}$$

Where:

"F" is the expense of fossil and nuclear fuel in the base (b) and current (m) periods; and "S" is the kWh sales in the base and current periods, all as defined below.

(1b) Fuel costs (F) shall be the cost of fossil and nuclear fuel consumed in the utility's own plants, the utility's share of fossil and nuclear fuel costs in jointly owned or leased plants, the actual fossil and nuclear fuel costs associated with energy purchases, and charges for economy purchases; less the cost of fossil and nuclear fuel recovered through inter-system sales including the price received for economy sales.

(1c) Sales (S) shall be all kWh's sold excluding inter-system sales.

Alternate 2. (2a) The fuel clause shall be of the form that provides for periodic adjustments per kWh of sales equal to the difference between the fuel cost per kWh of fossil-fueled and nuclear-fueled generation in the base period and in the current period:

$$\text{Adjustment Factor} = \left( \frac{F_m}{G_m} - \frac{F_b}{G_b} \right) \frac{G_m}{S_m}$$

Where:

"F" is the expense of fossil and nuclear fuel in the base (b) and current (m) periods; "G" is the net generation from fossil and nuclear-fueled generation in the base and current periods; and "S" is the kWh sales in the current period, all as defined below.

(2b) Fuel costs (F) shall be the cost of fossil and nuclear fuel consumed in the utility's own plants, the utility's share of fossil and nuclear fuel costs in jointly owned or leased plants, the actual fossil and nuclear fuel costs associated with energy purchases, and charges for economy purchases; less the cost of fossil and nuclear fuel recovered through inter-system sales including the price received for economy sales.

(2c) Generation (G) shall include energy generated in fossil-fueled and nuclear-fueled units whose fuel costs are included in (2b).

(2d) Sales (S) shall be all kWh's sold excluding inter-system sales.

Common to both alternates. (e) The adjustment factor developed according to this procedure shall be modified to properly allow for losses (estimated if necessary) associated only with wholesale sales for resale.

(f) The cost of fuel shall include no items other than those listed in Accounts 120.1 and 151, of the Commission's Uniform System of Accounts for Public Utilities and Licensees.

(g) Where the cost of fuel includes fuel from company owned or controlled sources, that fact shall be noted and described as part of any filing. Only the reasonable cost of such fuel may be included. Amounts collected from customers in excess of such reasonable cost shall be subject to refund.

7. Within two years after adoption of this rulemaking, all public utilities with Rate Schedules that contain a fuel clause should conform such clauses with the revised rule.

8. All rate filings containing a proposed new fuel clause or change in an existing fuel clause shall include:

(a) A description of the fuel clause with detailed cost support for the base cost of fuel, noting and justifying the cost of fuel obtained from any sources owned or controlled by the utility.

(b) Full cost of service data unless the utility has had a rate approved by the Commission within a year, provided that such cost of service is not required when an existing fuel cost adjustment clause is being modified to conform to the Commission's regulations.

9. In addition to the above, the Commission solicits comments on any of the following subjects which bear directly on the propriety of the various elements of the specific regulations we are proposing concerning fuel adjustment clauses:

(a) Inclusion of hydro-generated energy at zero cost in the adjustment calculation;

(b) Inclusion of the net cost of purchased power (including the cost of power interchanged-in less any revenues received from power interchanged-out) in the calculation;

(c) Requirement of the filing of cost of service support for basic rates periodically as a condition precedent to continued inclusion of such clauses in company's tariff, e.g., three-year review (see Part 154 of regulations under the Natural Gas Act);

(d) Requirement that changes be permitted under the clause for only a portion of increased costs in order to provide an incentive to bargain for lower fuel and purchased power costs, e.g., allow adjustment for only 80 percent of cost changes;

(e) Requirement that fuel adjustments involving company-owned or controlled (either directly or indirectly) fuel supplies be filed with supporting data as rate schedule changes;

(f) Allowance of refinements such as: (1) A neutral zone of fuel cost change for which no revenue adjustment is required; (2) discrete cost and adjustment step changes; (3) computation periods of one month or longer; and (4) compensation for tax changes resulting from changes in fuel costs where such refinements promote stability in rate levels and economy in application, and are compatible with the purpose of the adjustment clause.

10. The fuel adjustment clause provisions of the show cause proceedings listed in Appendix A are stayed pending final action with respect to the proposed rulemaking.

11. Any interested person may submit to the Federal Power Commission, Washington, D. C. 20426, not later than August 6, 1973, data, views and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with

the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed, and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed revision. The Commission will consider all such written submissions before action on the matters herein proposed.

By direction of the Commission,

KENNETH F. PLUMB,  
Secretary.

#### APPENDIX A

Company	Docket No.	Order Dated
Pennsylvania Power & Light Company	E-7783	12-4-72
Illinois Power Company	E-7806	12-29-72
Kansas Gas & Electric Company	E-7810	1-9-73

[FR Doc. 73-13225 Filed 6-28-73; 8:45 am]

### INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-88]

#### MOTOR COMMON CARRIERS OF PROPERTY

##### Nationwide Detention of Vehicles

At a General session of the Interstate Commerce Commission, held at its office in Washington, D.C., on this 22nd day of May, 1973.

The failure of motor common carriers of property to provide uniform vehicle detention rules, including prearranged schedules, has given rise to shipper and carrier complaints alleging unjust and unreasonable practices, unjust discrimination, preference and prejudice, as well as unlawful concessions and rebates.

A number of inquiries have also been received as to whether arrangements for prearranged schedules may be made without provisions therefor being published in applicable tariffs lawfully on file with this Commission.

In view thereof, this proceeding is being initiated to examine and consider: (1) the need for requiring all motor common carriers of property subject to the jurisdiction of this Commission uniform rules—nationwide—to govern the assessment and collection of vehicle detention charges applicable on interstate shipments moving subject to volume, truckload, less-than-truckload, or any quantity rates; (2) the need for requiring the publication of provisions therein requiring prearranged schedules to be established for the pickup and delivery of such shipments as a part of uniform vehicle detention rules; (3) if prearranged schedules are necessary, whether such provisions are necessary with respect to (a) volume shipments, (b) truckload shipments, (c) less-than-truckload shipments, and (d) any quantity shipments, or any one or more of these four categories of shipments; (4) the lawfulness

of carriers and shippers or receivers entering into voluntary prearranged schedules for the pickup or delivery of interstate shipments without tariff provisions authorizing such arrangements having first been published in tariffs lawfully on file with this Commission; and (5) the level of vehicle detention charges to be assessed and collected for such service.

It is the duty of this Commission under the Interstate Commerce Act to require that motor common carriers provide lawful, non-discriminatory, reasonable and adequate service and reasonable rates and charges. Therefore, the purpose of this rulemaking proceeding is to discourage undue delays of carriers' vehicles at origins, stopoff points, and destinations at the same time to assure lawful, non-discriminatory, non-preferential, non-prejudicial, reasonable and adequate service, and reasonable vehicle detention rates and charges with respect to all classes, types and sizes of shippers and receivers of interstate freight shipments, nationwide.

Additionally, it is timely and otherwise appropriate and desirable to facilitate the simplification of carrier tariff provisions regarding vehicle detention so as to effect maximum utilization of automated systems techniques in the publication, application, and policing of detention rules and charges by carriers and shippers alike.

Precedent exists for the prescription of uniform detention rules and charges. In Docket 33434, Detention of Motor Vehicles—Middle Atlantic and New England Territory, 325 ICC 336, decided April 23, 1965, this Commission prescribed uniform detention rules, with certain exceptions, to govern truckload shipments and all respondents thereto were required to establish appropriate tariff provisions within 60 days of the date that order became effective. At page 343, thereof, we stated:

We find that a uniform detention rule, except as otherwise set forth herein, is necessary for economical and efficient transportation service by the respondents, and is in the public interest, and that the detention rule set forth in appendix E hereto is just and reasonable, and should be established and maintained by respondents, as set forth in the appended order.

The exceptions permitted thereunder were household goods, commodities transported in bulk in tank trucks, commodities transported by heavy haulers, and articles picked up from or delivered to railroad cars, and certain palletized shipments subject to Rule 15 of Middle Atlantic Conference, Agent, tariff 10 series, or other rules of similar character in other tariffs.

Accordingly, proposed uniform vehicle detention rules, including provisions for prearranged schedules, are set forth in the appendices hereto, for nationwide application.

It is for these purposes that the instant rulemaking proceeding is instituted.

Upon consideration of the above described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of part II of the Interstate Commerce Act (49 U.S.C. 301 et seq.) including sections 204(b), 208(a), 216(b), and (d), 217(a), (b), and (d), and 222(c), thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to determine whether the facts and circumstances require or warrant the adoption of the proposed regulations set forth below or other regulations of similar purport applicable to motor common carriers of property operating in interstate or foreign commerce subject to the Interstate Commerce Act, and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common carriers of property operating in interstate or foreign commerce within the United States, and subject to the Interstate Commerce Act, except those transporting exclusively, (1) household goods, (2) commodities in bulk in tank trucks, (3) heavy and specialized commodities or articles, requiring special handling, and (4) articles picked up from or delivered to railroad cars having prior or subsequent transportation by rail, be, and they are hereby made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before August 8, 1973, the original and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served,

such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding and upon whom copies of all statements must be filed; and that at the time of this service list the Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy hereof shall be served on each respondent herein, that notice of the institution of this proceeding shall be given by mailing a copy of this order to the Governor of every State having jurisdiction over transportation, that a copy be deposited in the Office of the Secretary, Interstate Commerce Commission, Washington, D. C. for public inspection, and that a copy thereof be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. during regular business hours.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

Paragraph (e) is added to § 1307.35 to read as follows:

§ 1307.35 Terminal and special services.

(e) *Vehicle detention rule.* This item applies when carriers' vehicles (Note A) are delayed or detained at premises of consignor, consignee, or other places designated by consignor or consignee, subject to the following provisions:

(1) *General provisions.* (i) This item applies only to vehicles which have been ordered or used to transport shipments subject to truckload rates. If the shipment is moving on a rate subject to a stated minimum weight of 12,000 pounds or more; and such rate is not designated as a truckload rate, it will be considered a truckload rate for the purpose of applying this item.

(ii) This item applies only when vehicles are delayed or detained at the places of pick up or delivery and only when such delay or detention is attributable to consignor, consignee, or others designated by them.

(iii) Free time for each vehicle will be as provided in SEC. 3.

(iv) After the expiration of free time as herein provided, charges as provided in SEC. 4 will be assessed against the shipment.

(v) When section 7 of the Bill of Lading is executed, carrier will not deliver the shipment to consignee unless detention charges, if accrued, are guaranteed.

(2) *Computation of time.* (i) The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee at the place of pick up or delivery of the arrival of the vehicle for loading or unloading, as the case may be, either on the premises designated by the consignor or consignee, or as close thereto as conditions on said premises will permit, and shall end upon completion of loading or unloading and receipt by the driver of a signed Bill of Lading or receipt for delivery, as the case may be, except as provided in Paragraph (b) of this section. Time, if any, necessary to prepare a vehicle for loading or unloading, as the case may be, will be excluded from the computation of time. Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

*Exception.*—When carrier makes a prearranged schedule with consignor or consignee, or others designated by them, at place of pick up or delivery for the arrival of the vehicle for loading or unloading and carrier is unable for any reason to maintain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(ii) Computations of time are subject to, and are to be made within the normal business (shipping or receiving) day at the designated premises at place of pick up or delivery, except, if carrier is permitted to work beyond this period, such working time shall also be included. When loading or unloading is not completed at the end of such day, time will be resumed at the beginning of the next such day, or when work the next day is actually begun by carrier, if earlier. When loading or unloading carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time.

(3) *Free Time.* Free time shall be as follows:

COLUMN A		COLUMN B	
Actual weight in pounds per vehicle	Free Time in minutes	Actual weight in pounds per vehicle stop	Free Time in minutes per vehicle stop
Less than 24,000.....	240	Less than 10,000.....	90
24,000 and less than 36,000.....	300	10,000 and less than 20,000.....	180
36,000 or more.....	360	20,000 and less than 24,000.....	240
		24,000 and less than 36,000.....	300
		36,000 or more.....	360

COLUMN A—Applies to vehicle containing truckload shipments requiring only one vehicle, or to fully loaded vehicles containing truckload shipments requiring more than one vehicle, except as provided in Column B.

COLUMN B—Applies to last vehicle used in transporting overflow truckload shipments requiring two or more vehicles, or to vehicles containing truckload shipments stopped for completion of loading or partial unloading.

(4) *Charges.*

When the delay per vehicle beyond free time is:

	\$
1 hour or less	
Over 1 hour but not over 75 minutes	
Over 75 minutes but not over 90 minutes	
Over 90 minutes but not over 105 minutes	
Over 105 minutes but not over 120 minutes	
Over 120 minutes but not over 135 minutes	
Over 135 minutes but not over 150 minutes	
Over 150 minutes but not over 165 minutes	
Over 165 minutes but not over 180 minutes	
Over 180 minutes	

The charge per vehicle will be:

(5) *Records.* A record of the following information must be maintained by the carriers and kept available at all times:

(i) Name and address of consignor, consignee, or other party at whose place of business freight is loaded or unloaded.

(ii) Identification of vehicles tendered for loading or unloading.

(iii) Date and time of notification of the arrival of the vehicle for loading and unloading.

(iv) Date and time loading or unloading begins.

(v) Date and time loading or unloading is completed.

(vi) Date and time vehicle is released for departure by consignor, consignee, or by other party at place of pick up or delivery after loading or unloading is completed.

(vii) Total actual weight of shipment loaded or unloaded.

(viii) Whether vehicles are tendered under a prearranged schedule for loading or unloading.

(ix) When vehicles are tendered under a prearranged schedule for loading or unloading, date and time specified therefor.

Nothing in this item shall require a carrier to pick up or deliver freight at hours other than such carrier's normal business hours.

NOTE A: "Vehicles" as used in this item means straight trucks or tractor-trailer combinations, except that this item will not apply to trailers without power units left by carrier at place of pick up or delivery of consignor, consignee, or other party designated by them. (See Items -- and -- series when trailers without power units are left by carrier).

When equipment is available, carrier may spot empty or loaded vehicles at consignor's or consignee's premises for loading or unloading in full possession of the consignor or consignee, unattended by carrier's employees and unaccompanied by power unit, subject to the following conditions and charges:

(6) *Loading or unloading.* (i) Loading or unloading will be performed by consignor or consignee and in the case of spotting for loading the Bill of Lading must show "Shipper load and count".

(ii) Carrier's responsibility for shipments loaded in trailers which are spotted under provisions of this item

shall begin when loading has been completed and possession thereof is taken by the carrier. Carrier's responsibility for shipments delivered in trailers which are spotted under the provisions of this item will cease at the time the trailer is spotted at or on the place of delivery designated by the consignee.

(7) *Free time, after 7:00 a.m., on the day following that on which the vehicle is spotted.* (i) On vehicles spotted for unloading, 8 hours.

(ii) On vehicles spotted for loading, 8 hours, when the vehicle is placed at consignor's platform.

(8) *Computation of time.* (i) Consignor consignee will notify carrier when loading or unloading is in fact completed and trailer is available for pick up and the trailer will be deemed to be held until the time the carrier is so notified.

NOTE A: Notification means advice to consignor by carrier in connection with loading, or advice to carrier by consignee in connection with unloading, by mail or telegraph that trailer is loaded or unloaded as the case may be. If convenient and practicable, advice may be given by telephone, confirmed, however, in writing.

(ii) In computing time, Sundays and legal holidays (national, state or municipal) will in all cases be excluded.

(iii) Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading.

**CHARGE**

(9) *Charges — (i) Loading.* \$

After expiration of free time the charge per trailer for each 24 hours or fraction thereof that the trailer is held will be (Note A)

(ii) *Unloading.* After expiration of free time the charge per trailer shall be:

(a) For each of the first three 24 hour periods or fraction thereof that the trailer is held...

(b) For the fourth 24 hour periods or fraction thereof that the trailer is held.....

(c) For the fifth and each succeeding 24 hour period or fraction thereof that the trailer is held .....

(10) *Pick up of trailer.* No charge will be made for picking up trailers spotted under this item when such pick up can be performed in 30 minutes after arrival of driver and power unit at consignor's or consignee's premises. Where a delay of more than 30 minutes is encountered, detention charges as specified in Item will be assessed.

(11) *Spotting of trailers.* Carriers will not spot trailers equipped with temperature control except that such equipment may be spotted at the charge provided for in this item for pick up or delivery of freight which does not require temperature control.

(12) *Strike interference.* When because of a strike of its employees, it is impossible for consignor or consignee to make available for movement by carrier,

loaded or empty vehicles detained on consignor's or consignee's premises, a charge of \$ per day or fraction thereof will be made for such detention (Notes A and B)

NOTE A: No charge will be assessed for empty trailers not constructively placed for loading. Carrier reserves the right to remove such trailers at any time.

NOTE B: Not applicable to vehicle furnished by water carriers or by the railroads.

(13) *General provisions.* (i) Except as otherwise specifically provided, when the loading or unloading of freight (Note A) is delayed, and such delay is attributable to the consignor, consignee or other designated by them, beyond the free time authorized in SEC 3, computed in accordance with SEC. 2, charges in SEC. 4 will be assessed against the consignor (Note B), if the delay occurs at his premises and against the consignee (Note B), if the delay occurs at his premises (See Exception).

(ii) When Section 7 of the Bill of Lading is executed, carrier will not deliver the shipment to consignee unless detention charges, if accrued, are guaranteed.

(iii) Not applicable on LTL or AQ shipments loaded on same vehicle in multiple tender or unloaded from same vehicle in multiple delivery with shipments subject to truckload rates or subject to a stated minimum weight of 12,000 pounds or more. Apply provisions of Item

(14) *Computation of Time.* (i) The time consumed in loading or unloading freight shall be computed from the time of arrival until the time of departure of the vehicle, either on the premises of the consignor or consignee, or as close thereto as conditions on such premises (for under the control of consignor or consignee) will permit, including waiting time in reaching or leaving loading or unloading location. The time per vehicle shall begin to run upon notification by the driver to the responsible representative of the consignor or consignee that the vehicle is available for loading or unloading as the case may be. If the consignor or consignee refuses to sign carrier's record, the time specified by the driver of the vehicle shall be binding. The computation of time under this item begins and ends with the business hours of consignor or consignee. When loading or unloading is not completed at the end of a business day, the computation of the time will be resumed at the beginning of the next business day. When loading or unloading vehicle carries through a normal meal period, meal time, not to exceed one hour, will be excluded from computation of time. Upon request of consignor or consignee, or others designated by them, carrier will enter into a reasonable prearranged schedule for arrival of the vehicle for loading or unloading, provided at least 10,000 pounds are offered for pickup by consignor making such request or at least 10,000 pounds are available for delivery to consignee making such request (See Exception).

Exception—When carrier makes a prearranged schedule with consignor or consignee,

or others designated by them, at place of pick up or delivery for the arrival of the vehicle for loading or unloading and carrier is unable, for any reason, to remain such schedule within 30 minutes, the time shall begin to run from the commencement of loading or unloading and not from the time of arrival of the vehicle. If carrier's vehicle arrives prior to scheduled time, the time shall begin to run from the scheduled time or actual time loading or unloading commences, whichever is earlier.

(ii) In case of multiple shipments subject to LTL or AQ rates received from one shipper or delivered to one consignee at one time on the vehicle, time will be computed on the aggregate weight of the multiple shipments so received or delivered. Where there is more than one payor, charges will be prorated on the basis of the weight of each individual shipment. Where either a single shipment or such multiple shipments subject to LTL or AQ rates exceed the car-

rying capacity of one vehicle, free time for each vehicle shall be computed separately.

(15) *Free time.* Free time for the loading or unloading of freight will be allowed as follows:

For the first 1,750 lbs. or less.....	30 minutes
	(Note C)
For each additional 1,750 lbs. or fraction thereof.....	15 minutes
	(Note C)

**CHARGE**

(16) *Charges.* When the loading or unloading of freight is delayed beyond free time, charge per vehicle for each 15 minutes or fraction for time consumed for such delay shall be.

(17) *Redelivery.* The foregoing provisions of this item shall apply to an original delivery or tender of delivery of the shipment as well as to any redelivery or subsequent tender of delivery.

(18) *Collection (pick up) or delivery provisions in this or other tariffs.* The provisions of this item do not change or prevent the application of other items in this or other tariffs lawfully on file with the Interstate Commerce Commission covering pick up or delivery of freight. Nothing in this item shall require a carrier to pick up or deliver freight at hours other than such carrier's normal hours.

**NOTE A:** If shipments are refused when offered for delivery Item will apply.

**NOTE B:** The amounts due the carrier under the provisions of this rule shall be assessed against the consignor in case of loading, and against the consignee in the case of unloading, irrespective of whether line-haul charges are prepaid or collect.

**NOTE C:** In the case of multiple shipments received from one shipper or delivered to one consignee at one time on the vehicle, free time will be increased 5 minutes for each shipment subject to a maximum of 30 minutes additional free time.

[FR Doc.73-13243 Filed 6-28-73; 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

[Delegation of Authority No. 122-2;  
Public Notice 390]

### SPECIAL ASSISTANT TO THE SECRETARY FOR FISHERIES AND WILDLIFE AND COORDINATOR OF OCEAN AFFAIRS

#### Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), I hereby delegate to the Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs the authority to perform all functions conferred upon the Secretary of State by section 108(b) and section 201 of Public Law 92-471 of October 9, 1972 (16 U.S.C. 1022(b) and 22 U.S.C. 2672(a)), respectively regarding the designation of alternate U.S. commissioners.

This Delegation of Authority amends Delegation of Authority No. 122 of March 3, 1971 (36 F.R. 4897, March 13, 1971), as amended.

[SEAL] WILLIAM P. ROGERS,  
Secretary of State.

JUNE 19, 1973.

[FR Doc.73-13124 Filed 6-28-73;8:45 am]

[Delegation of Authority No. 122-3;  
Public Notice 391]

### SPECIAL ASSISTANT TO THE SECRETARY FOR FISHERIES AND WILDLIFE AND COORDINATOR OF OCEAN AFFAIRS

#### Delegation of Authority

Pursuant to the authority vested in me by section 4 of the Act of May 26, 1949, as amended (22 U.S.C. 2658), I hereby delegate to the Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs the authority to appoint for the U.S. Government members of and non-voting technical experts to the American-Soviet Claims Board, established pursuant to the Agreement Between the Government of the United States of America and the Union of Soviet Socialist Republics Relating to the Consideration of Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, signed in Moscow on February 21, 1973 (TIAS 7575), and to designate for the U.S. Government advisers to members so appointed.

This Delegation of Authority amends Delegation of Authority No. 122 of March 3, 1971 (36 FR 4897, March 13, 1971), as amended.

Dated: June 19, 1973.

WILLIAM P. ROGERS,  
Secretary of State.

[FR Doc.73-13125 Filed 6-28-73;8:45 am]

[Delegation of Authority No. 122-4; Public  
Notice 392]

### SPECIAL ASSISTANT TO THE SECRETARY FOR FISHERIES AND WILDLIFE AND COORDINATOR OF OCEAN AFFAIRS

#### Delegation of Authority

Pursuant to the authority vested in me by Section 4 of the Act of May 26, 1949, as amended (22 U.S.C. § 2658), I hereby delegate to the Special Assistant to the Secretary for Fisheries and Wildlife and Coordinator of Ocean Affairs the authority to appoint Delegates, Alternate Delegates, and experts to the International Council for the Exploration of the Sea established by the Convention for the International Council for the Exploration of the Sea (652 UNTS 237).

This Delegation of Authority amends Delegation of Authority No. 122 of March 3, 1971 (36 FR 4897, March 13, 1971), as amended.

Dated June 19, 1973.

WILLIAM P. ROGERS,  
Secretary of State.

[FR Doc.73-13126 Filed 6-28-73;8:45 am]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T.D. 73-175]

### FOREIGN CURRENCIES

#### Certification of Rates

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from June 11 through June 15, 1973. This table is published for the information and use of Customs officers and others concerned, and denotes those currencies which vary by 5 per centum or more from the quarterly rate published in TD 73-108.

(342.211)

[SEAL] G. H. HEIDBREDER,  
Acting Director, Appraisal and  
Collections Division.

Country	Currency	June 11	June 12	June 13	June 14	June 15
Australia	Dollar	Q	Q	Q	Q	Q
Austria	Schilling	\$0.0516	\$0.0518	\$0.0518	\$0.0518	\$0.0520
Belgium	Franc	.026300	.026385	.026300	.026325	.026475
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	Q	1.660	1.655	1.655	1.665
Denmark	Krone	1.691	1.704	1.698	1.700	1.715
Finland	Markka	Q	Q	Q	Q	Q
France	Franc	.2322	.2322	.2311	.2311	.2337
Germany	Deutsche Mark	.8602	.8532	.8507	.8535	.8575
India	Rupee	Q	Q	Q	Q	Q
Ireland	Pound	Q	Q	Q	Q	Q
Italy	Lira	Q	Q	Q	0.01615	Q
Japan	Yen	Q	Q	Q	Q	Q
Malaysia	Dollar	Q	Q	Q	Q	Q
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3588	.3610	.3590	.3615	.3650
New Zealand	Dollar	Q	Q	Q	Q	Q
Norway	Krone	.1791	.1797	.1792	.1798	.1814
Portugal	Escudo	.0420	.0420	.0422	.0420	.0420
Republic of S. Africa	Rand	1.4910	Q	Q	1.4862	1.4862
Spain	Peseta	Q	Q	Q	Q	Q
Sweden	Krona	.2351	.2353	.2340	.2352	.2365
Switzerland	Franc	.3228	.3254	.3228	.3247	.3264
United Kingdom	Pound	Q	Q	Q	Q	Q

Q—Use quarterly rate published in T. D. 73-108; daily rate did not vary by 5 per centum or more.

[FR Doc.73-12951 Filed 6-28-73;8:45 am]

### Internal Revenue Service ART ADVISORY PANEL Notice of Closed Meeting

Notice is hereby given that pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, a closed meeting of the Art Advisory Panel will be held on July 10 and 11, 1973, beginning at 9:30 a.m. in Room 3313 Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C. 20224.

The agenda will consist of the review and evaluation of the acceptability of

market value appraisals of works of art involved in Federal income, estate or gift tax returns. This involves the discussion of confidential material in individual tax returns. A determination as required by section 10(d) of the Act has been made that these meetings are concerned with matters listed in section 552(b) of Title 5 of the United States Code, and that the meetings will not be open to the public.

[SEAL] DONALD C. ALEXANDER,  
Commissioner.

[FR Doc.73-13257 Filed 6-28-73;8:45 am]

## DEPARTMENT OF THE INTERIOR

## Office of Oil and Gas

[O. I. Reg. 1 (Rev. 5)]

CRUDE OIL AND UNFINISHED OILS FOR  
CONVERSION OF HEAVY LIQUIDS  
FEEDSTOCKS TO PETROCHEMICALSAllocations of Inputs, Districts I-IV and  
District V

*Notice.* Whereas, subparagraph (1) of paragraph (1) of section 9B of Oil Import Regulation 1 (Revision 5), as amended, requires that the Director shall determine, in writing, whether or not as of June 1, 1973, substantial construction work has been done, and construction work is being diligently prosecuted, on a new heavy liquid plant of reasonable commercial size, the construction of which was begun on or after August 12, 1971, and that the Director shall send to the FEDERAL REGISTER, in sufficient time to insure publication before July 1, 1973, a document describing the determination which he has made; and

Whereas, Standard Oil Company (Indiana) had informed the Director that it had under construction a facility at Chocolate Bayou, Texas, which it believed would qualify under section 9B of Oil Import Regulation 1 (Revision 5), as amended, as a new heavy liquids plant, of reasonable commercial size, the construction of which was begun after August 12, 1971; and

Whereas, inspection of the proposed plant has been made by officials of the Office of Oil and Gas;

Now, therefore, I have determined that:

1. As of June 1, 1973, substantial construction work had been done on the Standard Oil Company (Indiana) new Chocolate Bayou heavy liquids facility.

2. The construction work thereon is being diligently prosecuted.

3. The heavy liquids portion of the facility as described by Standard Oil Company (Indiana) is of reasonable commercial size.

4. Construction of the facility was begun on or after August 12, 1971.

Dated: June 27, 1973.

DUKE R. LIGON,  
*Director,*  
*Office of Oil and Gas.*

[FR Doc.73-13377 Filed 6-28-73;9:20 am]

## Bureau of Outdoor Recreation

[INT FES 73-32]

PROPOSED CUYAHOGA RIVER VALLEY  
ACQUISITIONAvailability of Final Environmental  
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed Cuyahoga River Valley Acquisition project. Notice of Availability of the draft environmental statement inviting comments was an-

nounced in the FEDERAL REGISTER on November 7, 1972 (DES 72-106).

The environmental statement considers the acquisition of approximately 14,500 acres of land in the Cuyahoga Valley between Cleveland and Akron, Summit and Cuyahoga Counties, Ohio. Acquisition would be by the Ohio Department of Natural Resources and the Cleveland and Akron Metropolitan Park Districts. The land would be maintained as open space and would provide public outdoor recreation opportunities. Adverse effects of the action would be the loss of tax base, the relocation of 29 residences, the restriction of land uses, and an expected influx of visitors. The project would serve northeastern Ohio primarily.

Copies are available for inspection at the following locations:

Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Michigan 48104

Department of the Interior, Division of State Programs, Bureau of Outdoor Recreation, Washington, D.C. 20240

Ohio Environmental Protection Agency, 450 East Town Street, Columbus, Ohio 43216  
Northeast Ohio Area-wide Coordinating Agency, 439 The Arcade, Cleveland, Ohio 44144

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: June 22, 1973.

JOHN M. SEIDL,  
*Deputy Assistant*  
*Secretary of the Interior.*

[FR Doc.73-13121 Filed 6-28-73;8:45 am]

## DEPARTMENT OF AGRICULTURE

## Soil Conservation Service

CRAWFORD CREEK SUBWATERSHED  
PROJECTAvailability 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 the Crawford Creek Subwatershed Project, Little Sioux River Watershed, Ida County, Iowa, USDA-SCS-ES-FP-(ADM)-73-45(D).

The environmental statement concerns a plan for watershed protection, flood prevention, and recreation. The planned works of improvement include fourteen grade stabilization structures and one multiple purpose structure for grade stabilization, floodwater retarding and recreation including recreational facilities.

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

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

Soil Conservation Service, USDA, Room 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.00.

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 Wilson T. Moon, State Conservationist, Soil Conservation Service, 823 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309.

Comments must be received on or before August 20, 1973.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: June 22, 1973.

WILLIAM B. DAVEY,  
*Deputy Administrator for Water*  
*Resources, Soil Conservation*  
*Service.*

[FR Doc.73-13093 Filed 6-28-73;8:45 am]

## Forest Service

DESCHUTES NATIONAL FOREST  
MULTIPLE USE ADVISORY COMMITTEE

## Notice of Meeting

The Deschutes National Forest Advisory Council will have an all-day field meeting July 18, 1973, in the Metolius area.

The purpose of this meeting is to review land use situations and fuel management opportunities.

The public is invited if they provide their own transportation and notify the Forest Supervisor, 211 East Revere, Bend, Oregon, telephone 382-6922.

Dated June 22, 1973.

CARL C. NICHOLS,  
*Forest Supervisor.*

[FR Doc.73-13235 Filed 6-28-73;8:45 am]

## DEPARTMENT OF COMMERCE

## Maritime Administration

[Docket No. S-364]

PACIFIC FAR EAST LINE, INC. AND  
WATERMAN STEAMSHIP CORPORATION

## Notice of Application

Notice is hereby given of the applications of Pacific Far East Line, Inc., as owner and of Waterman Steamship Corporation as charterer for written permission under section 805(a) of the Merchant Marine Act, 1936, as amended (the Act) to subcharter the SS Samoa Bear to States Marine Isthmian Agency to load a full cargo of canned pineapple at Hawaiian ports during the period July 1-15, 1973, for discharge at U.S. Atlantic ports north of Hatteras.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D. C. 20230.

Any person, firm or corporation having any interest (within the meaning of section 805(a)) in this application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on July 5, 1973 file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for July 6, 1973, in Room 4896 Department of Commerce Building, Fourteenth & E Streets, NW., Washington, D. C. 20230. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act.

By order of the Maritime Administration.

Dated: June 26, 1973.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc.73-13266 Filed 6-28-73;8:45 am]

#### Domestic and International Business Administration

### CORN SOYBEANS, COTTONSEED, AND CERTAIN PRODUCTS THEREOF

#### Notice of Embargo and Possible Embargo on Exports

Exports of soybeans, cottonseed and products thereof. Effective 5 p.m., e.d.t., June 27, 1973, a validated license will be required for export of soybeans, cottonseed, and certain products thereof, to all destinations, including Canada. Previously, a validated license was required only for shipment to Country Groups S and Z (Southern Rhodesia, Communist-controlled areas of Vietnam, Cuba, and North Korea).

The new validated export license requirement applies to all shipments of the commodities listed below, regardless of the value of the shipment and of whether the shipment is made against an order accepted on or before June 13, 1973.

Cottonseed and soybean oil-cake and meal classified under Schedule B Nos. 081.3020 and 081.3030, respectively.

Soybeans and cottonseed classified under Schedule B Nos. 221.4000 and 221.6000, respectively.

Soybean and cottonseed oil and mixtures thereof classified under Schedule B Nos. 421.2010, 421.2020, 421.2040, 421.3010, 421.3020, 421.3040, 431.2010, 431.2020, 431.2030.

Shipments of commodities removed from general license as a result of changes set forth above which were on lighter destined for an exporting vessel or for which loading aboard an exporting vessel had actually commenced as of 5 p.m., e.d.t., June 27, 1973, may be exported under the previous general license provisions. Any other shipment of such commodities requires a validated license for export.

A decision as to licensing exports of the commodities subject to the embargo, and the basis on which such licenses may be issued, will be announced no later than July 2, 1973.

*Warning of possibility of embargo on exports of corn.* If there is any substantial increase in export demand for corn, which could be the case as a result of the controls being imposed today, it may be necessary to control exports of corn.

Dated: June 27, 1973.

RAUER H. MEYER,  
Director,  
Office of Export Control.

[FR Doc.73-13419 Filed 6-28-73;10:33 am]

### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

[CAP 3C0107]

### COMMITTEE OF THE PROGRESSIVE HAIR DYE INDUSTRY

#### Filing of Petition for Color Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (d), 74 Stat. 402; 21 U.S.C. 376(d)), notice is given that a petition (CAP 3C0107) has been filed by the Committee of the Progressive Hair Dye Industry, 60 E. 42d St., Room 510, New York, NY 10017, proposing issuance of a color additive regulation (21 CFR Part 8) to provide for suitable and safe use of lead acetate as a color additive in cosmetics that are hair colors.

The Environmental Impact Analysis Report (EIAR) and other relevant material have been reviewed, and it has been determined that the proposed use will not have a significant environmental impact. Copies of the EIAR are available in the office of the Assistant Commissioner for Public Affairs, Room 15B-42, or the office of the Hearing Clerk, Room 6-88, 5600 Fishers Lane, Rockville, MD 20852.

Dated: June 18, 1973.

VIRGIL O. WODICKA,  
Director, Bureau of Foods.

[FR Doc.73-13232 Filed 6-28-73;8:45 am]

#### Office of the Secretary

### ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

#### Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority is amended to add a new Chapter 1R, "Assistant Secretary for Human Development." This chapter supersedes Chapter 1L, "Assistant Secretary for Community and Field Services" and incorporates previously approved functional statements as follows: From Chapter 1L—Office of Youth and Student Affairs, the President's Committee on Mental Retardation and Office of Mental Retardation Coordination; from Chapter 1T—Office of Child Development and President's Council on Physical Fitness and Sports; from Part 5 "Social and Rehabilitation Service" the Advisory Committee on Aging, the Administration on Aging, and the Youth Development and Delinquency Prevention Administration. Chapter 1T03, The Office of Child Development, is redesignated 1R40. The organizational structures and the delegations of authority described in the foregoing functional statements will continue in effect within the new organization until officially superseded. This chapter reads as follows:

**1R.00 Mission.** Serves as the principal staff adviser to the Secretary and the Under Secretary on matters dealing with special populations served by the Department, including the aging, children, youth, Indians, the mentally retarded, and those living in rural areas; recommends to the Secretary action for improving coordination and government-wide effectiveness in these areas; provides responsive and effective programs for groups of people identified as having special problems and ensures that other Department programs also recognize and serve the needs of these people; directs, coordinates, and manages Human Development programs, ordering priorities within the Office of Human Development, approving strategies and ensuring that lines of communication to the Secretary, other HEW operating programs, and interest groups are open and responsive. Provides information for departmental policy-making.

**1R.10 Organization.** The Office of the Assistant Secretary for Human Development, headed by the Assistant Secretary for Human Development who reports directly to the Secretary, consists of:

- A. Immediate Office of the Assistant Secretary for Human Development
- B. Office of Administration and Management
- C. Office of Mental Retardation Coordination
- D. President's Committee on Mental Retardation
- E. President's Council on Physical Fitness and Sports

F. Office of Child Development  
 G. Office of Youth Development  
 H. Administration on Aging  
 I. Office of Rural Development  
 1R.20 *Functions.* Detailed functions of certain organizational elements of the Office of the Assistant Secretary for Human Development will be described in separate sub-chapters.

*Functions. A. Immediate Office of the Assistant Secretary Provides executive direction, leadership and guidance to all regional offices and ASHD components for the operation of Human Development programs. Determines the need for and approves of policy, basic systems, and procedures, organization, program, budget plans, and Delegations of Authority which guide Human Development operations.*

Directs planning development and coordinates all planning activities for ASHD, including OPS and long range planning. Tracks and reports progress on planning activities for the Assistant Secretary.

*Functions. B. Office of Administration and Management.* The Office of Administration and Management provides executive administrative management to ASHD offices; develops and recommends to the ASHD policy, systems, procedures, plans, organizational changes and management improvements; implements approved strategies throughout the various ASHD offices; focal point for budget activities of ASHD offices including budget development, justification, execution, development of policies and procedures, and liaison with AS Comptroller for ASHD and its offices; liaison with appropriate OS offices for expenditure controls and responsible for expenditure controls within ASHD; develops, coordinates, and implements grants policy in conjunction with appropriate HEW policy and procedures; responsible for ASHD grants administration, including developing procedures and requirements for processing and review; recommends approval of certain grant actions; liaison with appropriate HEW contracting offices; responsible for provision of administrative and technical support for contracts; provides staff support to ASHD offices on all management issues.

The Office of Administration and Management is responsible for Management Analysis including: management studies of the ASHD organization, manpower utilization, methods analysis, cost reduction, and establishing standards; provides technical and staff assistance to ASHD; and provides unified Data Systems Management for ASHD organizations. The office serves as a focal point for studies and initiatives for ASHD organizations; responsible for administrative management functions, including personnel functions in conjunction with the Office of the Secretary Personnel Office, centralized support services, procurement, space allocation of ASHD office, processing travel requests and claims, and other general administrative duties.

*Functions C. The Office of Mental Retardation Coordination.* Serves as a focal

point for coordination and evaluation of the Department's mental retardation activities and consideration of relevant Department-wide policies, programs, procedures, activities, and related matters; serves in an advisory capacity to the Secretary in regard to issues related to the administration of the Department's mental retardation programs; and serves as liaison for the Department with the President's Committee on Mental Retardation.

*Functions D. The President's Committee on Mental Retardation.* Provides service and assistance in the areas of mental retardation as the President may require; evaluates the national effort to combat mental retardation and assists in the coordination of Federal, State, local, and private program review and planning activities in the mental retardation field; assists in the formulation of new program initiatives.

*Functions. E. President's Council on Physical Fitness and Sports.* The function of the President's Council on Physical Fitness and Sports is to carry out responsibilities stated in Executive Order 11562; these functions include establishing a program of Physical Fitness and Sports, advising the President and Secretary on Physical Fitness and Sports, coordinating the conference on Physical Fitness and Sports, and other duties as outlined in Executive Order 11562.

*Functions. F. Office of Child Development.* The function of the Office of Child Development is to advise the Secretary through the Assistant Secretary for Human Development and HEW agencies on Department plans and programs related to child development; to operate the Headstart and other related child service programs; and to provide leadership, advice, and services which affect the general well-being of children as mandated by the Act of April 9, 1912. Detailed functions of the Office of Child Development will follow in Chapter 1R40.

*FUNCTIONS. G. Office of Youth Development.* The function of the Office of Youth Development is to provide leadership in the planning, development, and coordination of those Federal programs that provide services to youth in danger of becoming delinquent. The Office coordinates its activities with other concerned Federal organizations to assure a unified approach to common target groups and to afford comprehensive services to the individual.

Within the authorities delegated to it, the Office of Youth Development administers, under the Juvenile Delinquency Prevention Act, Public Law 92-381, Federal grants and contracts designed to help States and local communities in providing community based preventive services, including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in fields related to the provision of such services, and to provide technical assistance in such field. A detailed description will follow in subchapter 1R20.

*FUNCTIONS. H. Administration on Aging.* The Administration on Aging (AoA) is the Federal focal point for the needs, concerns, and interests of older persons and the principal agency for carrying out the programs of the Older Americans Act. It coordinates its activities with public and private organizations at the national, state, and local level to assure that the elderly are adequately considered in the planning and implementation of the programs of their organizations, and to promote the development of comprehensive and coordinated service systems to serve the elderly.

It develops program goals and objectives in terms of 5 year forward plans and current operational plans; conducts a research, development, and demonstration program to add to the basic knowledge about older persons' special capabilities and problems, and to develop and test new techniques designed to deal with the needs and problems of the elderly; assesses manpower requirements in the field of aging, makes reports and recommendations on meeting the manpower needs, and designs and develops strategies for implementing the recommendations.

It analyzes the progress and problems of the programs of other agencies in serving the elderly; develops initiatives for improvements or innovations in these programs to better serve older persons; promotes coordination of the programs of the various agencies which affect the elderly.

It serves as a clearinghouse on information related to the problems of older persons and programs designed to deal with those problems; convenes conferences of public and private organizations concerned with the development and operation of programs for the elderly; analyzes and comments on budget and legislative proposals, program regulations, and program plans and initiatives from other agencies which would have impact on the elderly.

It administers a federal-state-local grant program (Title III of the Older Americans Act) which provides support for: a) State Agencies on Aging, which perform functions at the state level similar to those of the Administration on Aging at the federal level; b) Area Agencies on Aging, which provide leadership to public and private non-profit providers of services in their area in the development and implementation of a plan leading toward comprehensive and coordinated services for the elderly, and provide selective funding support to agencies to stimulate implementation of the plan; and c) local community projects in areas not served by an Area Agency on Aging to provide needed services which are not furnished by other agencies.

It administers a grant program for training and research (Title IV of the Older Americans Act) which provides support for: a broad range of training responsive to the changing needs of programs in the field of aging; appraising personnel needs in the field of aging; attracting qualified persons to the field of aging; the study of current patterns

of living conditions of older persons; developing and demonstrating approaches and methods for improving coordination of community services; evaluating these approaches; and grants for multidisciplinary centers of gerontology.

It administers a grant program (Title V of the Older Americans Act) for the acquisition, alteration or renovation of multipurpose senior centers including the provision of mortgage insurance for multipurpose senior centers, and initial staffing of such centers.

It develops regulations, policies and procedures for the Title III, IV, V and VII programs; provides technical assistance to the state agencies in program development and operation; and monitors progress.

It evaluates the administration of program operations in terms of progress toward goals and achievements of objectives; uses the results of evaluations to revise plans and improve programs.

A detailed description will follow in subchapter 1R10.

**Functions. I. Office of Rural Development.** The Office of Rural Development is concerned with the delivery of HEW services to non-metropolitan areas in concert with revenue sharing.

The Director of the office reports to the Assistant Secretary for Human Development.

The office will identify barriers to the delivery of services; design and recommend human services delivery systems in rural areas, coordinate efforts with other Federal agencies to select target areas for delivery of Human services, and represent the Department in interdepartmental task forces concerned with rural development.

**1R.30 Delegations of Authority.** Except as provided in subsection 2-500 of the HEW Organization Manual (renumbered as section 1A-30), and in this section, the Assistant Secretary for Human Development has been delegated the following functions by the Secretary:

1. The functions vested in the Secretary by the Older Americans Act of 1965, 42 U.S.C. 3001 et. seq.

2. The functions vested in the Secretary by the Juvenile Delinquency Prevention Act, 42 U.S.C. 3801 et. seq.

3. The authority under Section 222(a) (1) of the Economic Opportunity Act of 1964, delegated by the Director of the Office of Economic Opportunity to the Secretary.

4. Such functions with respect to research, demonstration and training projects under Section 426 of the Social Security Act to the extent of the funds appropriated to the Office of Child Development for this purpose.

5. The functions of the Secretary under the Organic Act of the Children's Bureau (the Act of April 9, 1912).

6. **Continuation of regulations.** All regulations, rules, orders, authorities or statements of policy or interpretation heretofore issued with respect to the Administration on Aging, Youth Development and Delinquency Prevention Administration, Office of Child Development, President's Committee on Mental

Retardation, President's Committee on Physical Fitness and Sports, Office of Mental Retardation Coordination and Office of Youth and Student Affairs, are continued in full force and effect, under the authority of the Assistant Secretary for Human Development, until revised, superseded, or revoked.

Dated: June 15, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education and Welfare.

[FR Doc.73-13112 Filed 6-28-73;8:45 am]

#### FOOD AND DRUG ADMINISTRATION

##### Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to revise the existing overall functional statements for the Office of the Assistant Commissioner for Planning and Evaluation.

Section 6B is amended as follows:

(g) *Office of the Assistant Commissioner for Planning and Evaluation.* Advises and assists the Commissioner and other key officials concerning the performance of FDA long-range planning, development, and evaluation activities.

Develops program and planning strategy through analysis and evaluation of issues affecting policies and program performance.

Develops, installs, and monitors the Agency-wide planning system including the Five-Year Plan and the Strategic Plan.

Conducts operations research, and economic and special studies as a basis for forecasting trends, needs, and major problems requiring solution; and provides assistance and consultation in these areas to operating units.

Evaluates impact of external factors on FDA programs, including industry economics, consumer expectations, and protective legislation. As necessary, recommends new programs or changes in existing programs, and program priorities.

Develops FDA evaluation programs and systems to evaluate overall FDA program accomplishments against objectives and priorities, recommending changes as necessary.

Evaluates impact of FDA programs on consumer protection.

Develops and coordinates an Agency-wide system for the collection of medical data from hospitals, clinics, and other reporting units.

Dated: June 22, 1973.

ROBERT H. MARIK,  
Assistant Secretary for  
Administration and Management.

[FR Doc.73-13116 Filed 6-28-73;8:45 am]

#### Office of the Secretary

##### ASSISTANT REGIONAL DIRECTOR FOR HUMAN DEVELOPMENT

##### Organization, Functions, and Delegations of Authority

Part 1 of the Department of Health, Education, and Welfare Statement of Organization, Functions, and Delegations of Authority is hereby amended to establish a new Section 1E-80, Assistant Regional Director for Human Development. Part 1E-10—*Organization* is also amended to delete the Assistant Regional Director, Child Development and to add the Assistant Regional Director for Human Development.

The statement reads as follows:

**Sec. 1E-80-00—Mission.** The Assistant Regional Director for Human Development is responsible for planning, directing, coordinating, implementing and evaluating human development programs delegated to the Regional Offices within the framework of the policies and guidelines set forth by the Assistant Secretary for Human Development.

**Sec. 1E-80-10—Organization.** The Office of the Assistant Regional Director for Human Development includes:

Regional Program Director, Office of Child Development  
Regional Program Director, Administration on Aging  
Regional Program Director, Office of Youth Development

**Sec. 1E-80-20—Functions.** The Assistant Regional Director for Human Development:

(1) Serves under the direct line of authority of the Regional Director.

(2) Serves as the representative of the Assistant Secretary for Human Development and the Regional Director in direct official dealings with other Federal agencies, State and local activities related to Human Development Programs, and reports progress and status to the Regional Director and the Assistant Secretary for Human Development.

(3) Recommends program priorities and policy or procedural changes to the Assistant Secretary for Human Development through the Regional Director.

(4) Works with other elements of the Regional Office to ensure that all areas of OHD program operations in the Region receive necessary assistance, including programmatic and administrative management assistance to perform their mission effectively and efficiently.

(5) Maintains working relationships with other Federal agencies, State and local governments and institutions, and develops ways in which their plans and programs and those of the Department can actively complement each other.

(6) Ensures intra-departmental coordination between the Office of Human Development, other elements of the Office of the Regional Director, and the operating agencies of the Department on Human Development matters; serves as the advocate for those interests repre-

sented in the Office of Human Development with the other elements of the Department.

Dated June 15, 1973.

CASPAR W. WEINBERGER,  
Secretary.

[FR Doc.73-13114 Filed 6-28-73;8:45 am]

#### HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

##### Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 FR 15933, October 30, 1968), as amended, is hereby amended with regard to Section 3-20, *Organization and Functions*, as follows:

After the center head alphabetically coded "3Q-00"—COMPREHENSIVE HEALTH PLANNING SERVICE (3Q00)—and the paragraph thereunder, add the following:

*Office of the Director (3Q01)*. (1) Provides leadership and general direction for Service operations, including equal employment opportunity and training and staff development; (2) establishes goals, objectives, policies and priorities in pursuit of the Service's mission; (3) coordinates and indicates development and progress of the Service's activities; (4) provides professional and technical guidance and coordination to Regional personnel in the development and improvement of comprehensive health planning agencies; (5) directs the Service's relationships with other operating agencies of the Department, with other Federal agencies, with State and local agencies, and with national professional, provider, and consumer organizations; (6) provides programmatic and administrative support for the activities of the National Advisory Council on Comprehensive Health Planning Programs; (7) directs the development and re-evaluation of legislative, regulatory, procedural, and other guide materials; and (8) advises the Administrator and the Deputy Administrator for Development on policy matters affecting the Service's program.

*Office of Administrative Management (3019)*. (1) Provides advice, coordination, and services in financial management, grants and contracts management, management policy, personnel management, and general services activities; (2) advises the Director of the Service and members of the senior staff regarding developments and their implications in these areas; (3) plans, directs, and evaluates the administrative management activities of the Service; and (4) maintains liaison with officials of the Office of the Administrator and the Office of the Secretary on all administrative management matters.

*Office of Program Planning and Evaluation (3031)*. (1) Serves as the Service's

principal staff arm for program planning, coordination, and evaluation, including the development of program alternatives and policy positions; (2) advises the Director and his senior staff on program policy and operational implications arising from the Service's activities; (3) provides leadership in development and operation of the long-range planning systems, which include preparation of five-year plans and establishment of program goals; (4) coordinates the development of the overall evaluation program for the service; (5) develops legislative proposals, regulations, policies, program guidelines, and standards governing grants for 314(a) and (b) agencies [Section 314(a) and (b) of the Public Health Service Act]; (6) develops descriptive, analytical studies of 314(a) and (b) agencies; (7) develops, directs, and evaluates the provision of data and data system assistance for the Service; and (8) directs and coordinates the implementation of program planning and budgeting in collaboration with the Office of Administrative Management.

*Office of Resource Development and Assistance (3045)*. (1) Develops national policies on assistance to 314(a) and (b) agencies [Section 314(a) and (b) of the Public Health Service Act]; (2) develops and conducts a nationwide program in coordination with the Regional Offices to assess the programmatic effectiveness and managerial efficiency of 314(b) agencies; (3) provides or arranges for the provision of assistance and for consultation on subjects relevant to comprehensive health planning to 314(a) and (b) agencies in coordination with the Regional Offices; (4) provides coordination, guidance, and liaison to the Regional Offices in stewardship of a nationwide program of comprehensive health planning; (5) reviews and comments on selected 314(a) and (b) agency programs submitted for approval by the Regional Offices; (6) analyzes and compares the progress of 314(a) and (b) agency programs for purposes of disseminating the knowledge and experiences accumulated by these agencies; (7) develops and funds special studies and demonstrations to explore and test new concepts, tools, and techniques for use by 314(a) and (b) agencies; and (8) maintains liaison with other planning and service programs in HSMHA, NIH, Environmental Protection Agency, and other Federal health-related programs in order to assess their resources and direct them toward comprehensive health planning agencies.

Dated: June 22, 1973.

ROBERT H. MARIK,  
Assistant Secretary for  
Administration and Management.

[FR Doc.73-13115 Filed 6-28-73;8:45 am]

#### AMERICAN REVOLUTION BICENTENNIAL COMMISSION

##### HERITAGE '76 COMMITTEE

##### Notice of Meeting

Notice is hereby given, pursuant to Executive Order 11671, that the following

American Revolution Bicentennial Commission Heritage '76 Committee meeting will be held on July 9, 1973.

##### HERITAGE '76 COMMITTEE

The Heritage '76 Program Committee will hold an open meeting on Monday, July 9, 1973 from 12:30 pm to 2:00 pm in quarters adjacent to the Congressional Room of The Statler Hilton Hotel, 16th and "K" Sts., N.W., Washington, D. C.

The Committee membership is composed of Commission Members with a special interest in Heritage, of non-Commission public members, and of the Chairmen of the Heritage '76 Advisory Panels. The agenda items to be discussed are:

Review of the proposal submitted by the U.S. Chamber of Commerce  
Report by ARBC Director of International Activities  
Report on a proposed booklet by U.S. Census Bureau  
Discussion of a request made by the National Historic Publications Commission

Dated June 22, 1973.

HUGH A. HALL,  
Acting Director, American  
Revolution Bicentennial Commission.

[FR Doc.73-13236 Filed 6-28-73;8:45 am]

#### ATOMIC ENERGY COMMISSION LIQUID METAL FAST BREEDER REACTOR PROGRAM

##### Proposed Determination Pending Preparation of Environmental Impact Statement

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in *Scientists Institute for Public Information, Inc., v. AEC* that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program will immediately be initiated pursuant to the Court's decision. The Commission has already prepared and issued section 102(2)(C) impact statements on a hypothetical LMFBR demonstration plant and on the Fast Flux Test Facility. In addition to these statements and the overall statement called for by the Court's decision, the Commission will issue further environmental impact statements in connection with any licensing of construction and operation of the actual Demonstration Plant as provided for in AEC Regulations, 10 CFR Part 50, Appendix D. It is presently estimated that a NEPA impact statement on the LMFBR program will require approximately 8 months to complete.

By letter dated June 19, 1973, the Joint Committee on Atomic Energy advised the Commission that, subject to a contractual revision (which the parties have agreed to), the Joint Committee "will interpose no objection to the execution of the proposed contracts [for the

LMFBR Demonstration Plant), and the parties could proceed without further delay."<sup>1</sup> The opinion of the Court of Appeals in the above referenced litigation noted that an injunction against continuation of the program pending completion of an impact statement had not been sought in this case and the Court accordingly intimated no views concerning such relief. The Court's opinion also states that "there is no indication that, aside from not preparing an impact statement, the AEC has given insufficient weight to environmental values in charting the LMFBR program's present course."

Notwithstanding the absence of any legal bar to execution of the LMFBR Demonstration Plant contracts and implementation thereof during the period of preparation of a NEPA impact statement on the LMFBR program, the Commission has determined that an examination should be made as to whether such actions would be inconsistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission has utilized factors analogous to those developed for determinations in regard to whether to suspend certain reactor construction permits and operating licenses pending completion of the section 102(2)(C) reviews required as a result of the decision of the Court of Appeals for District of Columbia Circuit in the *Calvert Cliffs* litigation.<sup>2</sup> These factors are set forth in 10 CFR Part 50, Appendix D, section E.2. An additional factor has been added to recognize the subsequent decision of the Court of Appeals for the District of Columbia Circuit in *Coalition For Safe Nuclear Power v. AEC, et al* (463 F.2d 954), which involved judicial review of the interim NEPA review approach.

As applied to the present matter, the Commission, in making the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that execution of the LMFBR Demonstration project contracts and implementation thereof during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of such impact, if any; and whether redress of any such adverse environmental impact can reasonably be effected should modification, suspension or termination of project activities result from the ongoing NEPA environmental review.

2. Whether execution of the LMFBR project contracts and implementation thereof during the prospective review period would foreclose subsequent adoption of alternatives of the type that could result from the ongoing NEPA review.

<sup>1</sup> The following contracts to be executed by AEC provide the framework for participation in the project by the several parties involved: AT(49-18)-12 (AEC-Commonwealth Edison-Tennessee Valley Authority and Project Management Corporation); and AT(49-18)-14 (AEC and Breeder Reactor Corporation).

<sup>2</sup> *Calvert Cliffs Coordinating Committee, Inc. v. Atomic Energy Commission*, 449 F.2d 1109 (DC Cir. 1971)

3. The effect of delay in executing and implementing the LMFBR project contracts upon the public interest.

4. Whether the additional irretrievable commitment of resources if these contracts are executed and implemented during the limited time involved might affect the eventual decision reached on the NEPA review.

The results of the examination are set forth in a document entitled, "Proposed Findings Supporting Determination in Regard to LMFBR Demonstration Project Pending Preparation of a section 102(2)(C) NEPA Impact Statement on the LMFBR Program." Based thereon the Commission proposes to determine that:

1. Execution of the proposed contracts and the limited implementing actions to be taken by the AEC and the other project participants during the period of preparation of the NEPA impact statement on the LMFBR program will not give rise to any significant adverse impact on the environment; and that such limited impact as may occur will readily be redressable should the NEPA review of the program result in a different course of action.

2. Subsequent adoption of project alternatives—including cessation of the project itself, or other alternative approaches—would not be foreclosed by execution of the project contracts and implementation thereof during the limited period of the ongoing NEPA review of the program.

3. Should execution and implementation of the contracts be delayed until NEPA review of the LMFBR program is completed, the public interest would be adversely affected as a result of a significant increase in project costs and the risk of loss of key management and engineering personnel in the many organizations involved. Moreover, of longer range importance, should continuation of the LMFBR Demonstration project be consistent with the outcome of the NEPA program review, a present suspension of project activity would delay availability of a key energy option for the Nation and would result in an estimated future dollar penalty at a rate of \$2 billion per year.

4. The expenditure of resources by the AEC and the other project participants during the limited period of the ongoing NEPA review of the program (approximately \$22 million) will not be of such magnitude, taken in relationship to monies already expended on the LMFBR program (\$1 billion) or monies projected to be expended on the overall program during the course of completion of the LMFBR Demonstration project (\$3-4 billion), as to affect the eventual decision on the NEPA review of the LMFBR program.

Upon consideration and balancing of the above factors, the Commission proposes to determine that the LMFBR demonstration project contracts may be executed and thereafter implemented during the limited period of the ongoing NEPA review of the LMFBR program.

A copy of the Proposed Findings document is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington,

D.C. Copies may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Interested persons who desire to submit written comments or suggestions for Commission consideration in connection with this examination and the Commission's final determination thereon should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before July 14, 1973. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Washington, D.C., June 27, 1973.

For the Commission.

GORDON M. GRANT,  
Acting Secretary of  
the Commission.

[FR Doc.73-13378 Filed 6-28-73;9:33 a.m.]

[Dockets Nos. 50-387, 50-388]

**PENNSYLVANIA POWER AND LIGHT CO.  
Reconstitution of Board**

Susquehanna Steam Electric Station, Units 1 and 2.

Dr. Gerard A. Rohlich was a member of the Atomic Safety and Licensing Board established to consider the above application. Dr. Rohlich is unable to continue in his duties as a member of this Board.

Accordingly, Dr. John R. Lyman, whose address is 404 Clayton Road, Chapel Hill, North Carolina 27514, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Washington, D.C. this 25th day of June 1973.

NATHANIEL H. GOODRICH,  
Chairman, Atomic Safety  
and Licensing Board Panel.

[FR Doc.73-13107 Filed 6-28-73;8:45 am]

[Dockets Nos. 50-277, 50-278]

**PHILADELPHIA ELECTRIC CO., ET. AL.  
Closing Argument**

(Peach Bottom Units 2 and 3).

The Atomic Safety and Licensing Board will hear closing argument on the evidence presented at the evidentiary hearing and on the legal issues in the above captioned proceeding, on Tuesday, July 3, 1973 at 10:00 a.m. in the first floor hearing room of the Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland.

Dated this 25th day of June, 1973 at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,  
Chairman.

[FR Doc.73-13106 Filed 6-28-73;8:45 am]

[Docket No. 70-1319]

**U.S. NUCLEAR, INC.****Availability of Final Environmental Statement**

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission in 10 CFR Part 50, Appendix D, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, Fuels and Materials, related to the proposed issuance of a special nuclear material license to U.S. Nuclear in connection with the Test and Research Reactor Fuel Element Fabrication Plant located in Oak Ridge, Tennessee, is available for public inspection in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Oak Ridge Public Library, Oak Ridge, Tennessee. The final statement is also being made available to the public at the Tennessee State Clearinghouse, Office of Urban and Federal Affairs, Suite 1025, Andrew Jackson State Office Building, Nashville, Tennessee, and the Regional Clearinghouse, East Tennessee Development District, 1810 Lake Avenue, Knoxville, Tennessee.

The notice of availability of the draft environmental statement related to the Test and Research Reactor Fuel Element Fabrication Plant and requests for comments was published in the FEDERAL REGISTER on December 15, 1972 (37 FR 28749). The comments received from Federal, State, local and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 22d day of June 1973.

For the Atomic Energy Commission,

**R. B. CHITWOOD,**  
Chief Technical Support  
Branch Directorate of Licensing.

[FR Doc.73-13015 Filed 6-28-73;8:45 am]

**COMMISSION ON CIVIL RIGHTS  
FLORIDA STATE ADVISORY COMMITTEE****Agenda and Notice of Open Meeting**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Florida State Advisory Committee to this Commission will convene at 1:00 p.m. on June 30, 1973, at the Deauville Hotel, 6701 Collins Avenue, Miami Beach, FL 33141.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southern Regional Office of the Commission, Room 362, Citizens Trust

Bank Building, 75 Piedmont Avenue, NE., Atlanta, GA 30303.

The purpose of this meeting shall be to discuss police community relations in Tampa, Jacksonville, and Miami, Florida.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 26, 1973.

**ISAIAH T. CRESWELL, Jr.,**  
Advisory Committee  
Management Officer.

[FR Doc.73-13376 Filed 6-28-73;8:45 am]

**CIVIL SERVICE COMMISSION****DEPARTMENT OF THE INTERIOR****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 non-career executive assignment in the excepted service the position of Director, Office of Energy Data and Analysis, Office of the Assistant Secretary—Energy and Minerals.

UNITED STATES CIVIL  
SERVICE COMMISSION,  
**JAMES C. SPRY,**  
Executive Assistant to  
the Commissioners.

[FR Doc.73-13251 Filed 6-28-73;8:45 am]

**SECURITIES & EXCHANGE COMMISSION****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 Securities and Exchange Commission to fill by non-career executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERV-  
ICE COMMISSION,  
[SEAL] **JAMES C. SPRY,**  
Executive Assistant to  
the Commissioners.

[FR Doc.73-13252 Filed 6-28-73;8:45 am]

**COMMITTEE FOR PURCHASE OF  
PRODUCTS AND SERVICES OF  
THE BLIND AND OTHER SE-  
VERELY HANDICAPPED****PROCUREMENT LIST 1973****Addition to Procurement List**

Notice of proposed addition to the Initial Procurement List, August 26, 1971 (36 FR 16982), was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10037).

Pursuant to the above notice the following service is added to Procurement List 1973, March 12, 1973 (38 FR 6742).

**SERVICE**

<i>Industrial Class 7641</i>	<i>Price</i>
Furniture Rehabilitation,	List of prices
Monterey, California,	available from
including Port Ord	GSA, FMDS, Re-
(GI)	gion 9.

By the Committee.

**CHARLES W. FLETCHER,**  
Executive Director.

[FR Doc.73-13330 Filed 6-28-73;8:45 am]

**COMMISSION ON HIGHWAY  
BEAUTIFICATION****POSTPONEMENT OF HEARINGS**

JUNE 25, 1973.

Notice is hereby given that the Commission on Highway Beautification has postponed hearings which had been scheduled in Alaska on July 6, 7, and 9, 1973.

The announcement of the scheduling of these hearings appeared in the FEDERAL REGISTER on June 12, 1973, at 37 FR 15475.

**LEO A. BYRNES,**  
Staff Director and Counsel.

[FR Doc.73-13104 Filed 6-28-73;8:45 am]

**COMMITTEE FOR THE IMPLEMEN-  
TATION OF TEXTILE AGREEMENTS****CERTAIN COTTON TEXTILES AND COT-  
TON TEXTILE PRODUCTS PRODUCED  
OR MANUFACTURED IN THE SOCIAL-  
IST FEDERAL REPUBLIC OF YUGO-  
SLAVIA****Entry or Withdrawal From Warehouse for  
Consumption**

JUNE 21, 1973.

On May 23, 1973, the Governments of the United States and the Socialist Federal Republic of Yugoslavia exchanged notes amending the comprehensive bilateral Cotton Textile Agreement of December 31, 1970, concerning exports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia to the United States. Among the provisions of the agreement, as amended, are those adjusting the levels of restraint applicable to Categories 26 (other than duck) and 49, for the third agreement year which began on January 1, 1973.

Accordingly, there is published below a letter of June 21, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories produced or manufactured in the Socialist Federal Republic of Yugoslavia which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not de-

signed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,  
Chairman, Committee for the  
Implementation of Textile  
Agreements, and Deputy As-  
sistant Secretary for Re-  
sources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF  
TEXTILE AGREEMENTS

JUNE 21, 1973.

Commissioner of Customs  
Department of the Treasury  
Washington, D.C. 20229

Dear Mr. Commissioner: This directive amends but does not cancel the directive issued to you on December 29, 1972 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton textiles and cotton textile products produced or manufactured in the Socialist Federal Republic of Yugoslavia.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, and for the period extending through December 31, 1973, the levels of restraint established in the aforesaid directive of December 29, 1972 for Categories 26 (other than duck) and 49, as set forth below:

Category	Amended Twelve-Month Levels of Restraint <sup>1</sup>
26 (other than duck) <sup>2</sup>	2,038,746 square yards
49	50,769 dozen

<sup>1</sup> These amended levels of restraint have not been adjusted to reflect any entries on or after January 1, 1973.

<sup>2</sup> The T.S.U.S.A. Nos. for duck fabric are: 320.—01 through 04, 06, 08  
321.—01 through 04, 06, 08  
322.—01 through 04, 06, 08  
326.—01 through 04, 06, 08  
327.—01 through 04, 06, 08  
328.—01 through 04, 06, 08

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from the Socialist Federal Republic of Yugoslavia, have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,  
Chairman, Committee for the Im-  
plementation of Textile Agree-  
ments, and Deputy Assistant  
Secretary for Resources and Trade  
Assistance.

[FR Doc.73-13332 Filed 6-28-73; 8:45 am]

## COST OF LIVING COUNCIL

[Cost of Living Council Order No. 25  
Amendment No. 1]

### ASSOCIATE DIRECTOR FOR OPERATIONS

#### Delegation of Authority

The purpose of this amendment is to reflect a Cost of Living Council organizational change which combined the Office of Compliance and Enforcement, the Office of Systems and Procedures, and the Office of Management into a single Office of Operations. Accordingly, Cost of Living Council Order No. 25 is amended as follows:

1. The introductory clause in paragraph 2 is amended by changing the words "Assistant Director, Compliance and Enforcement" to read "Associate Director, Operations."

2. The introductory clause in paragraph 5 is amended by changing the words "Assistant Director for Management" to read "Associate Director, Operations."

This amendment is effective June 15, 1973.

JOHN T. DUNLOP,  
Director,  
Cost of Living Council.

[FR Doc.73-13244 Filed 6-26-73; 3:21 pm]

## ENVIRONMENTAL QUALITY COUNCIL

### ENVIRONMENTAL IMPACT STATEMENTS

#### List of Statements Received

Environmental impact statements received by the council from June 4 through June 15, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

#### DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly  
Office of the Secretary  
Washington, D.C. 20250  
(202) 447-7803

#### FOREST SERVICE

Draft	Date
Daniel Boone National Forest Kentucky County: McCreary Proposed is the legislative designation of 5,000 acres of the Daniel Boone National Forest as a unit of the Eastern Wilderness. Adverse effects will result from prohibition of timber management, and indirect impact from increased visitation. (17 pages) (ELR Order #31003) (NTIS ORDER # EIS 73 1003D)	06/15
Big Island Lakes Wilderness, Hiawatha N.F. Michigan County: Schoolcraft Proposed is the legislative designation of the 6,006 acre Big Island Lakes unit of the Hiawatha National Forest as an Eastern Wilderness Area. The action will result in some limitation of recreation activities. (34 pages) (ELR ORDER #31007) (NTIS ORDER # EIS 73 1007D)	06/15
Hercules Wilderness, Mark Twain National	

Forest  
Missouri  
County: Taney  
Proposed is the legislative designation of 12,856 acres of the Hercules Area of Mark Twain National Forest as a part of the National Forest Eastern Wilderness System. Wilderness designation will preclude grazing, timber cutting, road construction, and the use of motorized vehicles. (21 pages)  
(ELR ORDER #31005) (NTIS ORDER # EIS 73 1005D)

Irish Wilderness Area, Mark Twain N.F.  
Missouri  
County: Oregon

Proposed is the legislative designation of the 17,482 acre Irish Wilderness Area of the Mark Twain National Forest as a National Forest Eastern Wilderness Area. Such designation will preclude the harvesting of timber, the construction of roads, and the use of motorized vehicles. An increase in the number of visitors is anticipated. (18 pages)  
(ELR ORDER # 31006) (NTIS ORDER # EIS 73 1006D)

Presidential Range, White Mountain N. F.  
New Hampshire  
County: Coos

Proposed is the legislative designation of the 40,000 acre Presidential Range of the Forest as units of the Eastern Wilderness System. Adverse impact will include the prohibition of timbering and public motorized access. Visitation of the area may increase. (42 pages)  
(ELR ORDER # 30999) (NTIS ORDER # EIS 73 0999D)

Ellicott Rock Wilderness  
South Carolina North Carolina Georgia

The proposal is for the legislative designation of 3,584 acres as the Ellicott Rock Eastern Wilderness. National Forests involved are Sumter, in South Carolina, Nantahala, in North Carolina, and Chattahoochee, in Georgia. There may be increased use of the area. (11 pages)  
(ELR ORDER # 31010) (NTIS ORDER # EIS 73 1010D)

Bristol Cliffs, Green Mountain National Forest  
Vermont  
County: Addison

The proposed action is the legislative establishment of 6,000 acres of the Forest as a unit of the National Forest Eastern Wilderness System. Among adverse impacts of the action will be reduction of some recreation opportunities; prohibition of public motorized access; and possible attraction of more people. (34 pages)  
(ELR ORDER # 31000) (NTIS ORDER # EIS 73 1000D)

Lye Brook Area, Green Mountain National Forest  
Vermont  
County: Bennington

Proposed is the legislative designation of the 11,600 acre Lye Brook Area of the Green Mountain National Forest as a unit of the National Forest Eastern Wilderness System. Adverse impacts would include reduction of renewable resource goods and recreation opportunities; prohibition of public motorized access; and attraction of increased numbers of visitors. (28 pages)  
(ELR ORDER # 31001) (NTIS ORDER # EIS 73 1001D)

George Washington and Monangahela National Forests  
Virginia-West Virginia

The statement refers to the proposed management of the Laurel Fork Unit of George

Washington and Monongahela National Forests, Highland County, Virginia, and Pendleton County, West Virginia. The unit contains 14,752 acres, with 8,310 acres proposed for eastern wilderness. There will be some timber cutting, and construction of a public access road on Middle Mountain. (32 pages)

(ELR ORDER # 31004) (NTIS ORDER # EIS 73 1004D)

Cave Mountain Lake Unit, Jefferson National Forest 06/15  
Virginia

County: Bedford Botetourt Rockbridge

The statement refers to the management of the Cave Mountain Lake Unit of the Jefferson National Forest. Approximately 8800 acres will be classified to preserve its primitive character; the remaining 16,000 acres will be managed for multiple benefits. Within the 16,000 acres there will be clearcut timber sales and road construction. (50 pages)

(ELR ORDER # 31008) (NTIS ORDER # EIS 73 1008D)

Dolly Sods, Monongahela National Forest

West Virginia 06/15

County: Tucker Randolph

Proposed is the legislative establishment of 10,200 acres of the Dolly Sods area of the Forest as a unit of the National Forest Eastern Wilderness System. Wilderness designation will preclude the construction of roads, the harvesting of timber, and the grazing of domestic animals. It is anticipated that the number of visitors will increase. (17 pages)

(ELR ORDER # 31009) (NTIS ORDER # EIS 73 1009D)

Rainbow Lake, Chequamegon National Forest 06/15  
Wisconsin

County: Bayfield

The proposed action is the legislative designation of the 6,853 acre Rainbow Lake area of the Chequamegon National Forest as a unit of the National Preservation System. Adverse impacts will include the reduction of renewable resource goods and of recreation opportunities; the lack of public motorized access; and attraction of additional visitors, a result which may deteriorate the primitive recreation experience. (21 pages)

(ELR ORDER # 31002) (NTIS ORDER # EIS 73 1002D)

Final Date  
Herbicide Use, Okanogan, 06/06  
Umatilla . . . N.F.'s  
Washington

County: several

The statement refers to a proposed program for the use of the herbicides Amitrole, Atrazine, Dicamba, 2,4-D, 2,4,5-T, Silvex, and Picloram on the Okanogan, Umatilla, and Wenatche National Forests. The purposes of the action include the control of vegetation which interferes with crop trees, is poisonous to livestock, or is classified as noxious on agricultural land. Additional purposes are the improvement of wildlife habitat and the reduction of rodent populations. The use of the chemicals will put herbicides into the environment in varying amounts; non-target species will be hit. Very little is known about the effects of these herbicides upon plant and wildlife communities. (approx. 350 pages)

COMMENTS MADE BY: EPA USDA HUD DOI DOT (ELR ORDER # 30958) (NTIS ORDER # EIS 73 0958F)

#### SOIL CONSERVATION SERVICE

Final Date  
Paitiakaha River Watershed 06/06  
Florida

County: Lake

Proposed is a watershed project consisting

of land treatment measures, 6.8 miles of channel improvement, 8 structures for water control, and 5 grade stabilization structures. The project is intended to reduce flood-water damages, erosion, and sedimentation. Forty-five acres will be acquired for recreation, and 36 acres will be occupied by spoil. (120 pages)

COMMENTS MADE BY: USDA COE HUD DOI EPA state and local agencies, and concerned citizens  
(ELR ORDER # 30959) (NTIS ORDER # EIS 73 0959F)

#### ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters:  
Mr. Robert J. Catlin, Director,  
Division of Environmental Affairs  
Washington, D.C. 20545  
(202) 973-5391

For Regulatory Matters:  
Mr. A. Giambusso, Deputy Director  
for Reactor Projects, Directorate  
of Licensing  
(202) 973-7373  
Washington, D.C. 20545

Final Date  
Diablo Canyon Units 1 and 2 06/04  
California

The statement refers to the proposed continuation of construction permits and issuance of operating licenses to the Pacific Gas and Electric Co. for the 2 unit station, which is located on the California coast 12 miles southwest of San Luis Obispo. Each Unit will employ a pressurized water reactor of 3568 MWT and 1150 MWe. Cooling will be by a once through flow of water from the Pacific Ocean. The station will occupy a 750-acre exclusion area; construction of transmission lines has affected 6,000 acres of right-of-way; service roads and tower bases occupy 1500 acres. Thermal discharge will affect marine life, and may result in conditions favoring the giant sea urchin over the abalone.

COMMENTS MADE BY: AHP USDA COE DOC HEW HUD DOI DOT EPA FPC (ELR ORDER # 30948) (NTIS ORDER # EIS 73 0948F)

Millstone Nuclear Power Station 06/05  
Unit 2  
Connecticut

The statement refers to the proposed continuation of a construction permit and the issuance of operating licenses to the Millstone Point Co., the Connecticut Light and Power Co. the Hartford Electric Light Co., and the Western Massachusetts Electric Co. for continued operation of Unit 1 and operation of Unit 2. Unit 2 is a pressurized water reactor which will produce 2700 MWT and 830 MWe (net). Exhaust steam is condensed by a once-through flow of water from a quarry pond, and back into Long Island Sound. Marine biota is adversely affected by operation of the Plant. (approximately 300 pages)

COMMENTS MADE BY: USDA COE DOC HEW HUD DOI DOT EPA FPC (ELR ORDER # 30950) (NTIS ORDER # EIS 73 0950F)

Nine Mile Point Station, Unit 2 06/11  
New York

County: Oswego

The statement refers to the proposed issuance of a construction permit to the Niagara Mohawk Power Corp. Unit 2 will employ a boiling water reactor with a rating of 3223 MWT (and a "stretch" rating of 3489 MWT) to produce 1100 MWe. Cooling will be by a once-through flow of water from Lake Ontario. Units 1 and 2 combined will have a total discharge rate of 803,000 gpm. The aquatic kill rate at Unit 2, taken in conjunction with the kill rates at Unit 1 and the Fitzpatrick Plant, may be unacceptably

high in relation to the fish population in the region of Nine Mile Point. An existing 9 mile long transmission corridor will be widened to accommodate 765-kV line, displacing 4 homes. COMMENTS MADE BY: HUD EPA USDA DOC FPC HEW DOI DOT (ELR ORDER # 30979) (NTIS ORDER # EIS 73 0979F)

#### DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler  
Deputy Assistant Secretary for  
Environmental Affairs  
Department of Commerce  
Washington, D.C. 20230  
(202) 967-4335

Marine Resource Facility (3) 06/08  
North Carolina  
County: Dare

The statement refers to the proposed construction of a new Marine resource facility, including a 32,000 sq. ft. building, a sewage system, and parking, on a 25 acre site. The facility will be utilized for educational and research purposes. Some siltation of Croatan Sound will result from construction activity. (44 pages) COMMENTS MADE BY: EPA, USDA, COE, DOD, HEW, DOI, DOT, ELR, ORDER # 30972 (NTIS ORDER # EIS 73 0972F)

#### DEPARTMENT OF DEFENSE, ARMY CORPS

Contact: Mr. Francis X. Kelly  
Director, Office of Public Affairs  
Attn: DAEN-PAP  
Office of the Chief of Engineers  
U.S. Army Corps of Engineers  
1000 Independence Avenue, S.W.  
Washington, D.C. 20314  
(202) 693-7168

Homer Small Boat Harbor 06/12  
Alaska

Proposed is the maintenance dredging of the harbor to its authorized dimensions. There will be adverse impact to marine biota. (Anchorage District) (77 pages) (ELR ORDER # 30986) (NTIS ORDER # EIS 73 0986D)

Scarboro River 06/12  
Maine

Proposed is the maintenance dredging of the existing Federal navigation project. Approximately 200,000 cu. yds. of spoil will be dredged in 1973, with from 10,000 to 15,000 cu. yds. being dredged annually in 1974 and 1975. There will be temporary adverse effects to marine biota. (27 pages) (ELR ORDER # 30988) (NTIS ORDER # EIS 73 0988D)

Coke Works Electrical Generating Plant 06/15  
Connecticut  
County: New Haven

The statement considers the construction and operation of a 400MW generating station with a 389' tall stack, an oil unloading pier, and related facilities. Dredging for the pier will involve the disposal of 320,000 cu. yds. of spoil. Approximately 280,000 gpm of estuarine water will be utilized for condenser cooling. Marine life will be adversely affected; the potential for oil spillages will increase. (300 pages)

COMMENTS MADE BY: DOC EPA HEW DOI FPC OEO DOT (ELR ORDER # 31017) (NTIS ORDER # EIS 73 1017F)

Morgan City 06/12  
Louisiana  
County: St. Mary

The statement refers to the proposed enlargement of 21.4 miles of levee and the construction of 3.5 miles of new levee, in order to minimize hurricane induced flooding. Numerous pipelines will be relocated, and sev-

eral pumping stations will be modified due to the construction. (32 pages)

COMMENTS MADE BY: USDA, EPA DOI DOC USCG DOT HEW (ELR ORDER # 30989) (NTIS ORDER # EIS 73 0989F) Newark Bay, Hackensack and Passaic River 06/12

#### New Jersey

Proposed is the maintenance dredging of channels and maneuvering spaces. Adverse impact will include effects from temporary turbidity and noxious odors. (New York District) (38 pages)

COMMENTS MADE BY: DOI DOC USN USDA DOT EPA state and local agencies (ELR ORDER # 30987) (NTIS ORDER # EIS 73 0987F)

#### GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger  
Acting Administrator  
GSA-AD  
Washington, D.C. 20405  
(202) 343-6077

Final Date  
Social Security Administration 06/14  
Payment Center  
California

The proposed project is the construction of a new building to house the Department of Health, Education and Welfare Social Security Payment Center for the San Francisco Bay area. The 554,9300 sq. ft. building will be 5 stories above grade, located on a 10.62 acre site in an urban renewal area of Richmond. There will be some construction disruption. (68 pages)

COMMENTS MADE BY: EPA DOI AHP (ELR ORDER # 30992) (NTIS ORDER # EIS 73 0992F)

#### DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun  
Director, Environmental and Land Use  
Planning Division  
Washington, D.C. 20410  
(202) 755-6186

Final Date  
14th Street Urban Renewal 06/15  
District of Columbia

The statement refers to the adopted and approved actions for the First, Second and Third Action Years of the District of Columbia Neighborhood Development Program for the 24th St. Urban Renewal Area. Included are: the designation of 37.3 acres for acquisition and redevelopment; the designation of 3.6 acres for public use; and the designation of 29.6 acres containing 498 buildings for rehabilitation. The land designated for redevelopment could provide for approximately 3,200 new units of housing and 2.6 million sq. ft. of commercial floor space. There will be construction disruption, and increased demand upon existing water and sewage facilities. (Draft filed by NCPG).

COMMENTS MADE BY: EPA GSA AHP (ELR ORDER # 31018) (NTIS ORDER # EIS 73 1018F)

First Ward Urban Renewal, 06/15  
Charlotte  
North Carolina

The proposal is for an Urban Renewal Program involving the clearance and redevelopment of 141.7 acres of residential land southeast of the Central Downtown Business District of Charlotte. Thirty-seven acres have been cleared and are being used for expressway construction. In the balance of the area 367 substandard structures will be removed to make land available for a new intown area for low to middle income residents. Adverse impacts include those of relocation, noise, and construction activities. (85 pages)

COMMENTS MADE BY: EPA HEW AHP DOI (ELR ORDER # 30953) (NTIS ORDER # EIS 73 0953F)

Historic Hill Urban Renewal, 06/04  
Newport  
Rhode Island

The statement refers to a 42.7 acre urban renewal area, two thirds of which lies within the Newport Historic District. The proposal includes the acquisition of a number of properties, with the demolition of some and the rehabilitation of others, along with new construction. Demolition will result in the permanent loss of units which are on the National Register of Historic Places. (76 pages)

COMMENTS MADE BY: TREA EPA (ELR ORDER # 30945) (NTIS ORDER # EIS 73 0945F)

#### DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard  
Director, Environmental Project  
Review  
Room 7260  
Department of the Interior  
Washington, D.C. 20240  
(202) 343-3891

#### BUREAU OF OUTDOOR RECREATION

Final Date  
Little Miami River and Caesar's Creek 06/08  
Ohio

The statement refers to the proposed inclusion of 64 miles of the Little Miami River and 2 miles of Caesar's Creek in The National Wild and Scenic Rivers System. The inclusion is contingent upon application from the State of Ohio as required by section 2(a) (iii) of the Wild and Scenic Rivers Act (P.L. 90-542), in which the State, by adoption of an adequate development plan and initiation of action, commits itself to protect the river in perpetuity. (138 pages) COMMENTS MADE BY: AHP USDA USA DOC EPA FPC HEW DOI HUD WRC (ELR ORDER # 30983) (NTIS ORDER # EIS 73 0983F)

#### BUREAU OF RECLAMATION

Draft Date  
Pyramid Lake Fishway, Washoe Project 06/08  
Nevada

County: Washoe  
Proposed is the construction of a dam fishway, and related facilities near the terminus of the Truckee River in the Pyramid Lake Indian Reservation. The dam is intended to reduce river headcutting in the lower Truckee channel, and prevent erosion of adjacent farmland. Pyramid Lake will be improved as a fishery. There will be construction disruption, and commitment of 40 acres to the diversion pool area. (43 pages) (ELR ORDER # 30964) (NTIS ORDER # EIS 73 0964D)

Final Date  
Pick-Sloan Missouri Basin 06/14  
South Dakota

County: Codington Watertown Brookings  
The statement refers to the construction of 45 miles of 115 kV transmission line, from Watertown to Brookings, as part of the Pick-Sloan Missouri Basin Program. The line will affect the landscape; 10 acres will be taken for its construction. (46 pages)

COMMENTS MADE BY: USDA COE EPA DOI FPC DOT (ELR ORDER # 30993) (NTIS ORDER # EIS 73 0993F)

#### NATIONAL PARK SERVICE

Draft Date  
Diablo East Development, 06/06  
Amistad Recreation Area  
Texas

County: Val Verde  
Proposed is the development of a high intensity recreation site of 586 acres, to serve water recreation needs. There will be some construction of roads, parking areas, utilities and structures. (51 pages)

(ELR ORDER # 30955) (NTIS ORDER # EIS 73 0955D)

#### INTERNATIONAL BOUNDARY AND WATER COMM.

Contact: Mr. T. E. Martin  
ARA/Mex.  
State Department  
Room 3906A  
Washington, D.C. 20520  
(202) 632-1317

Draft Date  
Lower Rio Grande Flood Control 06/13  
Project  
Texas

County: Hidalgo Cameron Willacy  
The statement refers to proposed modifications to the project, including increasing the height of levees along the Rio Grande upstream from Retamal Dam and along Main and North Floodways. Increasing levee heights will require the commitment of 112 acres of existing right-of-way for levees; lands for borrow sources total 452 acres. Borrow areas will remove 111 acres from cultivation. (34 pages) (ELR ORDER # 30990) (NTIS ORDER # EIS 73 0990D)

#### DEPARTMENT OF LABOR

Contact: Mr. Benjamin W. Mintz  
Assistant Solicitor for Occupational  
Safety and Health  
Room 5420  
Washington, D.C. 20210  
961-3695

Draft Date  
Emergency Standards... Carcinogens 05/21

Proposed is the promulgation of an Emergency Temporary Standard to regulate the handling of fourteen organic chemical compounds which are identified as carcinogens. The Standard is intended to reduce exposure of workers to cancer-causing substances. (133 pages) (ELR ORDER # 00871) (NTIS ORDER # EIS 73 0871D)

#### NATIONAL CAPITAL PLANNING COMMISSION

Contact: Mr. Donald F. Bozarth  
Director of Current Planning and  
Programming  
Washington, D.C. 20576  
(202) 382-1471

Final Date  
Proposed --- Bolling/Ana- 06/12  
costia Base Development  
District of Columbia

The proposed action is the adoption of modifications to the Comprehensive Plan for the National Capital, which would conform the Plan to the development concept proposed by the Department of Defense as described in the Navy impact statement of March 9, 1973 (NTIS Order # EIS 73 0412D, ELR Order # 00412). The modifications would involve text and map changes in the residential, non-residential, open-space, and circulation aspects of the plan. (121 pages) COMMENTS MADE BY: COE DOD HEW DOI EPA (ELR ORDER # 30985) (NTIS ORDER # EIS 73 0985F)

#### DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director  
Office of Environmental Quality  
400 7th Street, S.W.  
Washington, D.C. 20590  
(202) 466-4357  
Federal Aviation Administration

Draft Date  
Detroit Metropolitan Wayne 06/06  
County Airport  
Michigan

County: Wayne  
The proposed project is the expansion of the existing facility to provide increased runway capacity. The action consists of acquiring

1,524 acres of land; constructing a 10,000' x 150' runway with parallel and connecting taxiways; installing runway and taxiway lights and navigational aids; relocating Eureka road; constructing perimeter fencing; and landscaping. Twelve businesses and 109 residential units housing 315 persons will be displaced. Adverse effects include loss of agricultural land; loss of 1300 acres of wildlife habitat; increased storm water runoff and increased noise and air pollution. (350 pages)

(ELR ORDER # 30960) (NTIS ORDER # EIS 73 0960D)

Bonneville Airport 06/06  
Missouri  
County: Cooper

The statement refers to the proposed development of a new general aviation airport to replace the existing land strip which is located two miles north of Bonneville. Initial construction will provide a 60' x 3300' paved runway, a paved apron area, a paved taxiway between the runway and the apron, a 2-lane access road from Route 87, an airport building and other related facilities. An agricultural area will be exposed to aircraft operations; noise and air pollution levels will increase. (38 pages)

(ELR ORDER # 30956) (NTIS ORDER # EIS 73 0956D)

Superior Municipal Airport 06/06  
Nebraska  
County: Nuckolls

The statement refers to the proposed acquisition of land for runway extension and clear zones (12 acres—fee; 20 acres—easement). The action consists of grading and paving the existing turf runway 422, including seeding, marking and drainage; constructing and paving an apron and a taxiway; installing a segmented circle and wind cone; and constructing perimeter fencing. Temporary increases in air and noise pollution levels will occur during construction. (15 pages)

(ELR ORDER # 30957) (NTIS ORDER # EIS 73 0957D)

Rutherford County Airport 06/08  
North Carolina  
County: Rutherford

Proposed is the construction of a new general aviation airport to serve Rutherford County. Development consists of land acquisition (approximately 162 acres with relocation of three houses and two mobile homes); clearing or trimming approximately 86 acres of trees; constructing and lighting a 3900' x 75' runway with connecting taxiway and apron; and constructing an access road. The facility will be capable of accommodating substantially all propeller aircraft of less than 12,500 pounds. Air and noise pollution levels will increase. (43 pages)

(ELR ORDER # 30971) (NTIS ORDER # EIS 73 0971D)

Fayetteville Municipal Airport 06/08  
Tennessee  
County: Lincoln

The action is the proposed acquisition of land (22.5 acres—fee; 24.3 acres—easement) for airport development, clear zones and transitional areas. Contemplated is the lengthening the existing 4000' x 75' runway by 900'; converting the partial parallel taxiway to a full parallel taxiway; installation of medium intensity runway and taxiway lighting systems; marking new runway and taxiway pavement; installation of perimeter fencing; and construction of an access road and parking lot. Temporary increases in air and noise pollution levels will occur. (34 pages)

(ELR ORDER # 30970) (NTIS ORDER # EIS 73 0970D)

Wood County Airport, Parkersburg 06/15  
West Virginia  
County: Wood

The proposed project consists of acquiring 425 acres of land, extending primary runway

3-21 to 7,000' with parallel taxiway and lighting; relocating segments of instrument landing system; strengthening existing runways, taxiways and aprons; and constructing new aprons. The project will displace 3 families. Increases in noise and air pollution will occur. (45 pages)

(ELR ORDER # 31016) (NTIS ORDER # EIS 73 1016D)

Final Date  
Wrangell Airport 06/08  
Alaska

The statement refers to the proposed development of a runway and supporting facilities capable of handling large jet transport aircraft. The project will consist of a 200' x 700 runway extension at the northwest end and a 200' x 650' extension at the southeast end; improving runway grade and sight clearance; constructing a 90' x 402' gravel-surfaced taxiway exit and parking apron; constructing a small sewage disposal system; and removing and disposing of fallen timber on airport property, etc. Utilization of the project by larger aircraft (Boeing 727) will result in an increase in the ambient noise level. Seven acres of combined upland and tideland area will be committed to airport use. (35 p.) COMMENTS MADE BY: USDA COE EPA DOI DOT (ELR ORDER # 30969) (NTIS ORDER # EIS 73 0969F)

FEDERAL HIGHWAY ADMINISTRATION

Draft Date  
Freeway 520, Iowa 06/11  
Iowa

County: Black Hawk Buchanan  
The proposed project is the construction of approximately 30 miles of Freeway 520 beginning at Iowa 297 and extending easterly to Iowa 187. The four-lane divided facility will run parallel to existing U.S. 20 and bypass towns along the route. Approximately two businesses, seven families, and three farm operations will be displaced; an unspecified amount of rural agricultural land will be acquired to provide an average 350' right-of-way. Adverse effects of the action include diversion of wildlife habitat to roadway use, increased air and noise pollution levels, and minor channel changes to the Wapsipinicon River. (57 pages) (ELR ORDER # 30980) (NTIS ORDER # EIS 73 0980D)

White Marsh Blvd., Supplement 06/04  
Maryland  
County: Baltimore

The document provides supplemental information to the draft environmental impact statement filed April 17, 1972 (ELR Order # 00651; NTIS Order # EIS 73 0651D). A Section 4(f) determination and steps to minimize adverse environmental effects are provided. (26 pages)

(ELR ORDER # 30946) (NTIS ORDER # EIS 73 0946D)

Northeast By-Pass Road, Massachusetts 06/11  
Massachusetts  
County: Hampshire

The statement refers to the proposed construction of approximately 3.5 miles of two lane roadway connecting existing Route 116 at the Hadley-Amherst town line to Route 9 in Amherst. The project also includes extending Route 116 approximately 1500' and constructing a grade separation and interchange connecting Route 116 to the By-Pass Road. The number of displacements and the amount of right-of-way required will depend upon the route selected. (195 pages)

(ELR ORDER # 30978) (NTIS ORDER # EIS 73 0978D)

Interstate Highway 90, Minnesota 06/08  
Minnesota  
County: Faribault

The statement considers two alternate routes for the construction of a 6-mile section of 4-lane divided I-90 through or around a portion of the Walnut Lake Wildlife Area. The

favored alternate which will pass through the Wildlife Area involves constructing a dike and access trail for, and in cooperation with the Minnesota Department of Natural Resources. Adverse effects of the action include loss of agricultural land, hydraulic and wind erosion during construction, loss of wildlife cover, and encroachment on Section 4(f) land from the Walnut Lake Wildlife Area. (54 pages)

(ELR ORDER # 30966) (NTIS ORDER # EIS 73 0966D)  
Shore Front Drive, New York 06/11  
New York

The proposed project is the improvement of 9.7 miles of Shore Front Drive along the north shore of Staten Island. Several alignments within the corridor are considered. Approximately 125 families will be displaced. A Section 4(f) determination for encroachment on Farber Park is included. (174 pages)

(ELR ORDER # 30984) (NTIS ORDER # EIS 73 0984D)  
State Highway 225, Texas 06/11  
Texas

County: Harris  
The proposed project is the construction of 5.25 miles of SH 225 on new location. The amount of land to be acquired is unspecified. The project will displace 1,244 residential units which includes 617 single family residences, 163 garage apartments, 129 duplexes, 3 triplexes, and 47 apartment buildings (257 units). Other displacements include 47 industrial buildings, 40 commercial buildings, 71 vacant tracts, a hospital parking lot, two churches, two masonic lodges, two fire stations, a number of public utilities and over two miles of the Magnolia Park Railroad lines. Major adverse effects are community disruption, and increased noise and air pollution. (29 pages)

(ELR ORDER # 30977) (NTIS ORDER # EIS 73 0977D)

Washington  
County: Clackamas  
The statement, a revised draft, refers to the proposed reconstruction and/or relocation of approximately 6 miles of Forest Highway 55 (State Highway 224) from east of Estacada to the Mount Hood National Forest boundary. Adverse effects of the project are loss of flora and fauna habitat; displacement of families and businesses; loss of tax base; increased turbidity in the Clackamas River; increased noise levels; and changes in the visual quality of the Clackamas River Canyon due to extensive cuts and fill. (The original draft, ELR Order # 05695; NTIS Order No. EIS 72 5695D, was filed November 29, 1972. (65 pps.) (ELR ORDER # 30965) (NTIS ORDER # EIS 73 0965D)

State Trunk Highways 29 and 32 06/06  
Wisconsin  
County: Brown, Shawano, Outagamie

The proposed project is the expansion of a 10-mile section of existing State Trunk Highway 29 in the City of Green Bay to a four lane dual roadway. Acquisition of approximately 174 acres of additional right-of-way will cause changes in land use patterns. Adverse effects stemming from the project are displacement of families and businesses and construction disruption. (31 pages)

(ELR ORDER # 30961) (NTIS ORDER # EIS 73 0961D)

Final Date  
State Route 35 06/11  
Alabama

County: Jackson, DeKalb  
The statement refers to the proposed widening, improving, and relocation of Alabama Highway No. 35. Project length is 5.3 miles. Approximately 65 acres of land are required for additional right-of-way. Twenty-four families and 14 businesses would be displaced. (64 pages)

COMMENTS MADE BY: EPA HUD COE DOI DOC USDA HEW DOT TVA (ELR ORDER # 30975) (NTIS ORDER # EIS 73 0975F)

Alabama 85, Daleville 06/11  
 Alabama  
 County: Dale  
 The proposed project is the improvement of approximately 1800' of Alabama 85 in Daleville. The project consist of reconstructing the existing two-lane street to a five-lane highway and replacing the existing overpass for the Seaboard Coastline Railroad. Approximately 14,000 square feet of property will be acquired for right-of-way. (37 pages)  
 COMMENTS MADE BY: EPA USDA HUD COE DOD DOI state and regional agencies (ELR ORDER # 30981) (NTIS ORDER # EIS 73 0981F)

Illinois Route 127, (FAP 128) 06/11  
 Illinois  
 County: Montgomery  
 Proposed is the relocation of Federal Aid Primary Route 128 (marked Illinois Route 127) from north of Butler to south of Taylor Springs. Project length is 7.5 miles. The amount of agricultural land required for right-of-way and the number of displacements will depend upon the alignment selected. (168 pages)

COMMENTS MADE BY: USDA COE DOC EPA HEW DOI DOT state and local agencies (ELR ORDER # 30973) (NTIS ORDER # EIS 73 0973F)

Shreveport Bypass, Route I-220 06/08  
 Louisiana  
 County: Caddo Bossler  
 Proposed is the construction of 18.54 miles of I-220 to bypass the Shreveport-Bossier City Metropolitan area. The project is a four-lane, controlled-access facility to be located on a 300' right-of-way. Section 4(f) area from Cross Lake will be encroached upon. Adverse impacts stemming from the project are displacement of an unspecified number of families and businesses; loss of wildlife habitat; temporary damage to fisheries due to sedimentation and turbidity; and increases in air, noise, water and visual pollution. (approximately 350 pages)

COMMENTS MADE BY: USDA AEC COE DOI STAT DOT state and local agencies (ELR ORDER # 30967) (NTIS ORDER # EIS 73 0967F)

U.S. ROUTE 113 06/11  
 Maryland  
 County: Worcester  
 The proposed project is the improvement of approximately 7.3 miles of U.S. Route 113, beginning at the Berlin-Bypass and extending to the Delaware State line. The facility will be constructed on new location as a four-lane divided highway within a 250' to 350' right-of-way. The number of displacements will depend upon the alignment selected. (122 pages)

COMMENTS MADE BY: USDA EPA HEW state and local agencies (ELR ORDER # 30974) (NTIS ORDER # EIS 73 0974F)

Nebraska 2 06/08  
 Nebraska  
 County: Custer  
 The proposed action is the reconstruction of an eight mile segment of Nebraska Highway No. 2. The improvement includes grading, full safety section, roadway drainage structures and bridging of Mud Creek. An unspecified amount of agricultural land is required for right-of-way. (40 pages)

COMMENTS MADE BY: USDA COE EPA HUD DOI DOT (ELR ORDER # 30968) (NTIS ORDER # EIS 73 0968F)

N-52 06/11  
 Nebraska  
 County: Boone Nance  
 Proposed construction of a hard surface on approximately 7 miles of 2-lane gravel roadway. An unspecified amount of acreage will be committed to the action; several property units will be severed; portions of stream beds will be channelized. (45 pages)

COMMENTS MADE BY: USDA COE EPA HUD DOI DOT (ELR ORDER # 30982) (NTIS ORDER # EIS 73 0982F)

I-40-US 321 Connector, North Carolina North Carolina  
 County: Catawaba  
 Proposed is the construction of a new connecting highway from proposed Interstate 40 northward to US 321 in Hickory and southward to NC 127 near Brockford, a distance of 2.8 miles. Thirty-two families, one business and one nonprofit organization will be displaced. The project crosses Henry Fork River and several streams where the possibility of siltation will exist. (62 pages)

COMMENTS MADE BY: USDA EPA HUD DOI OEO state agencies (ELR ORDER # 30962) (NTIS ORDER # EIS 73 0962F)

SR 5 and South 272nd St. Inter- 06/11  
 change, Washington  
 Washington  
 County: King  
 The proposed project is the construction of an interchange on Interstate 5 (SR 5) at South 272nd Street, south of the Seattle Corporate limits. Approximately 14 acres of new right of way is required; 8 families will be displaced. Construction of the project may accelerate urbanization of the area and cause increased noise levels. (35 pages)

COMMENTS MADE BY: USDA COE DOC EPA HUD DOI USCG state and local agencies (ELR ORDER # 30976) (NTIS ORDER # EIS 73 0976F)

SR 18-Raging River Interchange 06/11  
 Washington  
 County: King  
 The proposed project is the construction of the Raging River Interchange on SR 18. The project, approximately 1.0 miles in length, will provide a full diamond interchange between SR 18 and Kerriston Road; SR 18 will be upgraded to provide four lanes through the interchange. Approximately 20 acres of potential recreational property will be taken for right-of-way. Construction of the interchange may stimulate urbanization of a heavily forested area. (22 pages)

COMMENTS MADE BY: USDA COE USCG EPA HUD DOI state and local agencies (ELR ORDER # 30983) (NTIS ORDER # EIS 73 0983F)

U.S. COAST GUARD

Contact: Captain Sidney A. Wallace (GWEP/73)  
 U.S. Coast Guard  
 400 7th Street, S.W.  
 Washington, D.C. 20590  
 (202) 426-2010

Draft Date  
 Intervention on the High Seas Act 06/13  
 Proposed is a bill to implement the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. The basic concept of the bill is to reduce oil pollution damage to the coastlines or related interests of the United States. (19 pages)

(ELR ORDER # 30991) (NTIS ORDER # EIS 73 0991D)

TIMOTHY ATKESON,  
 General Counsel.

[FR Doc. 73-13123 Filed 6-28-73; 8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### LEPTOPHOS

#### Notice of Reextension of Temporary Tolerances Correction

In FR Doc. 73-11492, appearing on page 15103 of the issue for Friday, June 8,

1973, the word "produce" in the tenth line of the first paragraph should read "product".

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19773; FCC 73-645]

### BROADCASTS OF SPORTS EVENTS

#### Notice of Inquiry

1. The Commission has from time to time received inquiries and allegations regarding the practices of broadcast licensees and networks in connection with the broadcast of sports events. Certain of the allegations, if true, raise questions as to whether some licensees, in broadcasting sports events, have (i) relinquished control over their programming; (ii) subordinated the public interest to their private interests; (iii) deliberately suppressed or distorted news or acquiesced in the use of their facilities by others for such practices; or, (iv) failed to comply with the requirements of section 317 (b) or (c) of the Communications Act of 1934, as amended. It is the purpose of this Inquiry to obtain information and comments on the practices and alleged practices summarized hereinafter and on the application of the Communications Act of 1934, as amended, and the Commission's Rules and policies to such practices.

2. According to information in the possession of the Commission many professional and amateur sports organizations, including leagues, clubs, colleges and the National Collegiate Athletic Association, at present require or have in the past required in their contracts with networks and stations covering sports broadcast rights, that the leagues, clubs, etc., shall have the power of veto over selection of announcers who cover their athletic events. In many cases, the announcers also are hired and paid by others than the licensees; e.g., sports clubs, colleges, sponsors of the sports broadcasts; in some cases the announcers are full-time, salaried officials or employees of the clubs or colleges.

3. As the result of such arrangements, some licensees may have relinquished substantial control over their sports programs. In some instances announcers allegedly have been forced by professional club owners to misrepresent facts to the radio audience (e.g., weather conditions or size of the crowd at a sports event), or to refrain from expressing criticism of teams, players or those officiating at games. It also has been alleged that because of control of sports promoters over announcers, some announcers have been forced to express support for professional sports organizations in disputes between clubs or leagues and players' organizations, or at least to refrain from expressing support for the players' organizations. Another allegation is that one baseball announcer was discharged by the club employing him because he disobeyed the club owner's order to ridicule a certain person on the air.

4. Many sports followers have been aware for years that some sports announcers were the "Voice" of the club or

organization whose games they broadcast and therefore could be expected to exhibit partiality to the home-town team; in fact, some announcers have candidly stated in their broadcasts that they were biased. Thus, in many cases, there is a question whether or to what degree the public is being misled. On the other hand, as set forth above, arrangements under which the sports organization or program sponsor chooses, pays or exercises a veto power over the choice of announcers could result in substantial abdication by the licensee of control over his programming, subordination by the licensee of the public to his private interests in programming, deliberate distortion or suppression of news, or failure of the licensee to comply with the requirements of section 317(b) or (c) of the Communications Act. Therefore, we are here seeking information on all above-described and similar or related practices, and comments as to what the Commission's policies should be with respect thereto.

5. Specifically, the Commission seeks comment and information on the following matters:

(a) The extent to which announcers covering sports events are chosen and/or paid by parties other than the station licensee or network, or whose choice by the network or licensee is subject to the veto of any other party;

(b) The extent to which such announcers are regular salaried employees or officials of the organizations whose sports events they broadcast;

(c) The extent to which, under the circumstances set forth in (a) and (b) above, disclosure is broadcast of the relationship of the announcer to the sports promoter;

(d) The extent to which leagues, ball clubs, other sports promoters, colleges, college organizations or other parties other than licensees or networks have exercised control over the content of the broadcasts of their athletic events; e.g., requiring the announcers to promote attendance, praise the team, its players or the organization represented by the team, or to criticize other parties; preventing announcers from giving accurate weather reports or forecasts, commenting on poor attendance, criticizing the play of the team, its players or referees, umpires or other officials;

(e) The extent to which networks and licensees have complied with the requirements of section 317 (b) and (c) of the Communications Act under circumstances set forth in (a), (b) or (d) above, and the extent to which section 508 of the Act has been violated in connection with sports broadcasts;<sup>1</sup>

<sup>1</sup> Section 317(b) of the Act provides: In any case where a report has been made to a radio station, as required by section 508 of this Act, of circumstances which would have required an announcement under this section had the consideration been received by such radio station, an appropriate announcement shall be made by such radio station.

Section 317(c) provides: The licensee of each radio station shall exercise reasonable diligence to obtain from its employees, and from other persons with whom it deals di-

(f) The extent to which networks or licensees have relinquished control over their sports programming to others, or have subordinated the public interest to their private interest by entering into agreements which tend to transfer control of such programming to other parties or which permit such practices as those cited in (d) above;

(g) The extent to which networks or stations may have engaged in, or permitted others to engage in, deliberate distortion or suppression of news in sportscasts;

(h) Whether, for the purposes of the Commission's regulatory policies, play-by-play broadcasts of sports events should be considered as broadcasts of news. [See Letter to ABC et al. (Democratic National Convention) 16 FCC 2d 650 (1969), *Hunger in America* 20 FCC 2d 143 (1969), Letter to Mrs. J. R. Paul 26 FCC 2d 591 (1969)];

(i) Whether, regardless of the possible validity of claims that sports events are not "news" within the meaning of previous Commission rulings on staging or deliberate distortion of news, the public interest is served by the practices set forth in (a) and (b) above and the possible consequences of such practices set forth in (d), (e), (f) and (g);

(j) In the light of the facts and allegations set forth above, what policy or policies, if any, the Commission should adopt with respect to the matters set forth herein.

6. The Commission invites the comments of all interested parties and particularly networks and licensees engaged

directly in connection with any program or program matter for broadcast, information to enable such licensee to make the announcement required by this section.

Section 508 (a), (b) and (c) provide: (a) Subject to subsection (d), any employee of a radio station who accepts or agrees to accept from any person (other than such station), or any person (other than such station) who pays or agrees to pay such employee, any money, service or other valuable consideration for the broadcast of any matter over such station shall, in advance of such broadcast, disclose the fact of such acceptance or agreement to such station.

(b) Subject to subsection (d), any person who, in connection with the production or preparation of any program or program matter which is intended for broadcasting over any radio station, accepts or agrees to accept, or pays or agrees to pay, any money, service or other valuable consideration for the inclusion of any matter as a part of such program or program matter, shall, in advance of such broadcast, disclose the fact of such acceptance or payment or agreement to the payee's employer, or to the person for whom such program or program matter is being produced, or to the licensee of such station over which such program is broadcast.

(c) Subject to subsection (d), any person who supplies to any other person any program or program matter which is intended for broadcasting over any radio station shall, in advance of such broadcast disclose to such other person any information of which he has knowledge, or which has been disclosed to him, as to any money, service or other valuable consideration which any person has paid or accepted, or has agreed to pay or accept, for the inclusion of any matter as a part of such program or program matter,

in sports broadcasting, professional sports leagues and clubs, unions representing professional athletes, colleges and collegiate and other amateur sports organizations which deal with stations or networks regarding broadcasts of sports events, and sports announcers. Those filing comments may also provide any additional pertinent information they believe will be useful to the Commission.

7. This action is taken pursuant to section 403 of the Communications Act of 1934, as amended. Interested parties may file comments on or before July 30, 1973. An original and eleven copies of each formal response must be filed in accordance with the provisions of §§ 1.49 and 1.51 of the Commission's rules. However, in an effort to obtain the widest possible response in the proceeding from licensees and members of the public, informal comments without extra copies will be accepted. Copies of all pleadings filed in this matter will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: June 13, 1973.

Released: June 26, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>4</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc. 73-13337 Filed 6-28-73; 8:45 am]

[Report 654]

#### COMMON CARRIER SERVICES INFORMATION<sup>1</sup>

Domestic Public Radio Services  
Applications Accepted for Filing<sup>2</sup>

JUNE 25, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's Rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are

<sup>1</sup> Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent; Commissioner Reid concurring and issuing a statement which is filed as part of the original document.

<sup>2</sup> All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

<sup>3</sup> The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS  
COMMISSION.

[SEAL] BEN F. WAPLE,  
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

- 9270-C2-P-73 South Central Bell Telephone Company (KIC343) C. P. to replace transmitter, antenna transmission line and to change power, operating on test frequencies 157.77 157.83 157.89 157.95 158.04 and 158.07 MHz at 215 Church St., Nashville, Tennessee.
- 9271-C2-P-73 Sioux Communications (New) C. P. for a new 2-way station to operate on 152.09 MHz at 1 mile South and 1 mile East of Postoria, Iowa.
- 9272-C2-P-73 Hawaiian Telephone Company (KLF527) C. P. to change antenna loc. #4 to 1177 Bishop Street, Honolulu, Hawaii, operating on 35.22 MHz.
- 9273-C2-P-73 Sioux Communications (New) C. P. for a new 2-way station to operate on 152.09 MHz at State Hospital, 2.5 miles N. of Yankton, Iowa.
- 9274-C2-P-73 Mobilfone of Boston (KCA240) C. P. to change antenna location, system and transmitter of stand-by, operating on 152.03 MHz at 113 River Street, Waltham, Mass.
- 9275-C2-P-73 Airtel International, Inc. (KGC591) C. P. to add transmitter at Loc. #2, operating on 152.09 MHz at 2112 Society Drive, Claymont, Delaware.
- 9276-C2-P-73 Gulf Mobilphone (New) C. P. for a new 2-way station to operate on 152.09 MHz at Lot 83 of the West Hancock County Harbor & Industrial Site, near Waveland, Mississippi.
- 9277-C2-P-73 Two-Way Radio of Carolina, Inc. (KIY441) C. P. to change antenna system and additional facilities, to operate on 152.03 MHz at Baugh Bldg., 112 S. Tryon Street, Charlotte, North Carolina.
- 9278-C2-MP-73 RAM Broadcasting of South Carolina, Inc. (KWB376) C. P. to change antenna system and location to East of Causeway between Mt. Pleasant and Sullivan's Island, Mount Pleasant, South Carolina, operating on 454.675 and 454.800 MHz.
- 9279-C2-P-73 Area-Wide Paging Systems, Inc. (KQK593) C. P. to add frequency: 43.58 MHz at 1010 Euclid Avenue, Terminal Tower Bldg., Cleveland, Ohio.

- 9280-C2-P-73 Bell Telephone Company of Pennsylvania (KGA475) C. P. to change antenna system and power, operating on 152.75 MHz at 3.5 miles NW of Enola, Pa.
- 9281-C2-P-73 RAM Broadcasting of Michigan, Inc. (KQD303) C. P. to change 152.24 MHz from Loc. #1 to Loc. #2 and power, a reinstatement of 2783-C2-P-72, Loc. #2: 10 Witherrall Street, Detroit, Michigan.

June 25, 1973.

Renewals of Licenses expiring July 1, 1973.  
TERM: July 1, 1973 to July 1, 1978.

Licensee:

	Call Sign
BEK Telephone Mutual Aid Corp	KAH689
Same as above	KAH670
California Oregon Telephone Co	KMM686
Blue Ridge Telephone Co., Inc	KIG843
Capital City Telephone Co.	KDN410
City of Brookings	KAL878
Lorain Telephone Company	KQA649
New Centel, Inc.	KDT213
New Ulm Telephone Company	KAQ613
North Central Telephone Coop., Inc.	KWA656
Peninsula Tel. & Tel. Co.	KOQ333
Poka-Lambro Rural Telephone Cooperative, Inc.	KKQ967
Same as above	KFJ898
Public Telephone Corporation	KSJ803
Same as above	KSJ804
Rochester Telephone Corp.	KEK269
Same as above	KEK284
Same	KGI786
Triangle Telephone Coop., Assoc.	KLF521
Same as above	KLF522
Same	KON910
Same	KSV908
United Telephone Co. of Fla.	KIM901
Same as above	KRM968
Same	KIJ354
United Telephone Co. of La.	KLB754
Urban Telephone Corporation	KSJ805
Vernon Telephone Co., Inc.	KEJ900
Walker County Telephone Co.	KIQ507

June 25, 1973

- 9285-C2-P-73 Central Mobilphone, Inc. (KPF899) C. P. to change control point location and additional facilities, to operate on 152.12 MHz at 2.2 miles East of Columbia, Missouri.
- 9286-C2-P-(2)-73 Central Mobilphone, Inc. (KBM516) C. P. to change antenna system, antenna location and additional facilities to operate on 152.03 and 152.09 MHz also deleting repeater facility, at .5 mile South of Holt's Summit, Missouri.
- 9287-C2-MP-73 The Wheat State Telephone Co., Inc. (KUC850) C. P. to replace transmitter operating on 152.72 MHz at 105 E. Violet St., Potwin, Kansas.

RURAL RADIO SERVICE:

- 9282-C6-P/L-73 General Telephone Company of the Northwest, Inc. (New) C. P. for a new rural subscriber station to operate on 157.80 157.83 157.95 158.01 158.04 459.375 459.400 459.425 459.450 459.475 459.500 459.525 459.550 454.575 459.600 459.625 459.650 MHz at a temporary fixed station within the territory of the grantee.
- 9283-C6-P/L-73 Same as above (New) C. P. for a new central office station to operate on 454.375 454.400 454.425 454.450 454.475 454.500 454.525 454.550 454.575 454.600 454.625 & 454.650 MHz, at a temporary fixed location.

- 9284-C6-P/L-73 Same (New) C. P. for a new inter-office station to operate on 454.375 454.400 454.425 454.450 454.475 454.500 454.525 454.550 454.575 454.600 454.625 454.650 459.375 459.400 459.425 459.450 459.475 459.500 459.525 459.550 454.575 459.600 459.625 459.650 MHz at a temporary fixed location.

MAJOR AMENDMENTS:

- 7421-C2-P-72 Zip Call, (KCB890) Fall River, Massachusetts. Amend Public No. 593 to read: C. P. to add a new transmitter site for station KCB890 on frequency 43.58 MHz at Fall River, Mass. All other particulars to remain as reported on PN #593 dated April 24, 1973.
- 7250-C2-P-(2)-73 Massachusetts-Connecticut Mobile Telephone Company, Hartford, Connecticut. Amend to replace transmitter for 152.21 MHz channel. All other particulars to remain as reported on PN #592 dated 4-17-72.

CORRECTIONS:

- 4017-C2-P-72 Robert H. Larson d/b/as Oregon Mobile Radio, Medford, Oregon. Correct to read: For additional channel to station KOP311 to operate on 152.18 MHz. All other particulars are to remain as reported in Public Notice #578, dated January 10, 1972.
- 8436-C2-P-(2)-73 Dome Communications (KLF516) Sheridan, Wyoming. Should read: Major Amendment to 2199-C2-P-73. All other particulars are to remain as reported on PN: #650 dated 5-29-73.
- New York Telephone Company (KC5161) Correct file number to read: 6369-C2-P/L-73 all other particulars to remain as reported in Public Notice No. 641 dated March 26, 1973.
- Capitol Radiotelephone Co., Inc. (EKD614) Correct call sign to read KQD614 instead of a new station. All other particulars to remain as reported on Public Notice No. 652 dated June 11, 1973.

POINT TO POINT MICROWAVE RADIO SERVICE:

- 9211-C1-P-73 Southern Bell Telephone and Telegraph Company (KIB25) 51 Ivy Street, N.E., Atlanta, Georgia. Lat. 33 45 21 N.—Long. 84 23 10 W. C.P. to change antenna system & antenna location on freq. 11405V MHz toward Waycross, Ga.; freq. 5045.2H 6063.8H MHz toward Nicholls, Ga.
- 9212-C1-P-73 The Chesapeake and Potomac Telephone Company (KJG53) 120 West Bute Street, Norfolk, Virginia. Lat. 36 51 11 N.—Long. 76 17 25 W. C.P. to change power on freq. 6160.2V 11485H MHz toward Newport News, Va.
- 9213-C1-P-73 Same (KJG52) 3305 Huntington Avenue, Newport News, Virginia. Lat. 36 59 01 N.—Long. 76 25 57 W. C.P. to change power on freq. 6412.2V 11035H MHz toward Norfolk, Va.
- 9214-C1-P-73 South Central Bell Telephone Company (New) 6.6 Miles West of Jackson, Mississippi. Lat. 32 16 39 N.—Long. 90 17 41 W. C.P. for a new station on freq. 11525V MHz toward Jackson, Miss.
- 9215-C1-MP/L-73 Midwestern Relay Company (WOE84) Mod. of C.P. and License to use additional transmitters and to add freq. 5925-6425 MHz at any temporary fixed location within the states of Illinois, Iowa, Michigan, Minnesota and Wisconsin.
- 9216-C1-MP/L-73 Same (KQ4621) Mod. of C.P. and License to increase number of authorized mobile transmitter units and to add freq. 6425-6525 MHz operating within the states of Illinois, Iowa, Michigan, Minnesota and Wisconsin.

- 9217-C1-P-73 The Western Union Telegraph Company (New) 1.3 Miles N.E. of Lookout, Georgia. Lat. 34 37 30 N.—Long. 85 28 03 W. C.P. for a new station on freq. 6286.2V MHz toward Jack Gap, Ala.; freq. 6286.5V MHz toward Bogan Mtn., Ala.
- 9218-C1-P-73 Same (New) 1.4 Miles South of Pullerton, Bogan Mtn., Alabama. Lat. 34 16 35 N.—Long. 85 29 22 W. C.P. for a new station on freq. 6004.5V MHz toward Beulah, Ga.; freq. 6034.2V MHz toward Lookout, Ga.
- 9219-C1-P-73 Same (New) 3.0 Miles N.W. of Beulah, Georgia. Lat. 33 53 33 N.—Long. 85 03 12 W. C.P. for a new station on freq. 6286.5H MHz toward Fair Oaks, Ga.; freq. 6286.2V MHz toward Bogan Mtn., Ala.
- 9220-C1-P-73 Same (New) 3.8 Miles S.W. of Fair Oaks, Georgia. Lat. 33 52 38 N.—Long. 84 35 31 W. C.P. for a new station on freq. 10795H 10915V MHz toward Atlanta, Ga.; freq. 6034.2H MHz toward Beulah, Ga.
- 9221-C1-P-73 The Western Union Telegraph Company (WBO84) Bank of Georgia Building, Atlanta, Georgia. Lat. 33 45 18 N.—Long. 84 23 23 W. C.P. to change antenna system and add freq. 11245V 11365H MHz toward new point of communication at Fair Oaks, Ga.
- 9222-C1-MP-73 General Telephone Company of the Northwest, Inc. (KPF73) 5.8 miles NE of Brookings, Palm Butte, Oregon. Lat. 42 07 36 N.—Long. 124 13 34 W. Mod. of C.P. to change freq. from 5952.6 MHz to 6204.7V MHz toward Grizzly Mountain, Ore.
- 9223-C1-MP-73 Same (KPF72) 3.1 miles E. of Gold Beach, Grizzly Mountain, Oregon. Lat. 42 23 50 N.—Long. 124 21 50 W. Mod. of C.P. to change freq. from 2167.2 MHz to 5952.6V MHz toward Palmer Butte, Ore.
- 9251-C1-P-73 Pacific Northwest Bell Telephone Company (KPZ38) 5.5 miles WNW of Wymer, Washington. Lat. 46 51 01 N.—Long. 120 34 32 W. C.P. to change antenna system and add freq. 6375.2V MHz toward new point of communication at Mission Ridge, Wash.; add freq. 10895V 11055V MHz toward Yakima, Wash.
- 9252-C1-P-73 Same (KOJ91) 208 West Yakima Avenue, Yakima, Washington. Lat. 46 36 03 N.—Long. 120 30 37 W. C.P. to add freq. 11465V 11625V MHz toward Wymer, Wash.
- 9255-C1-P-73 New England Telephone and Telegraph Company (KCK89) On Dutton Hill, 2.6 miles SW of Gray, Maine. Lat. 43 50 55 N.—Long. 70 20 28 W. C.P. to change antenna system, remove transmitters and add freq. 10875.0H 11075.0V MHz toward new point of communication at Durham, Maine; freq. 10975.0V 10735.0V 10815.0V MHz toward Portland, Maine; freq. 6226.9H MHz toward Bowdoin, Maine.
- 9254-C1-P-73 Same (KCK87) 45 Forest Avenue, Portland, Maine. Lat. 43 39 31 N.—Long. 70 15 52 W. C.P. to remove transmitters and add freq. 11385.0V 11465.0V 11625.0V MHz toward Gray, Maine.
- 9255-C1-P-73 Same (New) 2.9 Miles NW from Durham, Maine. Lat. 43 59 56 N.—Long. 70 10 39 W. C.P. for a new station on freq. 11405.0V 11605.0H MHz toward Lewiston, Maine; freq. 11485.0H 11365.0V MHz toward Gray, Maine.
- 9256-C1-P-73 Same (New) 66 Ash Street, Lewiston, Maine. Lat. 44 05 50 N.—Long. 70 12 56 W. C.P. for a new station on freq. 10795.0V 10995.0H MHz toward Durham, Maine.
- 9257-C1-P-73 Same (KCO96) On Whitten Hill, 4.9 miles NW of Bowdoin Center, Bowdoin, Maine. Lat. 44 06 07 N.—Long. 70 00 17 W. C.P. to add antennas, & freq. 6034.2V MHz toward Vassalboro, Maine; freq. 5974.8H MHz toward Gray, Maine.
- 9258-C1-P-73 New England Telephone and Telegraph Company (KCO97) On Telco Hill, 3 Miles NE of East Vassalboro, Maine. Lat. 44 28 52 N.—Long. 69 34 07 W. C.P. to change antenna system, add antenna, remove transmitters & add freq. 6286.2V 6404.8V MHz toward Knox, Maine; freq. 6286.2V MHz toward Bowdoin, Maine.
- 9259-C1-P-73 Same (KSW22) On Aborn Hill, 2.3 Miles East of Knox Center, Knox, Maine. Lat. 44 31 23 N.—Long. 69 11 52 W. C.P. to change antenna system, replace transmitters & add freq. 6063.8H 6123.1H MHz toward Holden, Maine; freq. 6034.2V 6152.8V MHz toward Vassalboro, Maine.
- 9260-C1-P-73 Same (KCO98) At Rider Bluff, 2.1 Miles West of East Holden, Maine. Lat. 44 44 11 N.—Long. 68 40 16 W. C.P. to change antenna system, replace transmitters & add freq. 10775.0V 11015.0V MHz toward Bangor, Maine; freq. 6315.9H 6375.2H MHz toward Knox, Maine.
- 9261-C1-P-73 Same (KSW23) 59 Park Street, Bangor, Maine. Lat. 44 48 16 N.—Long. 68 46 16 W. C.P. to replace transmitters & add freq. 11665.0V 11425.0V MHz toward Holden, Maine.
- 9262-C1-MP-73 Tower Communications Systems Corp. (WPF49) 3.2 Miles ENE of Stoutsville, Ohio (Lat. 39 36 56 N.—Long. 82 46 20 W.); Mod. of construction permit (5953-C1-P-72) to add frequency 11015.0V MHz toward Newark (WKS45), Ohio, on azimuth 37 degrees/11 minutes.
- 9263-C1-MP-73 Tower Communications Systems Corp. (WPF49) 3.2 Miles ENE of Stoutsville, Ohio (Lat. 39 36 56 N.—Long. 82 46 20 W.); Mod. of construction permit (5953-C1-P-72) to add frequencies 10815.0V MHz, 10975.0V MHz, and 11135.0V MHz toward new point of communication at Lancaster, Ohio, on azimuth 49 degrees/57 minutes.
- 9264-C1-MP-73 Tower Communications Systems Corp. (WPF49) 3.2 Miles ENE of Stoutsville, Ohio (Lat. 39 36 56 N.—Long. 82 46 20 W.); Mod. of construction permit (5953-C1-P-72) to add frequencies 10975.0H MHz, 11135.0H MHz, and 10815.0H MHz toward Ball Knob (KQA36), Ohio, on azimuth 211 degrees/05 minutes.
- 9265-C1-MP-73 Same (KQA36) Ball Knob, 9.0 Miles SW of Chillicothe, Ohio (Lat. 39 13 15 N.—Long. 83 04 40 W.); Mod. of C.P. (5952-C1-P-72) to change frequencies to 11265.0H MHz, 11345.0V MHz, 11505.0V MHz, 11625.0H MHz, and 11665.0V MHz toward South Portsmouth (KQA33), Kentucky, on azimuth 172 degrees/58 minutes.
- 9266-C1-P-MP-73 Same (KQA33) South Portsmouth, 1.25 Miles South of Portsmouth, Kentucky (Lat. 38 42 59 N.—Long. 82 59 54 W.); C.P. to change frequencies to 10735.0H MHz, 10775.0V MHz, 10975.0V MHz, 11015.0H MHz, and 11135.0V MHz toward Portsmouth and Ironton, Ohio, on azimuth 10 degrees/25 minutes.
- 9267-C1-MP-73 Tower Communications Systems Corp. (KQA36) Ball Knob, 9.0 Miles SW of Chillicothe, Ohio (Lat. 39 13 15 N.—Long. 83 04 40 W.); Mod. of C.P. (5952-C1-P-72) to add frequency 11505.0H MHz toward South Portsmouth, Kentucky, on azimuth 172 degrees/58 minutes.
- 9268-C1-P-73 Tower Communications Systems Corp. (KQA33) South Portsmouth, 1.25 Miles South of Portsmouth, Kentucky. Lat. 38 42 59 N.—Long. 82 59 54 W. C.P. to add freq. 10895.0V MHz toward Ironton, Ohio on azimuth 123° 58'.
- 9269-C1-P-73 Same (New) 0.9 Mile North of Ironton, Ohio. Lat. 38 32 51 N.—Long. 82 40 48 W. C.P. for a new station on freq. 11385.0V MHz toward Huntington, West Virginia on azimuth 136° 27'.
- 655-C1-P-71 The Western Union Telegraph Company (New) Change freqs. toward Jack Gap, Alabama from 325V 11485V to 11245H 11365V MHz.
- 656-C1-P-71 Same (New) Change freq. toward Estill Fork, Alabama from 10875V 11035V to 10715V 10835H MHz. Change freq. and point of communications from 6034.2V 6152.8V MHz toward Hinkle to 6004.5V MHz toward Lookout, Ga. (All other particulars same as Reported in Public Notice, FCC 70-953, dated September 3, 1970.)
- 6759-C1-P-73 Polar Rural Telephone Mutual Aid Corporation (New) Application is amended to change coordinates to Lat. 48 43 26 N.—Long. 97 54 06 W. (All other particulars same as reported in Public Notice dated March 26, 1973.)

[FR Doc. 73-13052 Filed 6-28-73; 8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RI73-275]

## FIRST NATIONAL BANK IN DALLAS, ET AL.

## Order Providing for Hearing and Granting Petition To Intervene

JUNE 20, 1973.

On April 11, 1973, First National Bank in Dallas, Trustee (Operator), et al. (Applicant) filed a petition for special relief from area rate ceilings, pursuant to § 154.109(f) of the Commission's regulations under the Natural Gas Act,<sup>1</sup> requesting waiver of the January 1, 1976, moratorium date for filing of rate increases in excess of the applicable Texas Gulf Coast area rate ceiling.<sup>2</sup> Filed with the application were a March 2, 1973, amendment to the basic contract between Applicant and its purchaser, South Texas Natural Gas Gathering Company (South Texas), and the related rate increase filing, calling for an increase from the current effective rate of 16.06 cents per Mcf to 24.09 cents per Mcf, inclusive of tax reimbursement, for flowing gas.

As justification for the proposed increased rate, Applicant plans to rework the one producing well, replacing existing well tubing with larger plastic-coated tubing to combat corrosion and to increase the gas flow in the well and installing two new compressors to offset declining pressure and increase deliverability at an estimated cost of approximately \$176,000. Applicant further estimates that the rework program and installation of the two compressors will increase the ultimate gas recovery from 36.5 Bcf to 42.5 Bcf and will increase the daily deliverability from approximately 3,500 Mcf per day to 7,000 to 7,500 Mcf per day.

In support of its application for special relief, Applicant states that the well performance tests show a steady decline in pressure and deliverability. On Feb-

<sup>1</sup> 18 CFR 154.109(f).<sup>2</sup> See Opinion No. 595, *Area Rate Proceeding, et al. (Texas Gulf Coast Area)*, 45 F.P.C. 674 (1971), appeal pending sub nom. *Public Service Commission for the State of New York, et al. v. F.P.C.*, No. 71-1828, (D. C. Cir.).

ruary 17, 1965, the flowing wellhead pressure was 2,900 psi, the flow rate was 10,300 Mcf per day, and the shut-in pressure at the end of a twenty-four (24) hour period was 4,300 psi. On February 1, 1970, the flowing wellhead pressure was 1,150 psi, the flow rate was 9,400 Mcf per day, and the shut-in pressure at the end of a twenty-four hour period was 2,682 psi. On February 15, 1973, the flowing wellhead pressure was 990 psi, the flow rate was 3,800 Mcf per day, and shut-in pressure at the end of a twenty-four hour period was 1,469 psi.

Applicant's filing and related rework program comes within our recently announced policy in Order No. 481,<sup>3</sup> wherein we amended our General rules of Practice and Procedure to add a new § 2.76,<sup>4</sup> which provides:

With respect to reservoirs where reduced pressures, need for reconditioning of the wells, deeper drilling, or other factors make further production uneconomical at existing prices, it will be the general policy of the Commission, in order to promote the optimum recovery of gas reserves, to accept for consideration applications from independent producers seeking special relief in the form of contractually authorized rate increases, or rate increases where the contract term has expired, in excess of the applicable area ceiling. (Order No. 481, mimeo p. 5; § 2.76a.) (Emphasis added).

The purpose of § 2.76 was to provide producers facing prohibitive productivity declines to seek special relief from the applicable area rates upon an adequate showing of economic justification for the requested rate.

This purpose was clearly set forth in § 2.76c which provides:

\* \* \* applicant shall establish the economic justification for their request, including, information on additional costs, the unit price which if applied to the sale of the additional reserves, would justify the additional expenditure, and the amount of gas to be recovered and sold to the interstate market. (Order No. 481; § 2.76c.)

While the applicant in this proceeding has set forth the costs to rework the well and to install the necessary compression equipment, no information or data was provided which would allow the Commission to determine if the requested rate increase was needed to produce funds to carry out this project. Applicant has also failed to state whether or not it will be necessary to abandon production from this well if special relief is not granted.

The proposed increase in annual revenues is \$216,810 based on the difference between the current 16.06 cents per Mcf and the proposed 24.09 cents per Mcf rate at an estimated annual sales volume of 2.7 Bcf. Based upon the proposed increase in annual revenues, it appears

<sup>3</sup> Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, —F.P.C.— (issued April 12, 1973). Order No. 481 was issued one day after Applicant's petition was filed, but the provisions of the Order apply.

<sup>4</sup> 18 CFR 2.76.

that Applicant could recover the cost of the proposed well reconditioning within one year since Applicant does not allege any substantial increase in its operating costs or that production is now uneconomical and that production will have to be abandoned if relief is not granted.

*The Commission finds:*

(1) In view of the foregoing, it is clear that this proceeding must be set for hearing to determine if the special relief sought by Applicant is necessary and in the public interest.

(2) It is desirable and in the public interest to allow the party listed below to intervene in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act (15 U.S.C. section 717, et seq.)

*The Commission orders:*

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing will be held upon the issues presented herein.

(B) Within fifteen (15) days of the date of this order, Applicant and all parties supporting the application shall file their direct testimony and evidence in support of its petition and serve the same upon the presiding Administrative Law Judge, the Commission Staff, and all other parties to this proceeding.

(C) The Commission staff and all other parties opposing the application shall file their direct testimony and evidence within 15 days after the date set for the filing of Applicant's testimony and evidence in ordering paragraph (B).

(D) On August 6, 1973, a hearing provided for in ordering paragraph A, supra, will commence in a hearing room of the Federal Power Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426 at 10:00 a.m., E.D.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 and shall prescribe relevant procedural matters not herein provided.

(F) The Petition Associated Gas Distributors (AGD) for leave to Intervene is granted, and AGD is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however*, That participation of AGD shall be limited to matters affecting asserted rights and interests of that party; *and provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13222 Filed 6-28-73;8:45 am]

[Docket No. CI73-861]

PRODUCER'S GAS CO.

Notice of Application

JUNE 19, 1973.

Take notice that on June 7, 1973, Producer's Gas Company (Applicant), 2000 Tower Petroleum Building, Dallas, Texas 75201, filed in Doc. No. CI73-861 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company from the East Panhandle Field, Collingsworth and Wheeler Counties, Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 60,000 Mcf of gas per month at 39.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Estimated initial upward Btu adjustment is 6.94 cents per Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13188 Filed 6-28-73; 8:45 am]

[Docket No. CI73-871]

**PRODUCER'S GAS CO.**

**Notice of Application**

JUNE 19, 1973.

Take notice that on June 11, 1973, Producer's Gas Company (Applicant), 2000 Tower Petroleum Building, Dallas, Texas 75201, filed in Doc. No. CI73-871 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Mowery No. 1 Well in Ellis County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on June 4, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 2,000 Mcf of gas per day at 51.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated to be 2.55 cents per Mcf. Estimated monthly deliveries are 60,000 Mcf of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13189 Filed 6-28-73; 8:45 am]

[Project 1893]

**PUBLIC SERVICE CO. OF  
NEW HAMPSHIRE**

**Issuance of Annual License**

JUNE 22, 1973.

On June 27, 1969, Public Service Company of New Hampshire, Licensee for Amoskeag Project 1893 located in Hillsborough and Merrimack Counties, New Hampshire, on the Merrimack River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1893 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1893.

Take notice that an annual license is issued to Public Service Company of New Hampshire (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Amoskeag Project No. 1893, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13191 Filed 6-28-73; 8:45 am]

[Project 1913]

**PUBLIC SERVICE CO. OF  
NEW HAMPSHIRE**

**Issuance of Annual License**

JUNE 21, 1973.

On June 27, 1969, Public Service Co. of New Hampshire, Licensee for Hookset

Project No. 1913 located in Merrimack County, New Hampshire, on the Merrimack River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 17, 1970.

The license for Project No. 1913 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Public Service Company of New Hampshire for continued operation and maintenance of Project No. 1913.

Take notice that an annual license is issued to Public Service Co. of New Hampshire (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hookset Project No. 1913, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13190 Filed 6-28-73; 8:45 am]

[Docket No. R-405]

**RELIABILITY OF ELECTRIC AND GAS  
SERVICE**

**Order of Modification To Authorize Compliance With Congressional Subpoena Duces Tecum**

JUNE 22, 1973.

This Commission is called upon today to determine whether its Chairman should supply confidential gas reserve data to the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly on June 26, 1973, in compliance with a subpoena duces tecum, notwithstanding that such action is inconsistent with the terms and spirit of earlier orders of this Commission eliciting such data. For the reasons discussed hereafter, we find that compliance with the subpoena is our only alternative in the absence of judicial intercession.

In 1970, in response to the increasingly pessimistic reports of the nation's natural gas reserves, this Commission launched an investigation into the present and future adequacy of the interstate gas supply. In furtherance of said investigation, on November 4, 1970, we issued in Docket No. R-405 a document entitled "Policy Statement, Notice of Investigation, and Proposed Rulemaking With Respect to Developing Emergency Plans." This order required all large scale producers of natural gas to report any holdings of proven natural gas reserves in any area which had not been contracted to pipeline companies for resale or to direct customers for immediate

consumption. In seeking to elicit this data, the Commission assured the producers that, although the information would be received on a company-by-company basis, only composite figures for the industry would be released to the public and that the material received would be treated in a confidential manner. This assurance was specifically stated in the Commission's order of November 4, 1970:

Information revealed to the Staff shall be treated as confidential information without public disclosure under the provisions of section 8(b) of the Natural Gas Act [15 U.S.C. 717g] and the Freedom of Information Act [5 U.S.C. 552(b)(4)]. Compliance with the order shall not constitute nor be construed as a waiver of any claim of privilege by any producer.

Further information was requested on September 12, 1972, when the Commission issued its "Order Updating Nationwide Investigation." The Commission again assured the producers that the confidentiality of the data submitted would be respected:

For the purposes of this investigation no responses submitted in compliance herewith shall be made available for inspection or copying by the public; individual company information received as a result of this continued investigation will be maintained in confidential status in accordance with the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717g(b), and the Freedom of Information Act, 5 U.S.C. 552(b)(4) and (9).

The policy reasons underlying our assurance of confidentiality are obvious. In a period when the gas supply shortage is most acute, disclosure of detailed reserve data would undoubtedly inhibit future exploration for new gas reserves since speculators and competitors could equally benefit from the geological and geophysical expenditures of other companies. A competitor would particularly benefit from knowledge of another producer's uncommitted reserves for particular locations, especially in highly competitive areas. In addition, it would be extremely unfair to sellers of gas to disclose such data to potential buyers with whom they negotiate for the sale of gas. Furthermore, we believe that certain reserve data constitutes a valuable property right which should not be taken without due process and just compensation.

On the basis of our assurance of confidential treatment, seventy nine producers voluntarily furnished the Commission with the detailed uncommitted reserve data as of December 31, 1971, and June 30, 1972, requested in the order of September 12, 1972. This group represented all of the producers who had individual sales of natural gas subject to the jurisdiction of the Commission of over 10 million Mcf annually.

On March 7, 1973, Senator Philip A. Hart, Chairman of the Senate Judiciary Committee's Subcommittee on Antitrust and Monopoly, requested by letter that the Commission provide certain information to his subcommittee and to the Federal Trade Commission as to the manner in which the gas supply data was gathered and analyzed. Specifically, Senator Hart requested that the Commission provide:

1. The questionnaire or other request for information sent to the 79 producers.
2. A description of the procedure used to verify the data supplied by the producers.
3. An estimate of the proportion of domestic natural gas reserves available for sale controlled by the 79 producers.
4. The amount and possible reason for each of the 79 producers' decline in reserves.
5. The identity of each producer's pipeline customers and the amounts of gas sold to each and the price obtained for the 1970 to mid 1971 period.

By letter of March 20, 1973, from Thomas J. Joyce, Chief of the Commission's Bureau of Natural Gas, Senator Hart was supplied with the requested information, except the detailed data on specific reserves held by individual producers. As to this latter information, Senator Hart was advised that it was confidential in its disaggregated form in accordance with the provisions of section 8(b) of the Natural Gas Act, 15 U.S.C. 717g(b), and the Freedom of Information Act, 5 U.S.C. 552(b)(4) and (a).

On May 18, 1973, Senator Hart requested by letter that Chairman Nassikas appear before the Subcommittee on Anti-trust and Monopoly and offer testimony on competition and concentration in the natural gas industry. In addition to requesting that Chairman Nassikas direct his comments to the general impact of government regulation on competition within the industry and the effectiveness of such regulation in increasing natural gas production, Senator Hart renewed his request for detailed information given by producers to the Commission showing the concentration of control of certain reserves and the amounts controlled by the major producers.<sup>1</sup>

On June 18, 1973, Chairman Nassikas responded to Senator Hart's requests by indicating in a letter that the members of the Federal Power Commission would testify before his Subcommittee on the indicated date, i.e. June 26, 1973. The Commission also stated that it sought to comply with the request for the producer data as fully as possible without violating the conditions of confidentiality by which the data had been obtained. In this regard, the Commission submitted composited data, prepared especially for the Subcommittee, identifying the ratio of gas reserves controlled by the top four, eight, and twenty producers in each production area of the nation.<sup>2</sup> The Commission emphasized that if the information so supplied was further broken down to reveal the exact amount of reserves held by each production company and the

<sup>1</sup> Senator Hart, while indicating the scope of his inquiry, has never identified the legislative purposes of his subcommittee's involvement in requesting the detailed individual producer data, nor the nature and extent of its authority to request such data. *Watkins v. U.S.*, 354 U.S. 178 (1957); *Gojack v. U.S.*, 384 U.S. 702 (1966); Sections 134(a) and 136 of the Legislative Reorganization Act of 1946, 2 U.S.C. 190b and 190d, and 41 Op. Attny. General 221, 225-229 (1955).

<sup>2</sup> Senator Hart has never indicated why the Chairman's June 18 response did not fulfill the legislative purposes of the Subcommittee's inquiry.

exact geographical location of such reserves, and such data was made public, adverse competitive effects and inhibition of exploration efforts might result, as well as a violation of the September 12 order. It was further emphasized that such producers would then be extremely reluctant to divulge such information to the Commission in the future, thus hampering the Commission's regulatory function.<sup>3</sup>

On June 21, 1973, Chairman Philip A. Hart, acting on behalf of the full Subcommittee, issued a subpoena duces tecum directing that Chairman Nassikas appear before the Subcommittee on June 26, 1973, and bring with him at that time all of the following material:

1. All memoranda, documents, and writings of any nature whatsoever in the possession, custody, or control of the Federal Power Commission or any member or employee thereof referring or relating to FPC Order updating nationwide investigation in Docket No. R-405 dated September 12, 1972.
2. All workpapers and composites resulting from material received in connection with reissued Docket No. R-405 dated September 12, 1972.

Since the inception of the Subcommittee's investigation, we have voluntarily complied with all requests for data to the extent permitted by our orders, rules, regulations and the provisions of the Natural Gas Act. Moreover, pursuant to the Subcommittee's request, we have made our staff members available for private interrogation by the Subcommittee's staff. The only information which has been withheld is the individual reserve data filed by producers or recorded on worksheets by staff which we have regarded as protected under the provisions of our order, the Natural Gas Act, and the Freedom of Information Act. However, as reflected by the subpoena duces tecum, it appears that our assertion of privilege has been summarily rejected by the Subcommittee.

We recognize that this Commission is an arm of Congress and should be responsive to legitimate legislative inquiries as to matters within the ambit of our responsibility. We conclude, therefore, that it would be inappropriate for this Commission to place its Chairman in jeopardy of contempt of Congress by refusing to disclose that which is protected by our order of September 12, 1972.

We therefore modify our order of September 12, 1972, so as to authorize the Chairman to respond to the subpoena duces tecum served upon him on June 21, 1973, and under compulsion of congressional process, we direct the delivery to the Senate Committee on the Judiciary's Subcommittee on Antitrust and Monopoly of the data and information collected under our order of September 12, 1972, such delivery to the Subcommittee, however, being made expressly under protest and subject to the requirements of confidentiality

<sup>3</sup> Cf. *Electric Bond & Share Co. v. S.E.C.*, 303 U.S. 419 (1938); *Rovario v. U.S.*, 353 U.S. 53 (1957).

and protection against public disclosure as set forth in our said order of September 12, 1972, unless otherwise waived by filing producers by notification to the Subcommittee.<sup>4</sup> Accordingly, we authorize the delivery of the data demanded by subpoena to the Subcommittee to be held, used, or published by the Subcommittee and its staff, subject to the responsibilities of nondisclosure which are imposed by Congress in the applicable provisions of the Natural Gas Act and the Freedom of Information Act.

In so modifying our order of September 12, we would emphasize the harm and injury which may result if the confidential information demanded by the Subcommittee is released to the public. While the passage of time since the last reporting date of June 30, 1972, may have altered the competitive sensitivity of the R-405 data, we cannot so assume in the absence of evidence. Accordingly, we give express notice to the Subcommittee that public disclosure may well produce anticompetitive effects in the natural gas industry and may result in the taking of property without provision for the payment of just compensation.

In issuing this order, we further recognize that the procedural and substantive due process rights of citizens of the United States are placed in jeopardy. The time constraint imposed by the Subcommittee precludes any meaningful notice to those whose property rights are being affected, and any real opportunity on their part to be heard prior to entry of this order and prior to the disclosure now demanded by the Subcommittee.<sup>5</sup>

It is equally clear that public disclosure on June 26, will result, in the absence of waiver by filing producers, in immediate and irreparable injury to those who have filed confidential information with us in that, by reason of public disclosure, the proprietary value of the information will be destroyed.

This order is final and effective upon issuance. In the absence of restraint by a court of competent jurisdiction, the Subcommittee's subpoena will be honored on June 26, 1973, at 10:00 o'clock, A.M., Eastern Daylight Time.

The Secretary is directed to give immediate telegraphic and telephonic notice of this order to the Subcommittee and to all respondents.

#### The Commission finds:

Our order of September 12, 1972, in this docket is hereby modified as provided above.

By the Commission. Commissioners Moody and Brooke concurring, filed a separate statement appended hereto.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13221 Filed 6-28-73; 8:45 am]

<sup>4</sup> Supra, p. 2.

<sup>5</sup> Cf. *Accardi v. Shaughnessy*, 347 U.S. 260 (1954); *Service v. Dulles*, 354 U.S. 363 (1957).

[Docket No. R-433]

## RESERVES DEDICATION

### Order Denying Motion

JUNE 21, 1973.

On May 16, 1973, Associated Gas Distributors (AGD) filed in Docket No. R-433 a motion to require the mandatory submittal of reserves dedication reports in the Texas Gulf Coast and Southern Louisiana areas by pipelines in conformance with the form promulgated by Order No. 459, Order Establishing Form For Reserves Dedication, Docket No. R-433, issued November 10, 1972. That order established a form for use by the purchaser when requested by the producer to supply reserves dedication reports for the purpose of implementing the refund credit and contingent rate escalation provisions of Opinion Nos. 595<sup>1</sup> and 598<sup>2</sup>. Use of the form under Order No. 459 is voluntary, not mandatory.

ADG claims that the legality of the proposed rulemaking in Docket No. R-389-B<sup>3</sup> could be jeopardized by failure to require mandatory Order No. 459 reserves dedication reports, because the accuracy of the cost finding therein will depend, to a great extent, on the reliability of the figure used as the average productivity of the recent gas drilling effort. AGD also asserts that such reports are necessary for the Commission to estimate the gas supply consequences of any order issued in Docket No. R-389-B.

Amoco Production Company (Amoco) filed a response to ADG's motion in the above-entitled dockets on May 31, 1973, requesting the Commission to either reject or deny the motion. Amoco responds (1) that the provisions of Opinion No. 598 preclude a mandatory compliance with Order No. 459; and (2) that the data contained in an Order 459 report would be of no use to the Commission in the R-389-B nationwide rulemaking proceeding.

In our Order Denying Rehearing of Order No. 459, Docket No. R-433, issued January 5, 1973, we addressed Mobil Oil Corporation's (Mobil) contention that the reserves dedication reports should be mandatory. In denying Mobil's application for rehearing, we said, at mimeo page 2:

Section 1.4 of the UDC Settlement proposal (adopted in Opinion No. 598) provides that the purchaser upon request by the producer shall file a report with respect to new gas reserves. It is thus clear that reports under that proposal were not to be mandatory. As a result, Order No. 459 made the filing of the form prescribed therein voluntary. Moreover, even though a given producer may receive no specific benefit, it may request its pipeline to report the new gas reserves,

<sup>1</sup> 45 FPC 647 (1971) appeal docketed, P.S.C. for N.Y. v. P.P.C., CADC, No. 71-1828.

<sup>2</sup> 46 FPC 86 (1971) aff'd *Placid Oil Co. v. F.P.C.*, CA5, No. 71-2761, slip opinion dated April 16, 1973.

<sup>3</sup> Just and Reasonable National Rates for Future Sales of Natural Gas From Wells Commenced On Or After January 1, 1973, Notice of Proposed Rulemaking issued April 10, 1973.

and we expect the producer to do so. We shall therefore deny Mobil's application for rehearing.

AGD's claim that the accuracy of the rulemaking in Docket No. R-389-B may be jeopardized by the voluntary nature of Order No. 459 ignores prior area rate opinions. In such cases, the Commission has consistently utilized American Gas Association (AGA) national gas reserve estimates, which include both jurisdictional and nonjurisdictional reserves, for purposes of computing new gas costs. The mandatory reporting under Order No. 459 of jurisdictional reserves in the Texas Gulf Coast and Southern Louisiana Areas would serve no useful purpose in this connection inasmuch as they are not comparable with the AGA estimates.

Moreover, the Commission's existing data gathering system provides, *inter alia*, the same type of information regarding pipeline gas supply which would be gained from reserve reports submitted under Order No. 459. Yearly, each interstate pipeline company files with the Commission a "Form 15", which contains information as to the status of the company's supply. This information is available to the public in completed form and on file in the Commission's Office of Public Information.<sup>4</sup> In addition, the Commission staff compiles annually its "Form 15 Report", *Natural Gas Companies' Annual Report of Gas Supply*,<sup>5</sup> which consists of the data supplied by all interstate pipelines in their Form 15 filings regarding the status of each company's gas supply, reflecting total additions and reductions. The information gathered for purposes of this staff report presents the interstate gas supply picture annually on a nationwide basis.

In view of the foregoing, we see no need to amend Order No. 459 to make the reserves dedication reports in the Texas Gulf Coast and Southern Louisiana areas mandatory.

#### The Commission orders:

For the reasons set forth above, the petition for amendment of Order No. 459, filed by AGD on April 16, 1973, is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13223 Filed 6-28-73; 8:45 am]

<sup>4</sup> See Order No. 476, Docket No. R-308, issued March 6, 1973, revising Form 15, and prescribing due dates for filing. While the Form 15 data for 1972 will not be filed until December 31, 1973, and thus will not be available in Docket No. R-389-B, where action is to be taken on or before July 1, 1973, use of the mandatory reports requested by AGD would also involve considerable delay in Docket No. R-389-B. In the future, however, the Form 15 data for each year will be available on April 1 of the following year.

<sup>5</sup> Order No. 279, Docket No. R-239, issued March 31, 1964, promulgated the Form 15 Report. See latest edition, *The Gas Supplies of Interstate Natural Gas Pipeline Companies*, 1971, F.P.C., Washington, D.C. (December 1972).

[Docket No. CI73-870]

**RYDER SCOTT MANAGEMENT CO., INC.  
(OPERATOR), ET AL.****Notice of Application**

JUNE 19, 1973.

Take notice that on June 8, 1973, Ryder Scott Management Company, Inc. (Applicant), 922 Eighth Street, Wichita Falls, Texas 76301, filed in Docket No. CI73-870 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to the Natural Gas Pipeline Company of America from the Marie Waggoner No. 1 Producing Unit, Wise County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced sales of natural gas on May 25, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from said date within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 60,000 Mcf of gas per month at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before July 5, 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

**KENNETH F. PLUMB,  
Secretary.**

[FR Doc.73-13192 Filed 6-28-73;8:45 am]

[Docket No. RP73-47]

**SEA ROBIN PIPELINE CO.****Further Extension of Time and  
Postponement of Hearing**

JUNE 21, 1973.

On June 7, 1973, the Commission Staff Counsel filed a motion for an extension of the procedural dates set by the notice issued March 2, 1973 in the above-designated matter. By letter dated June 13, 1973, Staff Counsel advised that no party expressed opposition to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff Service Date July 5, 1973  
Intervener Service Date July 17, 1973  
Prehearing Date August 1, 1973 (10:00 a.m., EDT)  
Sea Robin Rebuttal Service Date August 3, 1973  
Hearing Date August 16, 1973 (10:00 a.m., EDT)

**KENNETH F. PLUMB,  
Secretary.**

[FR Doc.73-13193 Filed 6-28-73;8:45 am]

[Project 1894]

**SOUTH CAROLINA ELECTRIC & GAS CO.****Issuance of Annual License**

JUNE 21, 1973.

On June 19, 1969, South Carolina Electric & Gas Company, Licensee for Parr Shoals Project No. 1894 located in Fairfield and Newberry Counties, South Carolina, on the Broad River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1894 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Company for continued operation and maintenance of Project No. 1894.

Take notice that an annual license is issued to South Carolina Electric & Gas Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever

comes first, for the continued operation and maintenance of the Parr Shoals Project No. 1894, subject to the terms and conditions of its license.

**KENNETH F. PLUMB,  
Secretary.**

[FR Doc.73-13196 Filed 6-28-73;8:45 am]

[Project 1895]

**SOUTH CAROLINA ELECTRIC & GAS CO.****Issuance of Annual License**

JUNE 21, 1973.

On June 19, 1969, South Carolina Electric & Gas Company, Licensee for Columbia Project No. 1895 located in Richland County, South Carolina, on the Broad River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1895 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to South Carolina Electric & Gas Company for continued operation and maintenance of Project No. 1895.

Take notice that an annual license is issued to South Carolina Electric & Gas Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Columbia Project No. 1895, subject to the terms and conditions of its license.

**KENNETH F. PLUMB,  
Secretary.**

[FR Doc.73-13197 Filed 6-28-73;8:45 am]

[Docket No. E-8261]

**SOUTHERN CALIFORNIA EDISON CO.****Initial Rate Schedule**

JUNE 22, 1973.

Take notice that on June 8, 1973, Southern California Edison Company (So Cal) tendered for filing an initial rate schedule relating to service to Portland General Electric Company (Portland). So Cal states that an agreement calls for it to provide short-term service to Portland for two five-month periods beginning November 1, 1973, and November 1, 1974. Total revenues for period of service are estimated by So Cal to be \$2,190,000. So Cal has requested permission to make this filing more than ninety days prior to the date on which service is to commence and requests an effective date of 30 days after 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, N.E., 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 July 5, 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. PLUMS,  
Secretary.

[FR Doc.73-13194 Filed 6-28-73;8:45 am]

[Docket No. E-8270]

**SOUTHERN CALIFORNIA EDISON CO.**  
Initial Rate Schedule

JUNE 22, 1973.

Take notice that on June 11, 1973, Southern California Edison Company (Edison) tendered for filing a letter of agreement with Pacific Power and Light Company (PP&L) dated February 12, 1973, as an initial rate schedule. Edison states that the agreement contemplates that Edison will supply firm capacity and associated energy in the amounts requested, if available, when PP&L's available resources are or are expected to be insufficient to meet its short term system demands and spinning reserve requirements. It is further stated that the rate proposed is the same as the short term firm capacity rate of the California Power Pool Agreement, Southern California Edison Company Rate Schedule FPC No. 24. Edison maintains that no estimate of future sales and revenues can be made because such sales will be dependent upon availability of hydroelectric power in the Pacific Northwest. Edison requests an effective date of December 12, 1972.

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, N.E., 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 July 9, 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. PLUMS,  
Secretary

[FR Doc.73-13195 Filed 6-28-73;8:45 am]

[Docket No. RP72-91, et al.]

**SOUTHERN NATURAL GAS CO.**

Proposed Changes in Rates and Charges

JUNE 20, 1973.

Take notice that on May 23, 1973, Southern Natural Gas Company (Southern) tendered for filing Third Revised Sheet No. 4A to its FPC Gas Tariff Original Volume No. 1. Southern states that this tariff sheet, entitled Original PGA-1, reflects the Base Tariff Rates contained in Appendix D of the Stipulation and Agreement which was placed into the record on May 23, 1973, in Docket No. RP72-91, et al. and that, pursuant to the agreement, would become effective 40 days after Commission approval by order.

Any person desiring to comment upon the filing should file such comment with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on or before July 5, 1973. A copy of the filing is on file with the Commission and is available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.73-13198 Filed 6-28-73;8:45 am]

**SOUTHERN NATURAL GAS CO.**

Change in Tariff

JUNE 21, 1973.

Take notice that Southern Natural Gas Company (Southern) has tendered for filing the following sheets of its FPC Gas Tariff, Original Volume No. 2:

First Revised Sheet No. 135  
First Revised Sheet No. 137  
First Revised Sheet No. 138  
First Revised Sheet No. 139  
First Revised Sheet No. 140  
First Revised Sheet No. 141  
First Revised Sheet No. 141A  
First Revised Sheet No. 141B

Southern states that the above sheets incorporate an amendatory agreement between Southern and United Gas Pipe Line Company (United) dated November 9, 1971, shown initially as Original Sheet Nos. 141A through 141D. In addition, the company states that the above sheets serve to delete the Bienville Parish point of interconnection in the Exchange Agreement between Southern and United, such point of connection having never been established. Southern has requested an effective date of July 1, 1973.

Southern states that copies of the tariff sheets have been mailed to United.

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, N.E., Washington, D.C. 20426 in accordance with § 1.8 and make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMS,  
Secretary.

[FR Doc.73-13199 Filed 6-28-73;8:45 am]

[Docket Nos. CI73-878, CI73-879, CI73-880]

**SUN OIL CO.**

Notice of Applications

JUNE 19, 1973.

Take notice that on June 7, 1973, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket Nos. CI73-878, CI73-879, CI73-880 applications pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and deliveries of natural gas in interstate commerce to Trunkline Gas Company (Trunkline) from the West Cameron Area, Vermilion Area, and East Cameron Area, respectively, offshore Louisiana, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant in Docket No. CI73-878 proposes under the optional gas pricing procedure to sell natural gas to Trunkline from Block 639, West Cameron Area, offshore Louisiana, at a rate of 45.0 cents per Mcf of gas at 15.025 psia, subject to an upward and downward Btu adjustment, pursuant to a contract dated April 18, 1973. Said contract provides for a 1.0-cent per Mcf price escalation each year, for tax reimbursement to the seller for ⅓ of any additional taxes which are greater than those being levied on the date of the contract and for a term of 20 years. Applicant estimates monthly deliveries of gas at 1,700,000 Mcf.

Applicant in Docket No. CI73-879 proposes to sell gas under the optional gas pricing procedure to Trunkline from Block 320, Vermilion Area, offshore Louisiana, at a rate of 45.0 cents per Mcf of gas at 15.025 psia, subject to an upward and downward Btu adjustment, pursuant to a contract dated April 18, 1973. Said contract provides for a 1.0-cent per Mcf price escalation each year, for tax reimbursement to the seller for ⅓ of any additional taxes, and for a term of 20 years. Applicant estimates monthly deliveries of gas at 1,575,000 Mcf.

Applicant in Docket No. CI73-880 proposes to sell gas under the optional gas pricing procedure to Trunkline from Block 338, East Cameron Area, offshore Louisiana, at a rate of 45.0 cents per Mcf of gas at 15.025 psia, subject to upward and downward Btu adjustment, pursuant to a contract dated April 18, 1973. Said contract provides for a 1.0-cent escalation each year, for tax reimbursement to the seller for ⅓ of any additional taxes, and for a term of 20 years. Applicant estimates monthly deliveries of gas at 1,399,800 Mcf.

Applicant states that the gas offered for certification pursuant to each contract has not been previously sold in the interstate market, nor have any applications been previously filed with the Commission for certification of the sales of such gas.

Applicant asserts that the instant sales at the proposed initial rates with escalations will make substantial new gas reserves available to the Midwest

area of the United States where serious shortages of fuels currently exist. Applicant states that the proposed prices are reasonable in light of recently executed contracts for the sale of gas from the same area which call for rates in the neighborhood of 45.0 cents per Mcf to 50.0 cents per Mcf. Applicant also notes that recently negotiated intrastate contracts for gas in New Mexico, Oklahoma, Ohio, Alabama, and Florida call for prices between 52.0 cents per Mcf and 76.0 cents per Mcf. Applicant further asserts that assurance of the instant long-term supply of gas produced domestically and delivered at the instant contract prices is less costly to consumers than number of alternative sources of supply including liquefied natural gas from Algeria, Canadian gas, Alaskan gas, and synthetic gas from liquid hydrocarbons and coal gasification.

Any person desiring to be heard or to make any protest with reference to said applications should on or before July 5, 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings 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.73-13200 Filed 6-28-73;8:45 am]

[Docket No. CP73-129]

**TENNESSEE GAS PIPELINE CO., A  
DIVISION OF TENNECO, INC.**

**Petition To Amend**

JUNE 19, 1973.

Take notice that on June 4, 1973, Tennessee Gas Pipeline Company, a Divi-

sion of Tenneco Inc. (Applicant), P. O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73-129 a petition to amend the order of the Commission heretofore issued in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) on March 27, 1973, so as to authorize Petitioner to construct and operate during the calendar year 1973 additional gas purchase facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The Commission's order in the subject docket denied Petitioner's request for a waiver of the cost limitations in § 157.7(b) of the regulations and authorized the construction of gas purchase facilities at a total cost not to exceed \$7,000,000, with no single offshore or onshore project to exceed a cost of \$1,750,000 or \$1,000,000 respectively. Petitioner had requested authorization to construct facilities at a total cost of \$10,000,000, with single project limitations of \$1,750,000 and \$2,500,000 for onshore and offshore projects, respectively. The Commission's order stated that the denial of the waiver did not preclude Applicant from seeking separate authority to install gas purchase facilities at costs exceeding the limits in § 157.7(b).

Petitioner requests herein that the Commission's order be amended to permit the construction of additional unspecified gas purchase facilities to receive deliveries of natural gas at an additional cost not in excess of \$2,000,000 for a total cost authorization of \$15,000,000, with single project limitations of \$1,000,000 and \$1,750,000 for onshore and offshore construction, respectively.

Petitioner states that the purpose of the proposed construction is to facilitate the attachment of new reserves of natural gas to its pipeline system and to increase deliveries from the expansion and/or further development of existing reserves. It is stated that since the filing of the original application Petitioner expects to enter into contracts with producers involving not less than four new discoveries and obtain gas supplies located in seventeen blocks in the Louisiana Offshore Area. The aggregate cost of attaching these reserves is stated to be approximately \$8,000,000 more than the \$7,000,000 of facilities already authorized.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before July 9, 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 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13201 Filed 6-28-73;8:45 am]

**TEXAS GAS TRANSMISSION CORP.**

**Filing of Rate Schedule**

JUNE 21, 1973.

Take notice that Texas Gas Transmission Corporation (Texas Gas) on May 29, 1973, tendered for filing Rate Schedule X-45 consisting of Original Sheets Nos. 502 through 510, to its FPC Gas Tariff, Original Volume No. 2, proposed to become effective on July 1, 1973.

Texas Gas states that it and Florida Gas Transmission Company (Florida Gas) were authorized by Commission order issued May 18, 1973, in Docket No. CP73-33, to exchange natural gas through their existing pipeline systems. Texas Gas says that Florida Gas is also filing a rate schedule reflecting this exchange agreement.

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, N.E., 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 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 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.73-13202 Filed 6-28-73;8:45 am]

[Docket No. CP73-324]

**TEXAS GAS TRANSMISSION CORP.**

**Notice of Application**

JUNE 19, 1973.

Take notice that on June 7, 1973, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP73-324 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a 12-month period commencing on the date of authorization, of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing

Applicant's system salable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed \$1,000,000 and the cost for any single project will not exceed \$250,000. These costs will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 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 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are 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. 73-13203 Filed 6-28-73; 8:45 am]

[Docket No. CI73-858]

#### THUNDERBIRD OIL CORP.

##### Notice of Application

JUNE 19, 1973.

Take notice that on June 6, 1973, Thunderbird Oil Corporation (Applicant), P. O. Box 1097, Midland, Texas 79701, filed in Docket No. CI73-858 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural Gas) from the Sombrero, W. Atoka Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant states it commenced the sale of natural gas on May 24, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the sixty-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 37,500 Mcf of gas per month at 40.0 cents per million Btu at 14.65 psia. Initial deliveries are estimated to contain 1200 Btu per cubic foot of gas. Applicant states that the cost of facilities for the delivery of gas to Natural Gas was \$32,500.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,  
Secretary.

[FR Doc. 73-13204 Filed 6-28-73; 8:45 am]

[Docket No. E-8227]

#### UNITED ILLUMINATING CO.

##### Termination of Service

JUNE 19, 1973.

Take notice that The United Illuminating Company (United) on May 24,

1973, tendered for filing a notice of termination of service under its FPC Rate Schedule No. 29. The rate schedule consists of a purchase agreement between United and Consolidated Edison Company of New York, Inc., which was effective November 28, 1972.

United states that the reason for the termination is that pursuant to the terms of the agreement, the term thereof ended on April 13, 1973. A copy of the notice has been served upon Consolidated Edison.

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, N.E., 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 or 1.10). All such petitions or protests should be filed on or before July 5, 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. 73-13210 Filed 6-28-73; 8:45 am]

[Project No. 472]

#### UTAH POWER AND LIGHT CO.

##### Issuance of Annual License

JUNE 21, 1973.

On June 5, 1969, Utah Power and Light Company, Licensee for Oneida Project No. 472 located in Franklin County, Idaho, on the Bear River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made supplemental filings pursuant to Commission Order No. 384 on February 27, 1970, and October 7, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power and Light Company for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power and Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No.

472, subject to the terms and conditions of its license.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-13206 Filed 6-28-73;8:45 am]

[Project No. 696]

**UTAH POWER & LIGHT CO.**

**Issuance of Annual License**

**JUNE 20, 1973.**

On June 23, 1969, Utah Power & Light Company, Licensee for Upper and Lower American Project No. 696 located in Utah County, Utah, on the American Fork Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The license for Project No. 696 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued operation and maintenance of Project No. 696.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Upper and Lower American Project No. 696, subject to the terms and conditions of its license.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-13205 Filed 6-28-73;8:45 am]

[Project No. 703]

**UTAH POWER & LIGHT CO.**

**Issuance of Annual License**

**JUNE 20, 1973.**

On June 24, 1969, Utah Power & Light Company, Licensee for Paris Project No. 703 located in Bear Lake County, Idaho, on the Paris Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Project No. 703 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued

operation and maintenance of Project No. 703.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Paris Project No. 703, subject to the terms and conditions of its license.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-13208 Filed 6-28-73;8:45 am]

[Project No. 1744]

**UTAH POWER & LIGHT CO.**

**Issuance of Annual License**

**JUNE 21, 1973.**

On June 24, 1969, Utah Power & Light Company, Licensee for Weber Project No. 1744 located in Davis, Morgan, and Weber Counties, Utah, on the Weber River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 1744 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Utah Power & Light Company for continued operation and maintenance of Project No. 1744.

Take notice that an annual license is issued to Utah Power & Light Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973 to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Weber Project No. 1744, subject to the term and conditions of its license.

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-13207 Filed 6-28-73;8:45 am]

[Docket No. CI73-866]

**VANDERBILT RESOURCES CORP.**

**Notice of Application**

**JUNE 19, 1973.**

Take notice that on June 8, 1973, Vanderbilt Resources Corporation (Applicant), Suite 1803, 211 Ervay Building, Dallas, Texas 75201, filed in Docket No. CI73-866 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale

and delivery of natural gas in interstate commerce to Northern Natural Gas Company from the Vinegarone Field, Val Verde County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 14, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale until the gas is no longer available from the Adah Cauthorn No. 1-9 Well within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that the Adah Cauthorn No. 2-9 Well is currently being drilled and if successfully completed will replace the No. 1-9 Well which is being produced as an emergency pressure relief measure. Applicant proposes to sell approximately 25,000 Mcf of gas per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before 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 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

**KENNETH F. PLUMB,**  
*Secretary.*

[FR Doc.73-13211 Filed 6-28-73;8:45 am]

[Docket No. CP73-323]

**WASHINGTON NATURAL GAS CO. AS  
PROJECT OPERATOR****Notice of Application**

JUNE 20, 1973.

Take notice that on June 7, 1973, Washington Natural Gas Company (Applicant), 815 Mercer Street, Seattle, Washington 98111, filed in Docket No. CP73-323 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of gas compression facilities at the Jackson Prairie Storage Project, Lewis County, Washington, and the operation of the storage project to provide additional maximum daily and seasonal deliveries of gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant, The Washington Water Power Company and El Paso Natural Gas Company (El Paso) jointly and equally own an undivided interest in the Jackson Prairie Storage Project. Applicant is currently authorized to operate the Storage Project pursuant to the Commission's orders of October 30, 1970, and November 6, 1972, in Docket No. CP71-6, et al., and the Commission's Opinion No. 620 issued June 20, 1972, to receive from and store for El Paso up to 17.2 million Mcf of gas and to deliver up to 180,000 Mcf of gas per day and 6.7 million Mcf of gas to El Paso during any seasonal period beginning November 1 and extending through April 15.

Applicant proposes to construct a 3,500 horsepower centrifugal gas turbine compressor at the Storage Project to increase the Project's delivery capability to a maximum of 240,000 Mcf of gas per day and up to 7.6 million Mcf of gas per season. Applicant also proposes to change the seasonal delivery period to a term beginning October 16.

It is stated that the purpose of Applicant's proposal is to augment El Paso's ability to meet peak-day gas requirements without increased storage deliveries. This application is filed in conjunction with El Paso's application in Docket No. CP73-314.

The estimated cost of the facilities is \$809,926, which will be borne equally by the Project owners on a pro rata basis and will be financed through existing funds or short term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 9, 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 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must

file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the 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.73-13213 Filed 6-28-73;8:45 am]

[Project 400]

**WESTERN COLORADO POWER CO.****Issuance of Annual License**

JUNE 20, 1973.

On January 28, 1969, The Western Colorado Power Company, Licensee for Tacoma Ames Project No. 400 located in La Plata, San Juan, San Miguel, and Ouray Counties, Colorado, on the Animas and South Fork San Miguel River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 3, 1970.

The license for Project No. 400 was issued effective July 1, 1935, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Company for continued operation and maintenance of Project No. 400.

Take notice that an annual license is issued to The Western Colorado Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Tacoma Ames Project No. 400, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13212 Filed 6-28-73;8:45 am]

[Project 1889]

**WESTERN MASSACHUSETTS ELECTRIC  
CO.****Issuance of Annual License**

JUNE 22, 1973.

On June 19, 1969, Western Massachusetts Electric Company, Licensee for Turners Falls & Cabot Project No. 1889 located in Windham County, Vermont, Franklin County, Massachusetts, and Cheshire County, New Hampshire, on the Connecticut River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 18, 1970.

The license for Project No. 1889 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Massachusetts Electric Company for continued operation and maintenance of Project No. 1889.

Take notice that an annual license is issued to Western Massachusetts Electric Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Turners Falls & Cabot Project No. 1889, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
Secretary.

[FR Doc.73-13214 Filed 6-28-73;8:45 am]

[Project No. 1759]

**WISCONSIN MICHIGAN POWER CO.****Issuance of Annual License**

JUNE 22, 1973.

On June 26, 1969, Wisconsin Michigan Power Company, Licensee for Twin Falls, Peavy Falls and Way Project No. 1759 located in Iron and Dickinson Counties, Michigan, and Florence County, Wisconsin, on the Michigamme and Menominee Rivers filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 27, 1970.

The license for Project No. 1759 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wis-

consin Michigan Power Company for continued operation and maintenance of Project No. 1759.

Take notice that an annual license is issued to Wisconsin Michigan Power Company (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Twin Falls, Peavy Falls and Way Project No. 1759, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-13215 Filed 6-28-73;8:45 am]

[Project 1957]

**WISCONSIN PUBLIC SERVICE CORP.**

**Issuance of Annual License**

JUNE 21, 1973.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Otter Rapids Project No. 1957 located in Vilas County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1957 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1957.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Otter Rapids Project 1957, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-13218 Filed 6-28-73;8:45 am]

[Project No. 1968]

**WISCONSIN PUBLIC SERVICE CORP.**

**Issuance of Annual License**

JUNE 21, 1973.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Hat Rapids Project No. 1968 located in Oneida County, Wisconsin, on the Wisconsin River filed an application for a

new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1968 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1968.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Hat Rapids Project No. 1968, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-13219 Filed 6-28-73;8:45 am]

[Project 1989]

**WISCONSIN PUBLIC SERVICE CORP.**

**Issuance of Annual License**

JUNE 21, 1973.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Merrill Project No. 1989 located in the City of Merrill, Lincoln County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and the Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 25, 1970.

The license for Project No. 1989 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1989.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Merrill Project

No. 1989, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-13216 Filed 6-28-73;8:45 am]

[Project 1999]

**WISCONSIN PUBLIC SERVICE CORP.**

**Issuance of Annual License**

JUNE 20, 1973.

On June 27, 1969, Wisconsin Public Service Corporation, Licensee for Wausau Project No. 1999 located in the City of Wausau, Marathon County, Wisconsin, on the Wisconsin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 26, 1970.

The license for Project No. 1999 was issued effective January 1, 1938, for a period ending June 30, 1970. Since the original date of expiration the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for continued operation and maintenance of Project No. 1999.

Take notice that an annual license is issued to Wisconsin Public Service Corporation (Licensee) under section 15 of the Federal Power Act for the period July 1, 1973, to June 30, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Wausau Project No. 1999, subject to the terms and conditions of its license.

KENNETH F. PLUMB,  
*Secretary.*

[FR Doc.73-13217 Filed 6-28-73;8:45 am]

**FEDERAL RESERVE SYSTEM**

**AMERICAN BANKSHARES, INC.**

**Acquisition of Banks**

American Bankshares, Inc., North Miami, Florida, has applied in separate applications for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire (1) 80 percent or more of the voting shares of University City Bank, Gainesville, Florida and (2) 90 per cent or more of the voting shares of the Seminole Bank of Tampa, Tampa, Florida. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in

writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 10, 1973.

Board of Governors of the Federal Reserve System, June 21, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-13095 Filed 6-28-73; 8:45 am]

**BARNETT BANKS OF FLORIDA, INC.**  
Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 80 per cent or more of the voting shares of Edison National Bank in Fort Myers, Fort Myers, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 18, 1973.

Board of Governors of the Federal Reserve System, June 21, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.  
[FR Doc.73-13096 Filed 6-28-73; 8:45 am]

**DOMINION BANKSHARES CORP.**  
Order Approving Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the Act (12 U.S.C. 1842(a) (3)) to acquire all of the voting shares (less directors' qualifying shares) of The First National Exchange Bank of Washington County ("Bank"), Washington County, Virginia, a proposed de novo bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls seven banks with aggregate deposits of \$735 million representing 7.5 per cent of commercial bank deposits in Virginia and, on the basis of such deposits, is the fifth largest banking organization in the State. (All banking data are as of June 30, 1972 adjusted to reflect holding company formations and acquisitions approved by the Board through April 30, 1973.) Since Bank is a proposed new bank, consummation of the

proposal would not eliminate any existing competition nor immediately increase the concentration of banking resources.

Bank will be located in Washington County and will be authorized under Virginia law to establish branch offices in Washington County and in the contiguous City of Bristol. Applicant's lead bank operates three branch offices (which were acquired by merger in 1963) within the relevant market,<sup>1</sup> but under State law may not establish additional branches within the market. Applicant ranks as the largest banking organization in the market on the basis of the aggregate deposits held by the three Bristol branches of its lead bank<sup>2</sup> and Applicant controls approximately 23 per cent of deposits in the market. Although Applicant has a substantial share of deposits in the market, Applicant does not dominate the other six banking organizations within the market; nor does it appear likely that approval of this proposal would confer such dominance in a market which includes such competitors as Virginia's largest and third largest banking organizations. It appears unlikely that consummation of the proposal will have any significant adverse competitive effects and consummation may stimulate competition by permitting Applicant to provide an additional alternative source of banking services outside of the City of Bristol.

The financial condition, management, and prospects of Applicant and its subsidiaries are regarded as generally satisfactory. Since Bank will be able to draw on Applicant's financial and managerial resources, Bank's prospects are favorable, and the banking factors are consistent with approval of the application. Considerations relating to convenience and needs of the communities to be served lend weight toward approval as Bank will provide an additional source of banking services. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) The First National Exchange Bank of Washington County, Washington County, Virginia, shall be opened for business not later than six months after the effective date of this Order. Each of the

<sup>1</sup>The relevant market for analyzing the competitive effects of the proposed acquisition is approximated by Washington County and the City of Bristol in Virginia and by the northern portion of Sullivan County including Blountsville, in Tennessee.

<sup>2</sup>In a related matter, Applicant has applied to the Comptroller of the Currency for Bank to acquire the assets and liabilities of the three Bristol branches of Applicant's lead bank. However, Applicant seeks approval to acquire Bank regardless of the outcome of the application before the Comptroller to acquire assets and liabilities.

periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective June 21, 1973.

[SEAL] TYNAN SMITH,  
Secretary of the Board.  
[FR Doc.73-13097 Filed 6-28-73; 8:45 am]

**FEDERAL OPEN MARKET COMMITTEE**  
Domestic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on March 19-20.<sup>1</sup>

The information reviewed at this meeting suggests continued substantial growth in real output of goods and services in the current quarter, although at a rate less rapid than in the fourth quarter of 1972. Over the first 2 months of this year, employment rose strongly but the unemployment rate remained about 5 per cent. The advance in wage rates moderated from the earlier rapid pace, while the rate of increase in prices accelerated. Prices of foods continued to rise sharply both at wholesale and retail; in February, moreover, increases in wholesale prices of industrial commodities were large and widespread. Another wave of speculative movements out of dollars into German marks and some other currencies developed at the beginning of March and led to a decision by a number of European countries to float their currencies jointly. On March 16, after a series of meetings, officials of leading industrial countries announced a program aimed at maintaining orderly international monetary arrangements.

The narrowly defined money stock expanded moderately in February, after having changed little in January, and growth over recent months remained at an average annual rate of about 6.5 per cent. The more broadly defined money stock continued to grow at a moderate rate in February as inflows of consumer-type time and savings deposits to banks slowed sharply. However, in the face of strong loan demand from businesses, and also from foreign banks, U.S. banks sharply increased their issuance of large-denomination CD's and the bank credit proxy expanded very rapidly. In recent weeks short-term market interest rates have risen substantially further while the rise in long-term rates has remained more moderate.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consonant with the aims of the economic stabilization program, including abatement of inflationary pressures, sustainable growth in real output and employment and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of possible domestic credit market

<sup>1</sup>Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher and Holland. Absent and not voting: Chairman Burns.

<sup>2</sup>The Record of Policy Actions of the Committee for the meeting of March 19-20, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

and international developments, the Committee seeks to achieve bank reserve and money market conditions that will support somewhat slower growth in monetary aggregates over the months ahead than occurred on the average in the past 6 months.

By order of the Federal Open Market Committee, June 18, 1973.

ARTHUR L. BROIDA,  
Deputy Secretary.

[FR Doc.73-13094 Filed 6-28-73;8:45 am]

### FIRST FLORIDA BANCORP.

#### Acquisition of Bank

First Florida Bancorporation, Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Davenport State Bank, Davenport, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 17, 1973.

Board of Governors of the Federal Reserve System, June 18, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.

[FR Doc.73-13098 Filed 6-28-73;8:45 am]

### FIRST INTERNATIONAL BANCSHARES, INC.

#### Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to American Bank & Trust Company ("Bank"), Dallas, Texas. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

By Order dated November 30, 1972, the Board approved the formation of Applicant<sup>1</sup> and stated:

<sup>1</sup> 1972 Fed. Res. Bulletin 1028

First National [Bank in Dallas, applicant's lead bank] now holds certain minority interests in fourteen banks ("Other Banks") located in Dallas County, Texas, as follows: 24 per cent of the shares of American Bank and Trust Company; 21.34 per cent of the shares of Citizens State Bank, Irving; 20 per cent of the shares of The Dallas County State Bank, Carrollton; 24.76 per cent of the shares of DeSoto State Bank; 24.52 per cent of the shares of East Dallas Bank & Trust Company; 24 per cent of the shares of First National Bank of Richardson; 24 per cent of the shares of Grove State Bank; 22.42 per cent of the shares of North Dallas Bank and Trust Company; 24.9 per cent of the shares of Northpark National Bank; 19.47 per cent of the shares of Park City's Bank and Trust Company; 24.5 per cent of the shares of Southwest Bank and Trust Company, Irving; 24 per cent of the shares of Texas National Bank; 10.67 per cent of the shares of White Rock National Bank; and 26.41 per cent of the shares of Guaranty Bank, formerly South Oak Cliff Bank.

Board approval of Applicant's proposal to become a bank holding company does not signify Board approval of the retention or acquisition of the above-referred to minority interests in Other Banks. It is the Board's understanding, from representations by Applicant, that Applicant will file separate applications for prior approval by the Board for each of such minority holdings it seeks to retain and cause its minority interests in all Other Banks, other than those for which such applications are filed, to be completely and permanently divested by it. It is further understood that in this manner any such applications so filed by Applicant will be subject to the ordinary regulatory and legal process, subject to statutory standards as set forth in both section 3 of the Bank Holding Company Act and section 7 of the Clayton Act.

This application has been filed pursuant to that understanding but encompasses all of the voting shares of Bank rather than Applicant's presently existing minority interest in Bank. Similar applications have been filed to acquire shares of Grove State Bank, Park Cities Bank & Trust Company, and Southwest Bank & Trust Company. The Board understands that an application will be filed promptly, but, in any event, not later than August 1, 1973, for shares of the Dallas County State Bank and further understands that Applicant's indirect minority interest in Guaranty Bank, formerly South Oak Cliff Bank, was completely and permanently divested by sale on January 9, 1973. The Board further understands and expects that Applicant's indirect minority interests in the eight other banks mentioned above will be completely and permanently divested as noted in the Board's earlier Statement.

Bank is the fifteenth largest of 110 banks in the Dallas banking market which is approximated by the Dallas RMA<sup>2</sup> and controls 0.74 per cent of market deposits. Applicant's lead bank is the second largest bank in the market and holds 23.4 per cent of market deposits.

<sup>2</sup> RMA refers to Ranally Metro Area which is defined as the central city plus every community, 8 per cent or more of the total population of which, or 15 per cent or more of the labor force of which, commutes to the central city, based on the Census of Population. No community, 35 per cent or more of the labor force of which is engaged in agriculture, is included in an RMA.

In view of the close affiliation of Applicant's lead bank and Bank, which affiliation has existed in various forms since 1945 and presently manifests itself in the ownership of 24 per cent of Bank's shares by Applicant's trustee affiliate and in the ownership of an additional 31.2 per cent of the shares of Bank by six shareholders of Applicant, it appears that there is no meaningful present competition between any of Applicant's subsidiary banks and Bank. Furthermore, it appears unlikely that that any significant competition would develop between any of Applicant's subsidiaries and Bank in the future. Irrespective of the affiliation of Bank with Applicant, consummation of the proposed transaction is unlikely to have a significant adverse effect on existing or future competition in the Dallas market in view of the small size of Bank's market share and the difference in principal functions between Bank and Applicant's lead bank, the former serving primarily as a source of individual or retail banking services, the latter as a source of corporate or wholesale banking services. The Board concludes that consummation of the proposal would not eliminate existing or future competition, nor would it have significantly adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are generally satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

During its consideration of this application, the Board received the views of a shareholder of Applicant objecting to the fact that shareholders of Applicant do not have cumulative voting rights and urging the Board to deny all future applications by Applicant until such rights are afforded. The Board has consistently opposed various bills considered by Congress in 1954, 1955, 1957, and 1964, that would have either repealed or limited the existing requirement of section 61 of Title 12 of the United States Code that national banks afford their shareholders cumulative voting. Conversely, the Board supported the objectives of bills considered by Congress in 1968 and 1969 that would have broadened the applicability of the cumulative voting requirement. The Board believes that cumulative voting rights are desirable as a means of permitting minority representation on bank boards and thereby a means for the promotion of corporate democracy.

However, the Board, in acting upon bank holding company applications to acquire banks has been directed by Congress in section 1842(c) of title 12 of the United States Code to consider the competitive effects of a proposed acquisition and "the financial and managerial re-

sources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served." It is doubtful that, under this standard, the Board could deny an application by a bank holding company on the basis that the company does not provide cumulative voting rights to its shareholders.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,<sup>3</sup> effective June 21, 1971.

[SEAL] TYNAN SMITH,  
Secretary of the Board.

[FR Doc.73-13099 Filed 6-28-73;8:45 am]

#### FIRST NEW MEXICO BANKSHARE CORP. Acquisition of Bank

First New Mexico Bankshare Corp., Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Grant County Bank, Silver City, New Mexico. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D. C. 20551, to be received not later than July 19, 1973.

Board of Governors of the Federal Reserve System, June 21, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.

[FR Doc.73-13100 Filed 6-28-73;8:45 am]

#### GENERAL FINANCIAL SYSTEMS

##### Retention of Bank Shares

General Financial Systems, Riviera Beach, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to retain 12,450 (83.3 per cent) or more of the voting shares of Tri City Bank, Palm Beach Gardens, Florida, which were acquired by purchase in August, 1971. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

<sup>3</sup> Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns

This application was submitted previously and notice of same published in the FEDERAL REGISTER (37 FR 12754, 17515). It was withdrawn, with Board approval, on December 14, 1972, on condition that the applicant resubmit same no later than May 22, 1973.

General Financial Systems has also been engaged in the following non-banking activities: development and management of rental apartments; home building; leasing of capital goods under full pay-out leases; operation of a general insurance agency; operation of an insurance brokerage agency; and data processing. Pending determination of whether applicant's efforts to divest these activities are effective, the Board, in addition to the factors considered under section 3 of the Act (banking factors) will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions of section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 17, 1973.

Board of Governors of the Federal Reserve System, June 19, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.

[FR Doc.73-13102 Filed 6-28-73;8:45 am]

#### PRAGUE CO.

##### Formation of Bank Holding Company

Prague Company, Omaha, Nebraska has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Prague, Prague, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than July 3, 1973.

Board of Governors of the Federal Reserve System, June 21, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.

[FR Doc.73-13101 Filed 6-28-73;8:45 am]

#### TEXAS COMMERCE BANKSHARES, INC. Acquisition of Bank

Texas Commerce Bankshares, Incorporated, Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100

per cent (less directors' qualifying shares) of the voting shares of Irving Bank and Trust Company, Irving, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D. C. 20551, to be received not later than July 6, 1973.

Board of Governors of the Federal Reserve System, June 20, 1973.

[SEAL] CHESTER B. FELDBERG,  
Assistant Secretary of the Board.

[FR Doc.73-13103 Filed 6-28-73;8:45 am]

#### SELECTIVE SERVICE SYSTEM REGISTRANTS PROCESSING MANUAL

##### Miscellaneous Amendments

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore these materials are set forth in full as follows:

##### CHAPTER 601

##### STATE OPERATIONAL ISSUANCES

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##### CHAPTER 601—STATE OPERATIONAL ISSUANCES

SECTION 601.1 *Purpose.* State Directors are authorized to supplement the RPM by issuing approved state operational issuances to the local boards. In the interest of achieving uniformity in processing registrants, this Chapter will govern the publication of such issuances.

Sec. 601.2 *Basis for issuance.* 1. State operational issuances may be either temporary (State Temporary Instructions) or permanent (State Supplements).

a. State Temporary Instructions are those which initiate a one-time procedure of short duration, or issue instructions of a temporary nature.

b. State Supplements are those which contain additional guidance accommodating a local operating condition which is not covered in the RPM.

c. All operational issuances, temporary or permanent, are to be forwarded to National Headquarters for review and approval prior to publication, except in emergency situations as set forth in Section 601.8.

2. State Temporary Instructions and State Supplements are official and directive, and will be signed by or for the State Director.

Sec. 601.3 *Content.* 1. The content of each state operational issuance will be limited to a single chapter of the RPM.

2. State operational issuances will not repeat material contained in the RPM.

3. It is imperative that there be no contradiction of the provisions of the RPM Chapter by any state issuance elaborating on those provisions.

**Sec. 601.4 Format.** 1. State Temporary Instructions and State Supplements will be designated with a code and number identifying the State by two-letter abbreviation (except for NYC) and the number corresponding to a Chapter in the RPM, followed by a numerically increasing suffix; e.g.,

a. State Temporary Instruction OR 622-1.

b. State Supplement PA 632-3.

2. Paragraphs should refer to specific RPM sections and will be numbered in the same manner as the RPM text.

3. State Supplements will show an initial issuance date or revision date in the lower right-hand corner of each page.

4. State Temporary Instructions will show a termination date in the final paragraph.

5. State issuances shall be published in distinctive colors (one color for State Supplements, and a different color for State Temporary Instructions), and in standard page size, punched for insertion in the RPM binder.

601-2 (JUL 1, 1973)

**Sec. 601.5 Distribution.** 1. State operational issuances will be distributed as prescribed by the State Director, to include every official recipient of the RPM within his state.

2. State Directors are responsible for insuring that state issuances are distributed simultaneously to all recipients.

**Sec. 601.6 Index.** 1. An index of State Temporary Instructions and State Supplements will be published semi-annually effective January 1 and July 1 each year.

2. The Index will be published as a State Temporary Instruction in a columnar format by Chapter number, showing the number, title, effective date and terminal date for State Temporary Instructions, and the number, title and effective date for State Supplements.

**Sec. 601.7 Filing and posting.** 1. State Supplements will be filed in front of the applicable chapter of the RPM, latest on top. State Temporary Instructions shall be filed in front of the State Supplements, latest on top.

2. As new issuances are received, the index will be posted by entering the number, title, effective date, and terminal date if appropriate.

3. As current issuances expire, a single line will be drawn through the entry in the index.

4. When a new index is received, the RPM will be reviewed to determine that all current issuances are on hand and properly filed. If an issuance is missing, the index will be posted in pencil as follows:

a. Issuance not in file: N

b. Issuance requisitioned: R

When the issuance is received, the pencil notation will be erased.

**Sec. 601.8 Review by National Headquarters.** 1. Each proposed state issuance will be forwarded in duplicate to National Headquarters, Operations Division. Attention: OOPR, return receipt requested, by fastest mailing method practicable, with the notation "For Immediate Review." The State Headquarters will retain the return receipt executed by National Headquarters personnel. Issuances will require prior approval before distribution by the state, except in emergency situations, where verbal approval must be obtained in advance from OO, OODO, or OOPR.

**Sec. 601.9 Action by National Headquarters.**

1. National Headquarters, Operations Division, OOPR, will conduct a review within 30 days of receipt of the State Temporary Instructions and State Supplements submitted under this chapter. This review will insure compliance with the requirements of the

RPM. One of the following actions will then occur:

a. An interim reply will be sent establishing a new suspense date; or,

b. The issuance will be disapproved as a state issuance because it has national application, and the RPM will be revised to reflect the content of the proposed state issuance; or,

c. The proposed state issuance will be returned approved for publication; or,

d. The proposed state issuance will be returned for rewriting and resubmission to National Headquarters; or,

e. The proposed state issuance will be disapproved and the reasons for disapproval explained; or,

f. The proposed state issuance will be returned conditionally approved for publication subject to certain conditions being met prior to publication.

2. If the State Headquarters does not receive word of one of the above actions within 30 days of the date shown on the return receipt, inquiry should be made by telephone to OOPR-1.

3. A file of state issuance will be maintained at National Headquarters.

[Temporary Instruction 631-10, 621-3]

PROCESSING REGISTRANTS BY RSN

(Reference: § 1604.1(b), 1631.1, SSR)

JUNE 15, 1973.

1. The temporary processing RSN for registrants born in 1954 is raised from 020 to 050. A Registrant RSN Report covering registrants born in 1954 with RSN 001 through 050 will be distributed during the last week of June. It will be used in the processing of registrants in RSN sequence through RSN 050. Local boards which have no 1954 year of birth registrants' records in RIB with RSN 001 through 050, will not receive a Registrant RSN Report.

2. The Administrative Processing Number (APN) for the 1954 year of birth group remains at 095.

3. The Registrant RSN Report by SSN covering registrants born in 1954, with RSN 001 through 365, has been distributed. It will be verified in accordance with RIB Report Guide No. 150 and will then be used to post the assigned RSN's to the Registrant File Folder (SSS Form 101) and Classification Record (SSS Form 102) for each registrant born in 1954. Any Status Card (SSS Form 7) prepared for a registrant born in 1954 is to include his RSN.

4. Temporary Instruction No. 631-8/621-2 is rescinded.

This Temporary Instruction will terminate upon amendment or rescission.

[Temporary Instruction 623-1]

REPORTS REFLECTING CLASSIFICATION ACTIONS

JUNE 15, 1973.

1. While conversions to Class 1-H are being accomplished under the provisions of Temporary Instruction No. 631-11, the Minutes of Local Board Meeting Continuation Sheet (SSS Form 112-A) may be used on an interim basis for preparing the supplements to the List of Classifications (computer print out). Upon completion of the conversions, supplemental lists will be prepared as provided in § 623.2, RPM.

2. In preparing the Minutes of Local Board Meeting (SSS Form 112), entries will be made to show the number of registrants classified into and out of each class in which action was taken at the local board meeting. This information will be used to provide the "local board action" entries for the Report of Manpower Inventory (SSS Form 116).

This Temporary Instruction will terminate on August 1, 1973.

[Temporary Instruction 660-11]

MONTHLY REPORT OF AVAILABILITY OF I-O REGISTRANTS (SSS FORM 157)

JUNE 15, 1973.

1. A new form, Monthly Report of Availability of I-O Registrants (SSS Form 157), is now being distributed.

2. The SSS Form 157 is to be used beginning with the report scheduled for preparation by local boards on the last day of June 1973. Preparation and distribution will be in accordance with the Procedural Directive.

3. Temporary Instruction 660-3 is rescinded.

This Temporary Instruction will terminate upon implementation.

BYRON V. PEPITONE,  
Director.

JUNE 25, 1973.

[FR Doc.73-13127 Filed 6-28-73;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice 287]

### ASSIGNMENT OF HEARINGS

JUNE 26, 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 107839 Sub 149, Denver-Albuquerque Motor Transport, Inc., MC 113678 Sub 477, Curtis, Inc., now being assigned hearing August 27, 1973, at Denver, Colo., in a hearing room to be later designated.

MC-P-11676, Thunderbird Freight Lines, Inc.—Control & Merger—Oakley Transfer & Storage Company, MC 69512 Sub 9, Thunderbird Freight Lines, Inc., now being assigned hearing September 10, 1973, at Albuquerque, New Mexico in a hearing room to be later designated.

MC 117574 Sub 223, Daily Express, Inc., now being assigned August 15, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 119631 Sub 20, Deloma Trucking Company, now being assigned August 29, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 127834 Sub 85, Cherokee Hauling & Rigging, Inc., now being assigned September 11, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138297, Central Florida Coach Lines, Inc., now being assigned August 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-13242 Filed 6-28-73;8:45 am]

# federal register

FRIDAY, JUNE 29, 1973  
WASHINGTON, D.C.

Volume 38 ■ Number 125

PART II



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## ENVIRONMENTAL PROTECTION AGENCY

■

### ANALYSIS OF POLLUTANTS

Proposed Test Procedures

## ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 130 ]

### ANALYSIS OF POLLUTANTS

#### Proposed Test Procedures

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Environmental Protection Agency. The proposed regulations set forth, pursuant to section 304(g) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq. Public Law 92-500 (1972) hereinafter referred to as the "Act"), required test procedures for the analysis of pollutants.

Section 304(g) of the Act states that "The Administrator shall, within one hundred and eighty days from the date of enactment of this title, promulgate guidelines establishing test procedures for the analysis of pollutants that shall include factors which must be provided in any certification pursuant to section 401 of this Act or permit application pursuant to section 402 of this Act." These proposed guidelines require that the measurements listed below be performed by the test procedures indicated. As the result of extensive laboratory comparisons, both inhouse and with extramural public and private participants, it is believed that these procedures generally yield the most accurate results. However, it is recognized that other methods have been and are being used to perform these measurements. It is also recognized that under certain circumstances it may be advantageous to use methods other than those indicated. Accordingly, the use of other methods is permitted if approved by the Regional Administrator of the region in which such use will occur. It is anticipated that procedures will be promulgated for a number of additional measurements in the near future. Even then, however, in some cases, applicants for a permit or for certification may be required to submit analyses of pollutants for which measurement techniques are not specified by these or other regulations. In such cases, the Regional Administrator should be consulted as to an appropriate measurement technique for the pollutant and waste discharge involved. Generally, the Regional Administrator will require evidence of acceptability as described herein but may waive this requirement if the proposed method is known to him to be acceptable when applied to a specific waste effluent. However, should there be a subsequent contest as to the actual composition and content of any waste effluent, the indicated procedures or their automated versions will be the reference methods for the settlement of all actions related thereto.

On April 19, the Administrator promulgated regulations specifying forms and procedures for the submission of applications for permits under § 402 of the FWPCA. These regulations included required techniques for a number of measurements required to be performed in connection with permit applications. Where the attached regula-

tions specify a measurement technique, the April 19 regulations are superseded. Where, however, a measurement technique is set forth in the April 19 regulations, and no technique for the same measurement is included in these regulations, the April 19 procedures will continue to apply.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Office of Research and Development, Office of Monitoring Systems, Division of Equipment and Techniques, Washington, D.C. 20460 by (45 days from the publication date).

Dated: June 22, 1973.

ROBERT W. FRI,  
Acting Administrator,  
Environmental Protection Agency.

### PART 130—TEST PROCEDURES FOR THE ANALYSIS OF POLLUTANTS

- Sec.
- 130.1 Applicability.
- 130.2 Definitions.
- 130.3 Identification of procedures.
- 130.4 Application for alternative test procedures.
- 130.5 Requirement of alternative test procedures.
- 130.6 Requirement of additional test procedures.
- Appendix I—Determination of median and range of values.
- Appendix II—Previously unpublished test procedure.

**AUTHORITY:** Section 304(g) of the Federal Water Pollution Control Act Amendments of 1972 (86 Stat. 816 et seq., Public Law 92-500).

#### § 130.1 Applicability.

The procedures prescribed herein shall be used to perform the measurements indicated whenever the waste constituent specified is required to be measured for:

- (a) An application for a permit under section 402 of the Federal Water Pollution Control Act, as amended.
- (b) Reports required to be submitted by dischargers under the National Pollutant Discharge Elimination System (NPDES) established by Parts 124 and 125 of this chapter, and
- (c) Certifications issued by States pursuant to section 401 of the Federal Water Pollution Control Act, as amended.

#### § 130.2 Definitions.

- (a) "Reference A" means *Standard Methods for the Examination of Water and Wastewater*, 13th Edition, 1971. This publication is available from the American Public Health Association, 1015 18th St., NW., Washington, D.C. 20036.
- (b) "Reference B" means *Annual Book of Standards, Part 23, Water; Atmospheric Analysis*, 1972. This publication is available from the American Society for Testing and Materials, 1916 Race St., Philadelphia, Pa. 19103.

(c) "Reference C" means *Methods for Chemical Analysis of Water and Wastes*, Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the Superintendent of

Documents, U.S. Government Printing Office, Washington, D.C. 20402 (Stock #5501-0067).

(d) "Reference D" means "*Cold Vapor Method for Determining Mercury*, 1972; J. F. Kopp, M. C. Longbottom, and L. B. Lobring, Journal American Water Works Association, Vol. 64, No. 1.

#### § 130.3 Identification of Procedures.

The measurements shown in below shall be performed by the appropriate reference procedure:

Measurement	Reference
Alkalinity	C, p. 6
Ammonia Nitrogen	C, p. 134
Arsenic	A, p. 65, 4a (Digestion); A, p. 62, Method 104A (Measurement)
Boron	A, p. 89
Cadmium	C, p. 83
Chloride	B, p. 21, Method A
Chromium	C, p. 83
Conductance, specific	B, p. 163, Method B
Copper	C, p. 83
Fluoride	A, p. 171, Method 121A with p. 174, Method 121C
Hardness	A, p. 179, Method 122A
Iron	C, p. 83
Magnesium	C, p. 83
Manganese	C, p. 83
Mercury	D
Nitrate Nitrogen	A, p. 458, Method 213B
Nitrogen, total kjeldahl	A, p. 469, Method 216
Organic Carbon, total	C, p. 221
Organochlorine Pesticides	Appendix II
Orthophosphate	C, p. 243
Oxygen Demand, biochemical	A, p. 489, Method 219
Oxygen Demand, chemical	A, p. 495, Method 220
Phosphorous, total	C, p. 242
Selenium	A, p. 296, Method 150A
Silver	C, p. 83
Solids, total	A, p. 535, Method 224A
Surfactants	A, p. 559, Method 229
Suspended Non-filterable Solids, total	A, p. 537, Method 224C
Temperature	A, p. 559, Method 162
Zinc	C, p. 83

#### § 130.4 Application for Alternative Test Procedures.

(a) Any person may apply to the Regional Administrator for authorization to use an alternative test procedure. The Regional Administrator may authorize the use of such alternative procedure where he determines, on the basis of any information available to him, that the procedures would meet the requirements of paragraph (b) (1) and (2) of this section.

(b) Upon receipt of any application, the Regional Administrator shall first determine whether the alternative procedure may be authorized on the basis of information available to him, without further data. If he is unable to authorize the procedure on the basis of such information, he shall notify the applicant that his application can be considered further only after submission of data resulting from the following procedure.

Eleven replicate analyses shall be performed on each of three effluent samples collected during a 24-hour period of continuous discharge and characteristic of the discharge for which the alternative procedure is requested. One sample shall contain the maximum amount of pollutant observed during the 24-hour period. Another sample shall contain the minimum amount observed during such period. The third shall contain an amount approximately intermediate between the maximum and minimum values. The Regional Administrator may authorize the use of an alternative procedure where he determines:

(1) That the median (Appendix I) of each set of eleven values obtained by use of the proposed alternative procedure is within  $\pm 10\%$  of the median of the eleven values obtained on the sample, using the required method; and

(2) That the range of values (Appendix I) obtained by the alternative procedure does not exceed 1.2 times the range yielded by the required method for the same sample.

(c) If the discharger wishes to propose an alternate test procedure that he believes to have better absolute accuracy in the measurement of his waste discharge than the reference procedure, he may present to the Regional Administrator test results comparing the reference method to the alternative procedure, based on measurements of solutions of known strength and of "spiked" representative waste samples. The Regional Administrator may, then, on the basis of the presented evidence or any additional evidence he requires, decide to approve or disapprove the proposed alternative test procedure.

(d) If the conditions under which the authorization was granted change in any way which may affect the validity of measurements taken by an approved alternative test procedure, the Regional Administrator may require the discharger to submit further test results or other data. On the basis of such data, or other information available to him, the Regional Administrator may withdraw his approval of any alternative test procedure.

(e) The approval of an alternative test procedure for a particular discharge shall not constitute approval of that procedure for any other discharge. However, information submitted by any applicant or discharger may be considered by the Regional Administrator in determining whether to authorize the use of an alternative test procedure.

#### § 130.5 Requirement of alternative test procedures.

Where the Regional Administrator determines, for a particular discharge, that the method required by these regulations would not yield acceptably accurate results, he may require the applicant for certification or for an NPDES permit, to use another method specified by him.

#### § 130.6 Requirement of additional test procedures.

Where the Regional Administrator determines, for a particular discharge, that information about a pollutant not included in these regulations is required to properly assess the environmental impact of the discharge, he may require the applicant for certification or for an NPDES permit, to furnish such additional information as specified by him.

##### APPENDIX I

###### DETERMINATION OF MEDIAN AND RANGE OF VALUES

The following procedures shall be followed in determining the median and range of values of each set of eleven measurements:

1. List the eleven measurements in ascending order of magnitude.

2. The median is identified as the sixth measurement in the ordered listing.

3. The range of values is the difference between the tenth and second measurements in the ordered listing.

*Example (1)*—Measurements in the order they are actually obtained from experiments: 10.1, 10.2, 10.2, 10.1, 10.1, 10.2, 10.2, 10.2, 10.1, 10.2, 10.1. In ascending order of magnitude, the order would be as follows:

Order: 1 2 3 4 5 6 7 8 9 10 11  
Values: 10.1, 10.1, 10.1, 10.1, 10.1, 10.2, 10.2, 10.2, 10.2, 10.2, 10.2.

Median: The median is the sixth value in the listing, or 10.2.

Range: The range is 0.1, the difference between the tenth value (10.2) and the second value (10.1).

*Example (2)*—Measurements in the order they are actually obtained from experiments: 5.62, 5.51, 5.58, 5.57, 5.61, 5.52, 5.57, 5.54, 5.60, 5.60, 5.56.

In ascending order of magnitude, the order would be as follows:

Order: 1 2 3 4 5 6 7 8 9 10 11  
Values: 5.51, 5.52, 5.54, 5.56, 5.57, 5.57, 5.58, 5.60, 5.60, 5.61, 5.62.

Median: The median is the sixth value in the listing, or 5.57.

Range: The range is 0.09, the difference between the tenth value (5.61) and the second value (5.52).

##### APPENDIX II

###### DETERMINATION OF ORGANOCHLORINE PESTICIDES IN INDUSTRIAL EFFLUENTS

1. *Scope and Application.* 1.1 This method covers the determination of various organochlorine pesticides, including some pesticidal degradation products and related compounds in industrial effluents. Such compounds are composed of carbon, hydrogen, and chlorine, but may also contain oxygen, sulfur, phosphorus, nitrogen or other halogens.

1.2 The following compounds may be determined individually by this method with a sensitivity of 1  $\mu\text{g/liter}$ : BHC, lindane, heptachlor, aldrin, heptachlor epoxide, dieldrin, endrin, Captan, DDE, DDD, DDT, methoxychlor, endosulfan, dichloran, mirex, pentachloronitrobenzene and trifluralin. Under favorable circumstances, Strobane, toxaphene, chlordane (technical grade) and others may also be determined. The usefulness of the method for other specific pesticides must be demonstrated by the analyst before any attempt is made to apply it to sample analysis.

1.3 When organochlorine pesticides exist as complex mixtures, the individual compounds may be difficult to distinguish. High, low, or otherwise unreliable results may be obtained through misidentification and/or one compound obscuring another of lesser concentration. Provisions incorporated in this

method are intended to minimize the occurrence of such interferences.

2. *Summary.* 2.1 The method offers several analytical alternatives, dependent on the analyst's assessment of the nature and extent of interferences and/or the complexity of the pesticide mixtures found. Specifically, the procedure describes the use of an effective co-solvent for efficient sample extraction; provides, through the use of column chromatography and liquid-liquid partition, methods for elimination of nonpesticide interferences and the pre-separation of pesticide mixtures. Identification is made by selective gas chromatographic separations and may be corroborated through the use of two or more unlike columns. Detection and measurement is accomplished by electron capture, microcoulometric or electrolytic conductivity gas chromatography. Results are reported in micrograms per liter.

2.2 This method is recommended for use only by experienced pesticide analysts or under the close supervision of such qualified persons.

3. *Interferences.* 3.1 Solvents, reagents, glassware, and other sample processing hardware may yield discrete artifacts and/or elevated baselines causing misinterpretation of gas chromatograms. All of these materials must be demonstrated to be free from interferences under the conditions of the analysis. Specific selection of reagents and purification of solvents by distillation in all-glass systems may be required (1).

3.2 The interferences in industrial effluents are high and varied and often pose great difficulty in obtaining accurate and precise measurement of organochlorine pesticides. Sample clean-up procedures are generally required and may result in the loss of certain organochlorine pesticides. Therefore, great care should be exercised in the selection and use of methods for eliminating or minimizing interferences. It is not possible to describe procedures for overcoming all of the interferences that may be encountered in industrial effluents.

3.3 Polychlorinated Biphenyls (PCB's): Special attention is called to industrial plasticizers and hydraulic fluids such as the PCB's which are a potential source of interference in pesticide analysis. The presence of PCB's is indicated by a large number of partially resolved or unresolved peaks which may occur throughout the entire chromatogram. Particularly severe PCB interference will require special separation procedures (2,3).

3.4 Phthalate Esters: These compounds, widely used as plasticizers respond to the electron capture detector and are a source of interference in the determination of organochlorine pesticides using this detector. Water leaches these materials from plastics, such as polyethylene bottles and tygon tubing. The presence of phthalate esters is implicated in samples that respond to electron capture but not to the microcoulometric or electrolytic conductivity halogen detectors or to the flame photometric detector.

3.5 Organophosphorous Pesticides: A number of organophosphorous pesticides, such as those containing a nitro group, e.g., parathion, also respond to the electron capture detector and may interfere with the determination of the organochlorine pesticides. Such compounds can be identified by their response to the flame photometric detector (4).

4. *Apparatus and Materials.* 4.1 Gas Chromatograph—Equipped with glass lined injection port.

4.2 Detector Options:

4.2.1 Electron Capture—Radioactive (tritium or nickel 63).

4.2.2 Microcoulometric titration.

4.2.3 Electrolytic conductivity.

4.3 Recorder—Potentiometric strip chart (10 inch) compatible with the detector.

4.4 Gas Chromatographic Column Materials:

4.4.1 Tubing—Pyrex (180 cm long by 4 mm ID).

4.4.2 Glass Wool—Silanized.

4.4.3 Solid Support—Gas-Chrom Q (100-120 mesh).

4.4.4 Liquid Phases—Expressed as weight percent coated on solid support.

4.4.4.1 OV-1, 3%.

4.4.4.2 OV-210, 5%.

4.4.4.3 OV-17, 1.5% plus QF-1, 1.95%.

4.4.4.4 QF-1, 6% plus SE-30, 4%.

4.5 Kuderna-Danish (K-D) Glassware (Kontes).

4.5.1 Snyder Column—three ball (macro) and two ball (micro).

4.5.2 Evaporative Flasks—500 ml.

4.5.3 Receiver Ampuls—10 ml, graduated.

4.5.4 Ampul Stoppers.

4.6 Chromatographic Column—Chromaflex (400 mm long by 19 mm ID) with coarse fritted plate on bottom and Teflon stopcock; 250 ml reservoir bulb at top of column with flared out funnel shape at top of bulb (special order from Kontes K-420540-9011).

4.7 Chromatographic Column—Pyrex (approximately 400 mm long by 20 mm ID) with coarse fritted plate on the bottom.

4.8 Micro Syringes—10, 25, 50 and 100  $\mu$ l.

4.9 Separatory Funnel—125 ml, 1000 ml and 2000 ml with Teflon stopcock.

4.10 Blender—High speed, glass or stainless steel cup.

4.11 Graduated cylinders—100 and 250 ml.

4.12 Florisil—PR Grade (60-100 mesh); purchase activated at 1250°F and store in the dark in glass containers with glass stoppers or foil lined screw caps. Before use, activate each in foil-covered glass container overnight in a bath at 130°C. Determine lauric acid value as in section 13.

5. Reagents, Solvents, and Standards. 5.1 Ferrous Sulfate—(ACS) 30% solution in distilled water.

5.2 Potassium Iodide—(ACS) 10% solution in distilled water.

5.3 Sodium Chloride—(ACS) Saturated solution (pre-rinse NaCl with hexane) in distilled water.

5.4 Sodium Hydroxide—(ACS) 10 N in distilled water.

5.5 Sodium Sulfate—(ACS) Granular, anhydrous.

5.6 Sulfuric Acid—(ACS) Mix equal volumes of concentrated H<sub>2</sub>SO<sub>4</sub> with distilled water.

5.7 Diethyl Ether—Nanograde, redistilled in glass, if necessary.

5.7.1 Must contain 2% alcohol and be free of peroxides by the following test: To 10 ml of ether in glass-stoppered cylinder previously rinsed with ether, add one ml of freshly prepared 10% KI solution. Shake and let stand for one minute. No yellow color should be observed in either layer.

5.7.2 Decompose ether peroxides by adding 40 g of 30% ferrous sulfate solution to each liter of solvent. CAUTION: Reaction may be vigorous if the solvent contains a high concentration of peroxides.

5.7.3 Distill deperoxidized ether in glass and add 2% methanol.

5.8 Acetonitrile, Hexane, Methanol, Methylene Chloride, Petroleum Ether (boiling range 30-60°C)—nanograde, redistill in glass if necessary.

5.9 Pesticide Standards—Reference grade.

6. Calibration. 6.1 Gas chromatographic operating conditions are considered acceptable if the response to dicalphon is at least 50% of full scale when  $\leq 0.06$  ng is injected for electron capture detection and  $\leq 100$  ng is injected for microcoulometric or electrolytic conductivity detection. For all quantitative measurements the detector noise level should

be less than 2% of full scale and be operated within its linear response range.

6.2 Standards are injected frequently as a check on the stability of operating conditions. Gas chromatograms of several standard pesticides are shown in Figures 1, 2, 3 and 4 and provide reference operating conditions for the four recommended columns.

6.3 The elution order and retention ratios of various organochlorine pesticides are provided in Table I as a guide.

7. Quality Control. 7.1 Duplicate and spiked sample analyses are recommended as quality control checks. When the routine occurrence of a pesticide is being observed, the use of quality control charts are recommended (5).

7.2 Each time a set of samples is extracted, a method blank is determined on a volume of distilled water equivalent to that used to dilute the sample.

8. Sample Preparation. 8.1 Blend the sample if suspended matter is present and adjust pH to near neutral (pH 6.5-7.5) with 50% sulfuric acid or 10 N sodium hydroxide.

8.2 For a sensitivity requirement of 1  $\mu$ g/l, when using microcoulometric or electrolytic conductivity methods for detection take 100 ml of sample for analysis. If interferences pose no problem, the sensitivity of the electron capture detector should permit as little as 50 ml of sample to be used. Background information on the extent and nature of interferences will assist the analyst in choosing the required sample size and preferred detector.

8.3 Quantitatively transfer the proper aliquot into a two-liter separatory funnel and dilute to one liter.

9. Extraction. 9.1 Add 60 ml of 15% methylene chloride in hexane (v/v) to the sample in the separatory funnel and shake vigorously for two minutes.

9.2 Allow the mixed solvent to separate from the sample, then draw the water into a one-liter Erlenmeyer flask. Pass the organic layer through a column containing 3 to 4 inches of anhydrous sodium sulfate, and collect it in a 500 ml K-D flask equipped with a 10 ml ampul. Return the water phase to the separatory funnel. Rinse the Erlenmeyer flask with a second 60 ml volume of solvent; add the solvent to the separatory funnel and complete the extraction procedure a second time. Perform a third extraction in the same manner.

9.3 Concentrate the extract in the K-D evaporator on a hot water bath.

9.4 Analyze by gas chromatography unless a need for cleanup is indicated, see Section 10.

10. Clean-up and Separation Procedures. 10.1 Interferences in the form of distinct peaks and/or high background in the initial gas chromatographic analysis, as well as the physical characteristics of the extract (color, cloudiness, viscosity) and background knowledge of the sample will indicate whether clean-up is required. When these interfere with measurement of the pesticides, or effect column life or detector sensitivity, proceed as directed below.

10.2 Acetonitrile Partition—This procedure is used to remove fats and oils from the sample extracts. It should be noted that not all pesticides are quantitatively recovered by this procedure. The analyst must be aware of this and demonstrate the efficiency of the partitioning for specific pesticides. Of the pesticides listed in Section 1.2 only mirex is not efficiently recovered.

10.2.1 Quantitatively transfer the previously concentrated extract to a 125 ml separatory funnel with enough hexane to bring the final volume to 15 ml. Extract the sample four times by shaking vigorously for one minute with 40 ml portions of hexane-saturated acetonitrile.

10.2.2 Combine and transfer the acetonitrile phases to a one-liter separatory funnel and add 650 ml of distilled water and 40 ml of saturated sodium chloride solution. Mix thoroughly for 30 to 45 seconds. Extract with two 100 ml portions of hexane by vigorously shaking about 15 seconds.

10.2.3 Combine the hexane extracts in a one-liter separatory funnel and wash with two 100 ml portions of distilled water. Discard the water layer and pour the hexane layer through a 3 to 4 inch anhydrous sodium sulfate column into a 500 ml K-D flask equipped with a 10 ml ampul. Rinse the separatory funnel and column with three 10 ml portions of hexane.

10.2.4 Concentrate the extracts to 6 to 10 ml in the K-D evaporator in a hot water bath.

10.2.5 Analyze by gas chromatography unless a need for further cleanup is indicated.

10.3 Florisil column adsorption chromatography.

10.3.1 Adjust the sample extract volume to 10 ml.

10.3.2 Place a charge of activated Florisil (weight determined by lauric acid value, as described in Section 13) in a Chromaflex column. After settling the Florisil by tapping the column, add about one-half inch layer of anhydrous granular sodium sulfate to the top.

10.3.3 Pre-elute the column, after cooling, with 50 to 60 ml of petroleum ether. Discard the eluate and just prior to exposure of the sulfate layer to air, quantitatively transfer the sample extract into the column by decantation and subsequent petroleum ether washings. Adjust the elution rate to about 5 ml per minute and, separately, collect up to three eluates in 500 ml K-D flasks equipped with 10 ml ampuls (see Section 10.4). Perform the first elution with 200 ml of 6% ethyl ether in petroleum ether, and the second elution with 200 ml of 15% ethyl ether in petroleum ether. Perform the third elution with 200 ml of 50% ethyl ether in petroleum ether and the fourth elution with 200 ml of 100% ethyl ether.

10.3.4 Concentrate the eluates to 6-10 ml in the K-D evaporator in a hot water bath.

10.3.5 Analyze by gas chromatography.

10.4 Eluate Composition—By using an equivalent quantity of any batch of Florisil as determined by its lauric acid value, the pesticides will be separated into the eluates indicated below:

6% Eluate. Aldrin, BHC, Chlordane, DDD, DDE, DDT, Heptachlor, Heptachlor Epoxide, Lindane, Methoxychlor, Mirex, Pentachloronitrobenzene, Strobane, Toxaphene, Trifluralin, and PCB's.

15% Eluate. Endosulfan I, Endrin, Dieldrin, Dichloran, Phthalate esters.

50% Eluate. Endosulfan II, Captan.

Certain thiophosphate pesticides will occur in each of the above fractions, as well as the 100% fraction. For additional information regarding eluate composition, refer to the FDA Pesticide Analytical Manual (6).

11. Calculation of Results. 11.1 Determine the pesticide concentration by using the absolute calibration procedure described below or the relative calibration procedure as described in reference 1.

11.2 Micrograms/liter =  $\frac{(A)(B)(V_1)}{(V_1)(V_2)}$

Where A=ng standard/Standard area, B=Sample aliquot area, V<sub>1</sub>=Volume of extract injected ( $\mu$ l), V<sub>2</sub>=Volume of total extract ( $\mu$ l), and V<sub>3</sub>=Volume of water extracted (ml).

12. Reporting Results. 12.1 Report results in micrograms per liter without correction for recovery data. When duplicate and spiked samples are analyzed, all data obtained should be reported.

13. Standardization of Florisil Column by Weight Adjustment Based on Absorption of

**Lauric Acid.** 13.1 A rapid method for determining adsorptive capacity of Florisil is based on adsorption of lauric acid from hexane solution (6, 7). An excess of lauric acid is used and amount not adsorbed is measured by alkali titration. Weight of lauric acid adsorbed is used to calculate, by simple proportion, equivalent quantities of Florisil for batches having different adsorptive capacities.

13.2 Apparatus: 13.2.1 Buret, 25 ml volume with  $\frac{1}{10}$  ml graduations.

13.2.2 Erlenmeyer flasks, 125 ml volume with narrow mouth and 25 ml volume, glass stoppered.

13.2.3 Pipet, 10 and 20 ml transfer.

13.2.4 Volumetric flasks, 500 ml volume.

13.3 Reagents and Solvents.

13.3.1 Alcohol, ethyl, USP or absolute, neutralized to phenolphthalein.

13.3.2 Hexane, distilled from all glass apparatus.

13.3.3 Lauric acid, purified, CP.

13.3.4 Lauric acid solution. Transfer 10,000 grams lauric acid to a 500 ml volumetric flask, dissolve in hexane, and dilute to 500 ml (1 ml = 20 mg).

13.3.5 Phenolphthalein indicator. Dissolve 1 gram in alcohol and dilute to 100 ml.

13.3.6 Sodium hydroxide. Dissolve 20 grams NaOH (pellets, reagent grade) in water and dilute to 500 ml (1 N). Dilute 25 ml 1 N NaOH to 500 ml with water (0.05 N). Standardize as follows: Weigh 100 to 200 mg lauric acid into 125 ml Erlenmeyer flask. Add 50 ml neutralized ethyl alcohol and 3 drops phenolphthalein indicator; titrate to permanent end point. Calculate mg lauric acid/ml 0.05 N NaOH (about 10 mg/ml).

13.4 Procedure: 13.4.1 Transfer 2,000 grams of Florisil to 25 ml glass stoppered Erlenmeyer flasks. Cover loosely with aluminum foil and heat overnight at 130°C. Stopper, cool to room temperature, add 20.0 ml of lauric acid solution (400 mg), stopper, and shake occasionally for 15 minutes. Let adsorbent settle and pipet 10.0 ml of supernatant into a 125 ml Erlenmeyer flask. Avoid inclusion of any Florisil. 13.4.2 Add 50 ml neutral alcohol and 3 drops indicator solution; titrate with 0.05 N NaOH to a permanent end point.

13.5 Calculation of Lauric Acid Value, and

adjustment of column weight.

13.5.1 Calculate the amount of lauric acid adsorbed on the Florisil as follows: Lauric Acid Value = mg lauric acid/grams of Florisil = 200 - (ml required for titration of X mg lauric acid/ml of 0.05 N NaOH).

13.5.2 To obtain an equivalent quantity of any batch of Florisil, divide 110 by lauric acid value for that batch and multiply by 20 grams. Verify proper elution of pesticides by Section 13.6.

13.6 Test for Proper Elution Pattern and Recovery of Pesticides: Prepare a test mixture containing aldrin, heptachlor epoxide, p, p'-DDE, dieldrin, Parathion and malathion. Dieldrin and Parathion should elute in the 15% eluate; all but a trace of malathion in the 50% eluate, and the others in the 6% eluate.

#### REFERENCES

1. "Method for Organic Pesticides in Water and Wastewater," (1971) Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268.
2. Monsanto Methodology for Aroclors—Analysis of Environmental Materials for Polychlorinated Biphenyls, Analytical Chemistry Method 71-35, (1970) Monsanto Company, St. Louis, Missouri 63166.
3. "Method for Polychlorinated Biphenyls in Industrial Effluents," (1973) Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268.
4. "Method for Organophosphorus Pesticides in Industrial Effluents," Environmental Protection Agency, National Environmental Research Center, Cincinnati, Ohio 45268.
5. "Handbook for Analytical Quality Control in Water and Wastewater Laboratory", (1972) Chapter 8, Section 6.4, U.S. Environmental Protection Agency, National Environmental Research Center, Analytical Quality Control Laboratory, Cincinnati, Ohio 45268.
6. "Pesticide Analytical Manual", U.S. Dept. of Health, Education and Welfare, Food and Drug Administration, Washington, D.C.
7. Mills, P. A., "Variation of Florisil Activity: Simple Method for Measuring Adsorbent Capacity and its Use in Standardizing Florisil Columns", *Journal of the Association of Official Analytical Chemists*, 51, 29 (1968).

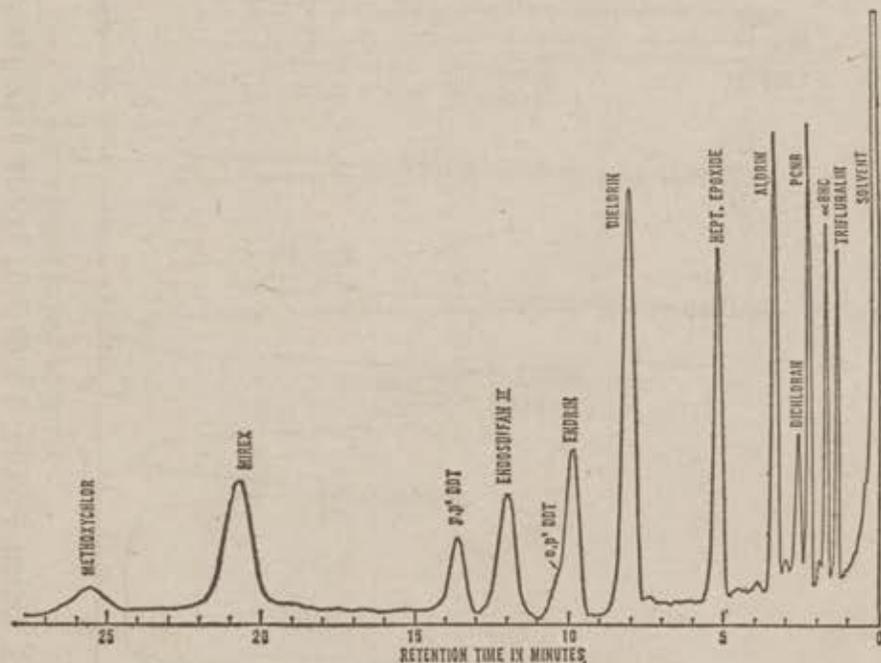


Figure 1. Column Packing: 1.5% OV-17 + 1.95% QF-1, Carrier Gas: Argon/Methane at 60 ml/min, Column Temperature: 200 C., Detector: Electron Capture.

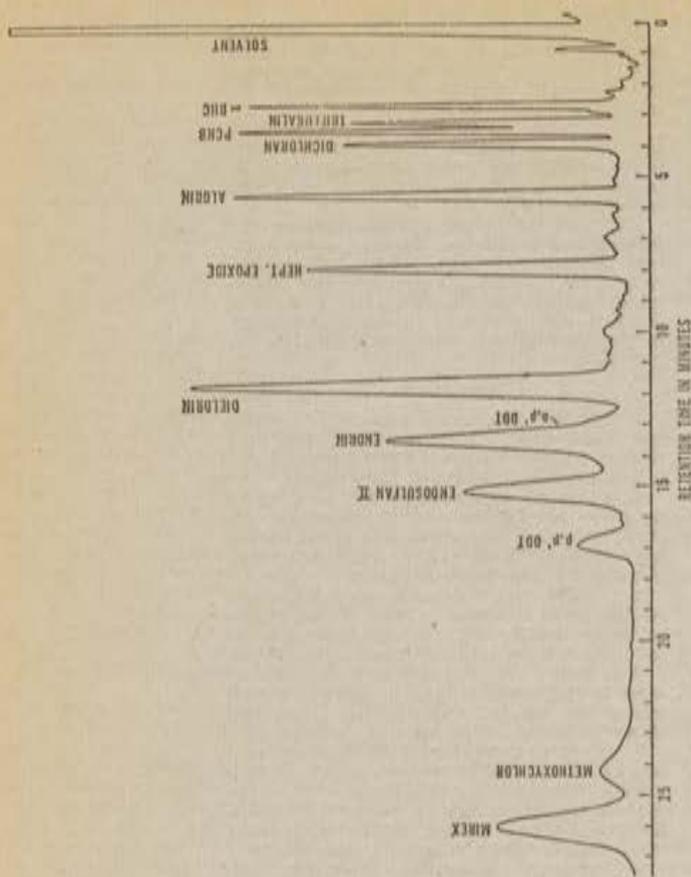


Figure 3. Column Packing: 6% OF-1 + 4% SE-30, Carrier Gas: Argon/Methane at 60 ml/min, Column Temperature: 200 C, Detector: Electron Capture.

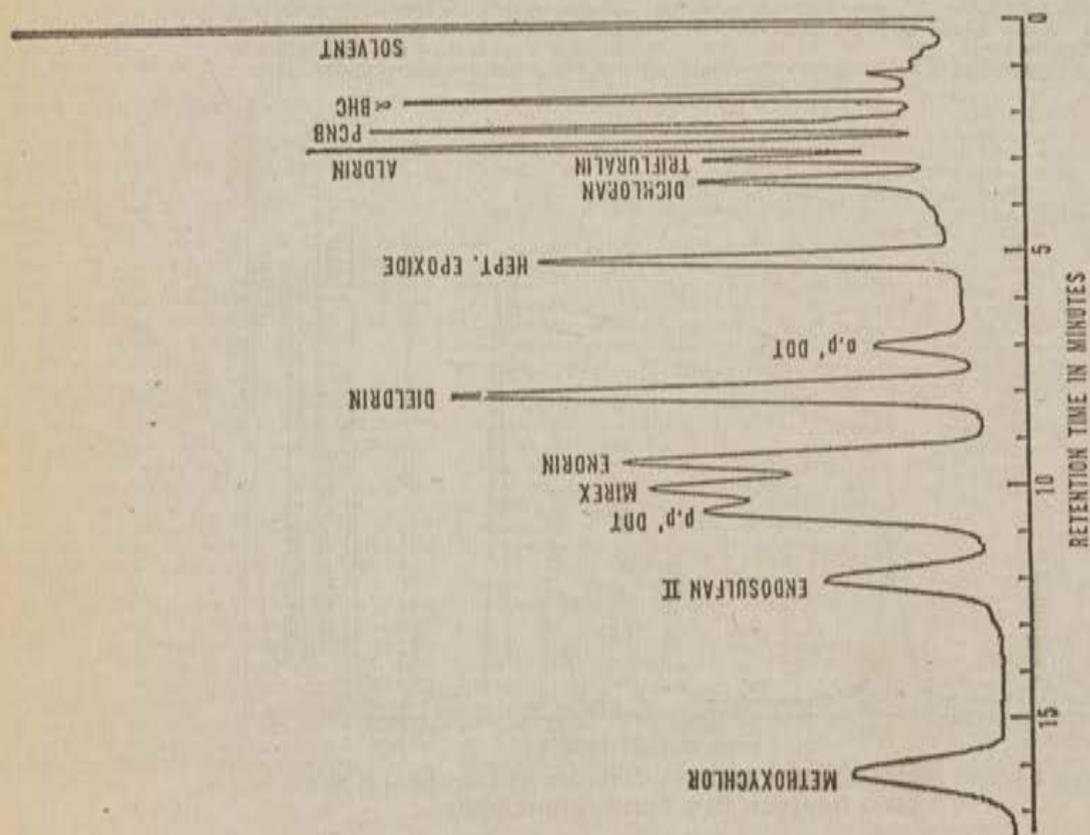


Figure 2. Column Packing: 5% OV-210, Carrier Gas: Argon/Methane at 70 ml/min, Column Temperature: 180 C, Detector: Electron Capture.

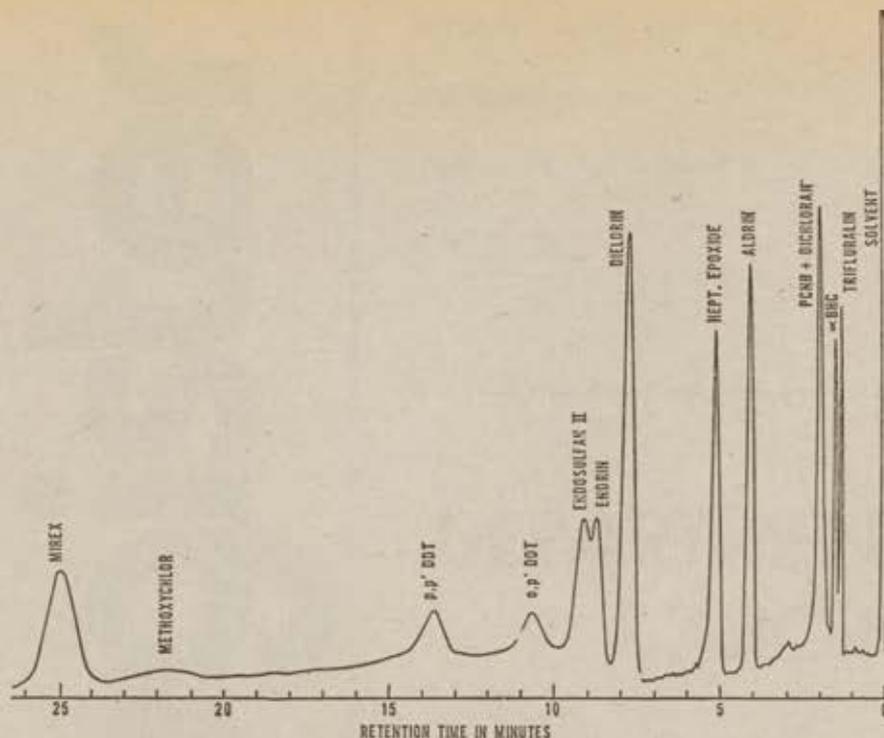


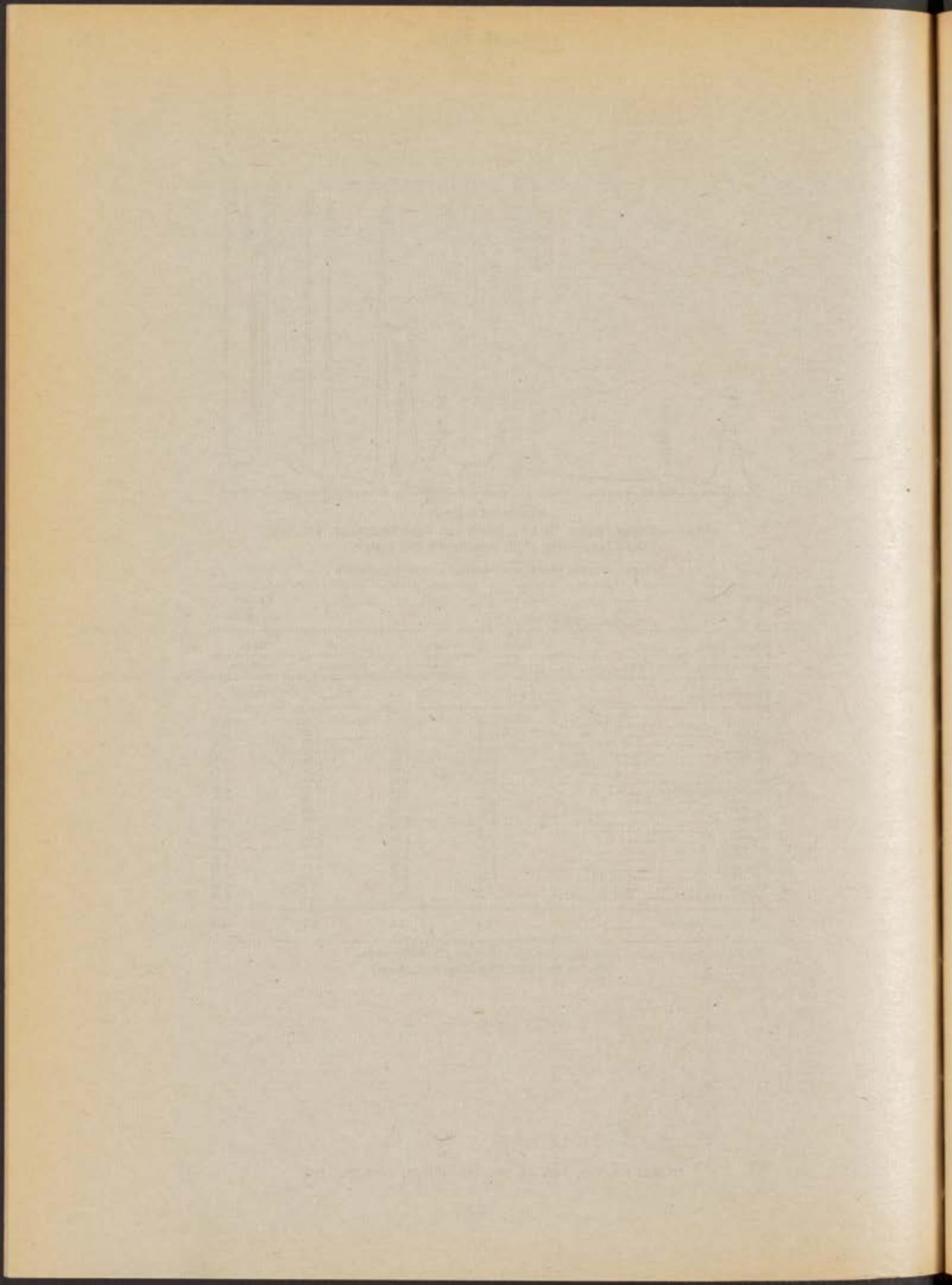
Figure 4. Column Packing: 3% OV-1, Carrier Gas: Argon/Methane at 70 ml/min, Column Temperature: 180 C, Detector: Electron Capture.

TABLE I.—Retention ratios of various organochlorine pesticides to aldrin

Liquid Phase <sup>1</sup> .....	1.5% OV-17 + 2.95% QF-1	3% OV-210	3% OV-1	6% QJ-1 + 4% SE-30
Column Temp.....	200 C	180 C	180 C	200 C
Argon/Methane Carrier Flow.....	60 ml/min	70 ml/min	70 ml/min	60 ml/min
Pesticide.....	RRt	RRt	RRt	RRt
Trifluralin.....	0.39	1.11	0.33	0.57
α-BHC.....	0.54	0.64	0.35	0.49
PCNB.....	0.68	0.85	0.40	0.63
Lindane.....	0.69	0.81	0.44	0.60
Dielschlor.....	0.77	1.29	0.49	0.70
Heptachlor.....	0.82	0.87	0.78	0.83
Aldrin.....	1.00	1.00	1.00	1.00
Heptachlor Epoxide.....	1.54	1.93	1.28	1.43
Thiodan I.....	1.95	2.48	1.62	1.79
p,p'-DDE.....	2.23	2.10	2.00	1.82
Dielsdrin.....	2.40	3.00	1.93	2.12
Captan.....	2.59	4.09	1.22	1.94
Endrin.....	2.93	3.56	2.18	2.42
o,p'-DDT.....	3.16	2.70	2.69	2.89
p,p'-DDD.....	3.48	3.75	2.61	2.55
Thiodan II.....	3.59	4.59	2.25	2.72
p,p'-DDT.....	4.18	4.07	3.50	3.12
Mirex.....	6.1	3.78	6.6	4.79
Methoxychlor.....	7.6	6.5	5.7	4.60
Aldrin (Min. absolute).....	3.5	2.6	4.0	5.6

<sup>1</sup> All columns glass, 180 cm x 4 mm ID, solid support Gas-Chrom Q (100/120 mesh).

[FR Doc.73-12967 Filed 6-28-73;8:45 am]



# federal register

FRIDAY, JUNE 29, 1973

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PART III



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## 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 CONSTRUCTIONArea Wage Determination Decisions,  
Modifications, and Supersedeas Decisions

*Area wage determination decisions.*—Area wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138) and of Secretary of Labor's orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

Area wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

*Modifications and supersedeas decisions to area wage determination decisions.*—Modifications and supersedeas decisions to area wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931 as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, "Procedure for Predetermination of Wage Rates" (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing area wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original area wage determination decision.

*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):

Arkansas:		
AP-703	-----	Feb. 16, 1973
AP-734	-----	May 25, 1973
Delaware:		
AP-804	-----	May 24, 1973
Idaho:		
AP-273	-----	Mar. 23, 1973
Illinois:		
AP-1013	-----	June 1, 1973

Indiana:		
AP-661; AP-662; AP-663; AP-664; AP-665; AP- 666; AP-667	-----	May 18, 1973
Iowa:		
AP-527; AP-528; AP-529; AP-530	-----	May 4, 1973
AM-2,452; AM-2,457; AM- 2,458; AM-2,459	-----	Aug. 25, 1971
Kansas:		
AM-6,708	-----	Apr. 7, 1972
Louisiana:		
AP-366	-----	Dec. 8, 1972
AP-397; AP-398	-----	Jan. 26, 1973
AP-733; AP-736	-----	June 1, 1973
Massachusetts:		
AP-811; AP-812; AP-814; AP-815; AP-816	-----	May 11, 1973
Nevada:		
AP-264	-----	Mar. 9, 1973
AP-266	-----	Mar. 30, 1973
AP-269	-----	Mar. 16, 1973
AP-290	-----	Apr. 6, 1973
AP-907	-----	May 25, 1973
New Mexico:		
AP-730	-----	May 11, 1973
North Dakota:		
AP-267	-----	Mar. 9, 1973
Oregon:		
AP-284	-----	Apr. 6, 1973
Tennessee:		
AP-191; AP-192	-----	May 25, 1973
Texas:		
AP-346	-----	Sept. 29, 1972
AP-723; AP-728	-----	Apr. 27, 1973
Virginia:		
AP-499	-----	Mar. 30, 1973
AP-833	-----	May 25, 1973
Washington:		
AP-283	-----	Apr. 6, 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):

Arkansas:		
AM-8588 (AP-1107)	-----	Mar. 17, 1972
Connecticut:		
AP-471 (AP-848)	-----	Mar. 9, 1973
AP-472 (AP-849); AP-473 (AP-850); AP-474 (AP- 851); AP-475 (AP-853); AP-476 (AP-852)	-----	Mar. 16, 1973
AP-477 (AP-854); AP-478 (AP-855)	-----	Mar. 9, 1973
Louisiana:		
AM-8588 (AP-1107)	-----	Mar. 17, 1972
Maryland:		
AP-492 (AP-858)	-----	Mar. 9, 1973
Mississippi:		
AM-8588 (AP-1107)	-----	Mar. 17, 1972
Montana:		
AP-272 (AP-914)	-----	Mar. 23, 1973
AP-278 (AP-913)	-----	Mar. 30, 1973
AP-285 (AP-916); AP-286 (AP-917); AP-289 (AP- 915)	-----	Apr. 6, 1973
Nevada:		
AP-282 (AP-912)	-----	Mar. 30, 1973
Tennessee:		
AM-8588 (AP-1107)	-----	Mar. 17, 1972
Virginia:		
AP-492 (AP-858)	-----	Mar. 9, 1973

Signed at Washington, D.C., this 22d day of June 1973.

WARREN D. LANDIS,  
Assistant Administrator,  
Wage and Hour Division.

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-703 - Mod. #2</u> (38 FR 4837 - February 16, 1973) Union County, Arkansas</p> <p>Change: Unskilled Laborers</p>	.10	.20			
<p><u>DECISION #AP-734 - Mod. #3</u> (38 FR 13919 - May 23, 1973) Pulaski County, Arkansas</p> <p>Omit: Laborers: Construction laborer, carpenter helper, concrete laborer Mechanical tool operator, Motorized Georgia Buggy, Tenders (Brick Mason, cement &amp; stone, plasterers), Mortar mixer, Sanitary tile layer, Asphalt maker Powderman</p> <p>Add: LABORERS: Construction laborer, carpenter helper, concrete laborer Pipelayers, concrete and clay, and mechanical tool, cement mixers, wet or dry, finishers, plasterers and mason tenders, mortar mixers, asphalt rakers and shovelers, concrete wood hauliers and chuck tenders Powdermen and blasterers</p>	\$4.29	.20			
	\$4.05	.10	.20		
	4.30	.10	.20		
	4.95	.10	.20		
	4.29	.10	.20		
	4.64	.10	.20		
	5.19	.10	.20		

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-804 - Mod. #4</u> (38 FR 11162 - May 4, 1973) Statewide Delaware</p> <p>Change: Boilermakers (New Castle Co.) Carpenters, Building &amp; Heavy: New Castle and Kent Counties Elevator Constructors Elevator Constructors' Helpers Elevator Constructors' Helpers (Prob.) Ironworkers: Structural, ornamental, reinforcing, riggers and machinery movers Lathers Soft floor layers (New Castle and Kent Cos. only)</p> <p>Omit: Footnote: F. Employer contributes \$.90 to Health and Welfare and Pension Fund.</p>	\$8.85	1.00		.01	
	9.00	.48	.40	.02	
	9.25	.345	.20	2%+4b	.015
	6.475	.345	.20	2%+4b	.015
	4.625				
	8.62	.47	1.03		.05
	7.90	.20	.15		.01
	9.00	.48	.40		.02
<p><u>DECISION #AP-273 - Mod. #1</u> (38 FR 7707 - March 23, 1973) Benevol, Bonner, Boundary, Clearwater, Idaho, Ecotonal, Latah, Louis, Nez Perce and Shoshone Counties, Idaho</p> <p>Change: Carpenters: Remainder of Counties and that portion of Idaho County north of the 46th Parallel Carpenters Piledrivers; Sawfilers; Stationary power woodworking tool operators; Floor layer; Floor finisher; Floor sander Shingler (wood and composition) Carpenters working burned, charred, creosoted or similarly treated material; Millwrights; Boommen and machine erector Piledriver working on creosoted material Power Equipment Operators: Remainder of Counties and that portion of Idaho County north of the 46th Parallel See Attached Pages</p>	\$7.39	.50	.50	.035	
	7.54	.50	.50	.035	
	7.59	.50	.50	.035	
	7.64	.50	.50	.035	
	7.79	.50	.50	.035	

DECISION #AP-273 (cont'd) 1-WAS-PEO-1-2-3-e (1-4)

Modifications P. 3 1-WAS-PEO-1-2-3-e (1-4)

Modifications P. 4 1-WAS-PEO-1-2-3-e (2-4)

POWER EQUIPMENT OPERATORS

GROUP I

Bit Grinders; Belt Threading Machine; Brakes; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Hand; Drillers' Helper; Fireman & Heater Tender; Grade Checker; Helper (Mechanic or Welder, E.P.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.

GROUP II

A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pumpman (asphalt); Bag-ley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Bloomer Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Leveller; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gin trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydraulic; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Boss &

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP III

similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Elevator hoisting materials

GROUP III

A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kacal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cabs (slide); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pumps (aqueous-crete, flow-crete, pump-crete, Whitman & similar); Drills (Drills (churn, core, calyz or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Demor, Adams, or similar); Generator Plant Engineers (diesel electric); Gunite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds., R/T); Locomotive Engineer; Mixermobile; Oiler & Cable Tender; Mucking Machine; Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Roller (finishing pavement); Rubber-tired Scrapers (one motor with one scraper, under 40 yds.); Sced Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing

Basic Monthly Rates	Fringe Benefits Payments			App. To	Or
	H & W	Pensions	Vacation		
\$7.15	.55	.65		.03	

DECISION #AP-273 (cont'd)

Modifications P. 5

1-MAS-PEO-1-2-3-a

(3-4)

1-MAS-PEO-1-2-3-e

(4-4)

Modifications P. 6

DECISION #AP-273 (cont'd)

1-MAS-PEO-1-2-3-a

(3-4)

1-MAS-PEO-1-2-3-e

(4-4)

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP III (CONT'D)

Machines; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator; Paver or curb extruder (asphalt and concrete)

H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over) Semi-automatic Welding Machine.

GROUP V

Asphalt Plant Operator; Crusher & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, IS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem 3 & similar); Surface Beater & Planer Machine; Turnhead (with re-screening)

GROUP VI

Automatic Subgrader (ditches & trimmers) (S.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western); Hydro-Hoe and similar with attachments; Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Muck-Log Machines; Piledriving Engineers; Paver (dual drum); Quad-track or similar Equipment; Railroad Track Lamer Operator (self-propelled); Rubber-tired Scrapers, Multiple

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP VI (CONT'D)

Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirlleys, Rightline Hammerheads or similar); Trenching Machines (7 ft. depth and over).

GROUP VII

Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirlleys and Hammerheads (all); Elevating belt, Holland type

Underground Work - Add 10% to the Classification.

(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' - \$ .15/hr. Additional to Classification; Over 200' - \$ .30/hr. Additional to Classification;

Yo-To Power: 10% Additional

Basic Hourly Rates	Fringe Benefits Payments			App. T.	C
	M & W	Vacation	Pensions		
\$7.70	.55	.65	.65		.03
7.50	.55	.65	.65		.03
7.55	.55	.65	.65		.03





Modifications P. 12

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-664 - Mod. #1</u> (38 FR 13227 - May 18, 1973) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union &amp; Wayne Counties, Indiana</p> <p><u>CHANGE:</u> Carpenters Rush &amp; Shelby Counties Remainder of Counties</p>	.25 .30	.25 .30			.02 .02
<p><u>DECISION #AP-665 - Mod. #1</u> (38 FR 13232 - May 18, 1973) Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo &amp; Warren Counties, Indiana</p> <p><u>CHANGE:</u> Carpenters: Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vigo, Vermillion, Warren, Owen (North of White River) Morgan &amp; Owen Cos. (South of White River) and Remainder of Counties Power Equipment Operators: Sewer &amp; Tunnel Construction: Group A Group B Group C Group D Group E</p>	8.28 8.08	.30 .25	.30 .25		.02 .02 .05 .05 .05 .05 .05

Modifications P. 11

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
<p><u>DECISION #AP-661 - Mod. #2</u> (38 FR 13211 - May 18, 1973) Vigo County, Indiana</p> <p><u>CHANGE:</u> Cement Masons Plumbers &amp; Steamfitters Power Equipment Operators: Group A Group B Group C Group D Group E</p>	.45 .30	.25 .60	.40 .05 .05 .05 .05	.10	
<p><u>DECISION #AP-662 - Mod. #1</u> (38 FR 13214 - May 18, 1973) Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben &amp; Whitley Counties, Indiana</p> <p><u>CHANGE:</u> Carpenters: Remainder of Counties</p>	8.28 .30	.30 .30		.02	
<p><u>DECISION #AP-663 - Mod. #2</u> (38 FR 13221 - May 18, 1973) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tipton, Wabash &amp; White Counties, Indiana</p> <p><u>CHANGE:</u> Carpenters Remainder of Counties</p>	8.28 .30	.30 .30		.02	

Modifications P. 14

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments					
	H & W	Retirement	Vacation	App. Tc.		H & W	Retirement	Vacation	App. Tc.		
<p><u>DECISION #AP-527 - Mod. #1</u> (38 FR 11264 - May 4, 1973) Black Hawk County (City of Waterloo and abutting municipalities) Iowa</p> <p>Change: Building Construction: Asbestos workers Sprinkler fitters</p>					88.05	.25	.25			.10	
					8.75	.30	.50			.05	
<p><u>DECISION #AP-528 - Mod. #1</u> (38 FR 11268 - May 4, 1973) Des Moines County (City of Burlington and abutting municipalities and Burlington Ordnance Plant), Iowa</p> <p>Change: Building Construction: Asbestos workers Glaziers Roofers Sprinkler fitters</p>					8.05	.25	.25			.10	
					6.8548	.35	.50			.10	
					5.30						
					8.75	.30	.50			.05	
<p><u>DECISION #AP-529 - Mod. #1</u> (38 FR 11271 - May 4, 1973) Linn County (City of Cedar Rapids and abutting municipalities), Iowa</p> <p>Change: Building Construction: Asbestos workers Cement masons Glaziers Laborers: Common laborers All water service, Mortar mixers; Sewer tile layers Air, electric or gasoline powered jackhammers, Chipping hammers; Machine rock drills; Power driven buggies; Tampers Vibrators; Well point work Lathers</p>					8.05	.25	.25			.10	
					6.84	.25	.50				
					6.8548	.35	.50				
					5.59	.20	.15				
					5.715	.20	.15				
					5.79	.20	.15				
					7.2795						

Modifications P. 13

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments					
	H & W	Retirement	Vacation	App. Tc.		H & W	Retirement	Vacation	App. Tc.		
<p><u>DECISION #AP-566 - Mod. #1</u> (38 FR 13237 May 18, 1973) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ogle, Orange, Ripley, Scott, Switzerland &amp; Washington Counties, Indiana</p> <p>CHANGE: Carpenters: Bartholomew (Camp Atterbury) Bartholomew (Except Camp Atterbury) &amp; Remainder of Counties</p>					88.28	.30	.30			.02	
					8.08	.25	.25			.02	
<p><u>DECISION #AP-667 - Mod. #1</u> (38 FR 13244 - May 18, 1973) Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh &amp; Warrick Counties, Indiana</p> <p>CHANGE: Carpenters: All Counties</p>					8.08	.25	.25			.02	

Modifications P. 15

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$6.93				
7.18				
7.58				
6.28				
8.75	.30	.50		.05

DECISION #AP-529 (CONT'D):  
 Building Construction (Cont'd):  
 Painters:  
 Brush  
 Paperhangers; Structural steel;  
 Swing stage to 55 ft.  
 Spray  
 Roofers  
 Sprinkler fitters

DECISION #AP-530 - Mod. #1  
 (IS FR 11275 - May 4, 1973)  
 Polk County (City of Des Moines  
 and abutting municipalities),  
 Iowa

Change:  
 Building Construction:  
 Bricklayers-Stonemasons  
 Sprinkler fitters

DECISION #AM-2,452 - Mod. #2  
 (36 FR 16579 - August 25, 1971)  
 Johnson County (City of Iowa City  
 and abutting municipalities),  
 Iowa

Change:  
 Building Construction:  
 Asbestos workers  
 Boilermakers  
 Bricklayers-Stonemasons  
 Carpenters:  
 Cement masons  
 Electricians  
 Elevator constructors  
 Elevator constructors' helpers  
 Elevator constructors' helpers  
 (prob.)  
 Glaziers  
 Ironworkers:  
 Ornamental; Reinforcing;  
 Structural  
 Laborers:  
 Common laborers  
 Mason mortar mixers  
 All jack & chipping hammers;  
 All water & sewer tile layers;  
 Chain saw; Cutting torches;  
 Power buggies; Rock drills;  
 Tampers; Vibrators; Well  
 point work  
 Labbers  
 Painters:  
 Brush  
 Paperhangers; Structural steel;  
 Swing stage to 55 ft.  
 Spray  
 Plasterers  
 Roofers  
 Soft floor layers  
 Sprinkler fitters

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.
\$8.05	.25	.25		.10
8.25	.30	1.00		.02
7.65	.35			
6.49	.25	.30		.03
6.74	.25	.30		.02
7.55	.62	.62		2%
6.84	.25			2%
7.95	.18	.12		12
6.54	.185	.20	24%	
7.02JR	.185	.20	24%	
5.02JR				
6.5548	.35	.50		
7.80				
5.54	.20	.20		
5.7%	.20	.20		
5.84	.20	.20		
7.2795				
6.93				
7.18				
7.58				
7.28				
6.28				
6.49	.25	.30		.03
8.75	.30	.50		.05

Modifications P. 16

Modifications P. 18

Modifications P. 17

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
<p><b>REGISION #AN-2,452 (CONT'D)</b></p> <p>Building Construction (Cont'd): Power Equipment Operators (Cont'd): Classification 1: Cranes, including those being used as backhoes, draglines, clamshell, etc.; Tower cranes; Truck cranes &amp; cherry pickers over 15 ton rated capacity; Derricks; Pile drivers and extractors; Caisson rigs; Slide boom and winch truck used for erection of structural steel and moving and setting of heavy machinery; 3-drum hoist; Welders; Mechanics; Locomotive; Dredges (Levemen)</p>	\$7.20	.30	.30	.01					
<p>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 (townsweep, etc.); End-loaders; Dredge (engineer); Slide boom and winch truck other than Classification #1; Motor patrol; Bulldozers; Push cat; Truck cranes &amp; cherry pickers (15 ton and under); Concrete mixers (1 yard and over); 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</p>									
<p><b>REGISION #AN-2,452 (CONT'D)</b></p> <p>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 machines; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Ditching machine under 8" capacity; Self-propelled rollers; Mechanical beaters; Truck crane drivers; Permanent elevators</p>	\$6.50	.30	.30	.01					
<p>Classification 4: Oilers; Mechanical beaters; Truck crane drivers; Permanent elevators</p>	6.30	.30	.30	.01					
<p><b>Omit:</b> Building Construction: Boilermakers' helpers</p>	7.55	.30	.85	.02					
<p><b>Add:</b> Building Construction: Welders - receive rate prescribed for craft performing operation to which welding is incidental.</p>									

Modifications P. 20

Modifications P. 19

DECISION #AN-2,457 - Mod. #4  
(36 FR 16826 - August 25, 1971)  
Story County (City of Aes and  
abutting municipalities, Iowa

Change:  
Building Construction:  
Asbestos workers  
Boilerworkers  
Bricklayers-Stonemasons  
Carpenters:  
Carpenters; Piledrivermen  
Millwrights  
Cement masons  
Electricians  
Elevator constructors  
Elevator constructors' helpers  
Elevator constructors' helpers  
(Prob.)  
Glaziers  
Ironworkers:  
Ornamental; Reinforcing;  
Structural  
Laborers:  
Common laborers  
Mortar, plaster & grout mixers  
Jackhammer; Paving breaker;  
Rock drill; Vibrator operator  
Motor buggy operator while  
pouring concrete  
Plasterers' tenders  
Concrete saw men  
Sandblaster  
Digging of or work within a  
shaft entering into natural  
underground cavities or  
caverns & work within the  
acid shaft or caverns  
Lathers  
Painters:  
Brush; Roller; Drywall fin-  
isher  
Paperhangers  
Spray; Structural steel; Sand-  
blasting

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & V	Vacation	App. Tr.	Other	
\$7.95	.25				
8.25	.30		.02		
7.50	.20				
6.65	.15				
7.10	.15				
7.455					
8.50	.25		15		
7.265	.185	.20	2 1/2		
7.02JR	.20	.20	2 1/2		
5.07JR	.25	2 weeks			
6.795					
6.975	.26	.50		.06	
5.35	.20	.05			
	.20	.05			
5.50	.20	.05			
5.55	.20	.05			
5.60	.20	.05			
5.70	.20	.05			
	.20	.05			
5.85	.20	.05			
7.10					
7.20				.03	
7.45				.03	
7.70				.03	

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & V	Vacation	App. Tr.	Other	
\$7.35	.30	.20			.10
7.89	.25	.20			.05
6.885	.25	.20			.04
7.875	.25	.20			.05
6.75	.30	.20			
8.75	.30	.20			
7.20	.30	.20			.01

DECISION #AN-2,457 (CONT'D)

Building Construction (Cont'd):  
Plasterers  
Plumbers-Steamfitters  
Roofers  
Sheet metal workers  
Soft floor layers  
Sprinkler fitters  
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 trucks  
(used for erection of struc-  
tural steel and moving and  
setting of heavy machinery);  
3-drum hoist; Welders; Mech-  
anics; Locomotive; Bridge  
(Leverman)  
Classification 2:  
1 and 2 drum hoist; Air and  
electric tuggers (on power  
plants or setting steel or  
grating); Economobiles; Plane  
mixers; Farm type tractors  
(with loaders, backhoe  
attachments, etc.); Scrapers  
(compaction, etc.); End  
loaders; Dredge (engineer);  
Side boom and winch truck  
other than Classification  
#1; Motor patrol; Bulldozers;  
Push cat; Truck crane &  
cherry pickers (15 ton and  
under); Concrete mixers (1  
yard and over); Blasting  
machines (6' and over); Fork  
lifts (on steel erection and  
machinery moving or hoisting  
above one complete story);  
Concrete pump; Deaerating  
pumps; Temporary hoist cage  
operated; Second man on  
locomotive

Modifications P. 22

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & V	Fees/Ins	Vacation	
\$7.95	.425	.25		
8.25	.30	1.00		.02
6.85				
5.90				
7.14	.25	11		11
7.265	.185	.20	21 <sup>1/4</sup>	
706LR	.185	.20	21 <sup>1/4</sup>	
50LR				
6.975	.26	.50		.02
4.25				
4.45				
7.10				
5.45				
5.70				
5.95				
7.89	.30	.20		.10
5.25				
8.75	.30	.50		.05

DECISION #AM-2,455 - Mod. #3  
(16 FR 16830 - August 25, 1971)  
Webster County (Port Dodge), Iowa

Change:  
Building Construction:  
Asbestos workers  
Boilermakers  
Bricklayers-Stonemasons  
Cement masons  
Electricians  
Elevator constructors  
Elevator constructors' helpers  
Elevator constructors' helpers (prob.)  
Ironworkers:  
Ornamental; Reinforcing:  
Structural  
Laborers:  
Common laborers  
Machine & air tool operators:  
Mortar mixers  
Lathers  
Painters:  
Brush; Drywall finishers;  
Rollers  
Paperhangers  
Spray  
Plumbers-Steamfitters  
Roofers  
Sprinkler fitters  
Power Equipment Operators:  
Classification 1:  
Cranes, including those being used as backhoe, dragline, clamshell, etc.; Tower cranes;  
Truck cranes & cherry pickers over 15 ton rated capacity;  
Derrick; Pile drivers and extractors; Caisson rigs;  
Side boom and winch truck used for erection of structural steel and moving and setting of heavy machinery;  
3-drum hoist; Welders;  
Mechanics; Locomotive; Dredge (leversman)

Modifications P. 21

Basic Hourly Rates	Fringe Benefits Payments			Others
	H & V	Fees/Ins	Vacation	
\$6.50	.30	.30		.01
6.30	.30	.20		.01
7.55	.30	.85		.02

DECISION #AM-2,457 (CONT'D)

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; Pileman (boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Granite machine; Self-propelled rollers; Stump chippers; Self-propelled tampers; Air and electric tuggers (other than above); Maching machine under 8"  
Classification 4:  
Oilers; Mechanical testers; Truck crane drivers; Permanent elevators  
Omit:  
Building Construction:  
Boilermakers' helpers  
Add:  
Building Construction:  
Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Modifications P. 24

Modifications P. 23

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Fees	Vacation	Exp. Tr.	
\$7.55	.30	.85		.02	

DECISION #AM-2,458 (CONT'D)

Qual: Building Construction; Boilermakers' helpers  
 Add: Building Construction; Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Fees	Vacation	Exp. Tr.	
7.10	.30	.30		.01	
6.50	.30	.30		.01	
6.30	.30	.30		.01	

DECISION #AM-2,458 (CONT'D)

Building Construction (Cont'd):  
 Power Equipment Operators (Cont'd):  
 Classification 2:  
 1 and 2 drum hoists; Air and electric tuggers (on power plants or setting steel or grating); Automobiles; Plane mixers; Tractor type tractors (with loaders, backhoes attachments, etc.); Scrapers (coursepull, 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); Mixing machines (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  
 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"  
 Classification 4:  
 Oilers; Mechanical heasters; Truck crane drivers; Permanent elevators



Modifications P. 28

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Other
	H & W	Pensions	Vacation		
\$ 5.85	.20	.20			

DECISION #AM-5,208 - Mod. #4  
(37 FR 7031 - April 7, 1972)  
Leavenworth County, Kansas

Omit:  
Building Construction:  
Laborers:  
Plasterers' tenders; Mason tenders; Stonemasons' tenders; Mortar mixers; Mixer operator smaller than 10-sack; Concrete puddler vibrators; Spreading concrete; Tamers (Mechanical); Wetters; Drill operator; Jack-hammer man; Tile layers sewer; Asphalt raker; Burner, cutting torch; Chain saw power; Manually or mechanically operated Georgia Boggy  
Powderman  
Robbing concrete  
Committing sandblasting  
Form setters & liners, concrete paving

Add:  
Building Construction:  
Laborers:  
General laborers  
Plaster tenders; Mason tender; Stone mason tenders; Mortar mixer; Mixer operator smaller than 10 sack; Concrete puddler vibrators; Spreading concrete; Tamers (mechanical); Washers; Drill operator; Jackhammer man; Tile layer, sewer; Asphalt raker; Burner, cutting torch; Chain saw, power; Manually or mechanically operated georgia boggy; Powderman; Robbing Concrete; Committing, sandblasting; Form setters & liners concrete paving

Modifications P. 27

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Others
	H & W	Pensions	Vacation		
5.935	.30	.30		.01	
5.755	.30	.30		.01	
7.55	.30	.85		.02	
6.625	.30	.20		.01	
6.925	.30	.20		.01	
6.50				.01	

DECISION #AM-2,459 (CONTD.)

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; Fireman (Boiler); Generator (75 KW and over); Fork lifts (other than above Classification #2); Granite machine; Self-propelled rollers; Stump chippers; Self-propelled tamers; Air and electric tuggers (other than above); Notching machine under 8"  
Classification 4:  
Oilers; Mechanical heaters; Truck crane drivers; Permanent elevators

Omit:  
Building Construction:  
Boilermakers' helpers  
Add:  
Building Construction:  
Carpenters:  
Millwrights  
Labbers  
Welders - receive rate prescribed for craft performing operation to which welding is incidental.

Modifications P. 30

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Families	Vacation	App. Tr.	
\$7.05	.30	.35		.025	
\$7.90 7.40	.40 .40	1% 1%		1% 1%	
7.90 7.40	.40 .40	1% 1%		1% 1%	

DECISION #AP-733 - Mod. #2  
(38 FR 14534 - June 1, 1973)  
Acadia, Allen, Ascension, Assump-  
tion, Beauregard, Calcasieu,  
Cameron, East Baton Rouge, East  
Feliciana, Evangeline, Iberia,  
Iberville, Jefferson, Jefferson  
Davis, Lafayette, Lafourche,  
Livingston, Orleans, Plaquemine,  
Pointe Coupee, St. Bernard, St.  
Charles, St. Helena, St. James,  
St. John the Baptist, St. Landry,  
St. Martin, St. Mary, St. Tam-  
many, Tangipahoa, Terrebonne,  
Vermilion, Washington, West  
Baton Rouge & West Feliciana  
Parishes, Louisiana

Change:  
Ironworkers:  
All of Allen, Beauregard, Cal-  
casieu, Cameron & Jefferson  
Davis Parishes; Parts of  
Acadia (See Footnote "g"),  
Evangeline (See Footnote "g"),  
Lafayette (See Footnote "g"),  
St. Landry (See Footnote "g"),  
& Vermilion (See Footnote "g")  
Parishes

DECISION #AP-735 - Mod. #2  
(38 FR 14609 - June 1, 1973)  
Rapides Parish, Louisiana

Change:  
Ironworkers:  
Structural; Ornamental; Refin-  
forcing

Modifications P. 29

Basic Hourly Rates	Fringe Benefits Payments				Others
	H & W	Families	Vacation	App. Tr.	
\$7.05	.30	.35		.025	
7.90 7.40	.40 .40	1% 1%		1% 1%	
7.90 7.40	.40 .40	1% 1%		1% 1%	

DECISION #AP-266 - Mod. #4  
(37 FR 26245 - December 8, 1972)  
Calcasieu Parish, Louisiana

Change:  
Ironworkers:  
Structural; Ornamental; Refin-  
forcing

DECISION #AP-397 - Mod. #6  
(38 FR 2602 - January 26, 1973)  
Cadeo & Bossier Parishes,  
Louisiana

Change:  
Electricians:  
Cable splicers  
Electricians

DECISION #AP-398 - Mod. #6  
(38 FR 2604 - January 26, 1973)  
Cadeo & Bossier Parishes,  
Louisiana

Change:  
Electricians:  
Cable splicers  
Electricians

DECISION #AP-811 - Mod. #2  
 (38 FR 12339 - May 11, 1973)  
 Barnstable County, Massachusetts

Change:  
 Power equipment operators schedule  
 (Building, heavy & highway)  
 Power equipment operators schedule  
 (Marine)

**BUILDING, HEAVY & HIGHWAY CONSTRUCTION**

**POWER EQUIPMENT OPERATORS**

Shovels, cranes, truck cranes, drag-  
 lines, trench boes, backhoes, three  
 drum machines, derricks, pile drivers,  
 elevator towers, hoists, gradalls,  
 shovel dozers, front end loaders, fork  
 lifts, augers, cherry pickers, boring  
 machines, rotary drills, post hole  
 hammers, post hole diggers, pumpcrete  
 machines, pavement breakers, mechani-  
 cal hoist, cement concrete pavers,  
 shaft hoists, steam engines, cableways,  
 paving concrete mixers, trenching  
 machines, hoisting engines, wks  
 loaders, asphalt plant (on site),  
 concrete batching &/or mixing plant  
 (on site), crusher plant (on site),  
 Timber jacks

Boom over 150' including job -  
 additional \$.35 per hour  
 Boom over 185' including job -  
 additional \$.70 per hour  
 Boom over 210' including job -  
 additional \$1.00 per hour  
 Boom over 250' including job -  
 additional \$1.50 per hour  
 Boom over 295' including job -  
 additional \$2.00 per hour

Master mechanic

Sonic or vibratory hammers, graders,  
 scrapers, tractors, concrete pumps,  
 tandem scrapers, bulldozers, mulching  
 machines, rock rakes, portable steam  
 boilers, rollers, spreaders, tampers,  
 self-propelled or tractor drawn,  
 asphalt pavers, mechanics maintenance,  
 group pumps, locomotive or machines  
 used in place thereof, portable steam  
 generators, paving screed machines,  
 stationary steam boilers, paving  
 concrete finishing machines

DECISION #AP-811 (Cont'd)  
 Modifications P. 32  
 MASS-1-FED-1-2-3-c (2-2)

**BUILDING, HEAVY & HIGHWAY CONSTRUCTION**

**POWER EQUIPMENT OPERATORS**

Pumps (1-3 grouped), compressors,  
 welding machines (1-3 grouped), gen-  
 erators, concrete vibrators, lighting  
 plants, heaters (power driven 1-5),  
 wellpoint systems (operating and  
 installing), syphons-poisoners,  
 concrete mixers, valves controlling  
 permanent plant air or steam, con-  
 veyors, Jackson type tamper, single  
 diaphragm pump

Assistant engineers (firemen).

Oilers and apprentices (other than  
 truck cranes and gradalls)

Oilers and apprentices on truck cranes  
 and gradalls

**PAID HOLIDAYS:**

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

**FOOTNOTE:**

a. 10 paid holidays: A through F; Washington's Birthda; Columbus Day; Veterans' Day;  
 & Patriots' Day.

**MASS-1-FED-1-2-3-c (1-2)**

	Fringe Benefits Payments					Gr
	Basic Hourly Rates	H & V	Pensions	Vacation	App. Tr.	
\$9.11	.55	.60	a		.02	
9.86	.55	.60	a		.02	
8.99	.55	.60	a		.02	

DECISION #AP-811 (Cont'd)

37-MASS-4-P (1-2)

37-MASS-4-P (2-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	37-MASS-4-P (1-2)				37-MASS-4-P (2-2)							
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	\$9.11	.55	.60	.02			\$7.625	.55	.60	.02		
Booms over 150' including jib - additional \$.35 per hour												
Booms over 185' including jib - additional \$.70 per hour												
Booms over 210' including jib - additional \$1.00 per hour												
Booms over 250' including jib - additional \$1.50 per hour												
Booms over 295' including jib - additional \$2.00 per hour												
Master mechanic	9.86	.55	.60	.02			8.31	.55	.60	.02		
Swinger engines	9.16	.55	.60	.02			6.75	.55	.60	.02		
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, work rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - miscellaneous	8.99	.55	.60	.02			7.13	.55	.60	.02		
							7.525	.55	.60	.02		

pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, siphons-pulsometers, concrete mixers, conveyors  
 Assistant engineers (fireman)  
 Oilers and apprentices (other than truck cranes and gradalls)  
 Oilers and apprentices on truck cranes and gradalls  
 Oilers on scows  
 PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day  
 FOOTNOTE:  
 a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

DECISION #AP-812 (Cont. 2)

Modifications P. 26  
MASS-1-PED-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			C
		H & W	Fees/Ins	Vacation	
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	\$7.625	.55	.60	a	.02
Assistant engineers (firemen)	8.31	.55	.60	a	.02
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02

PAID HOLIDAYS:  
A-New Year's Day; B-Memorial Day; C-Independence Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:  
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

Modifications P. 35

DECISION #AP-812 - Mod. #1  
(38 FR 12542 - May 11, 1973)  
Essex County, Massachusetts

Change:  
Power equipment operators schedule (Building, heavy & highway)  
Power equipment operators schedule (Marine)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			C
		H & W	Fees/Ins	Vacation	
Shovels, cranes, truck cranes, drag-lines, trench hoists, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, winch loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	\$9.11	.55	.60	a	.02
Boom over 150' including jib - additional \$.35 per hour Boom over 185' including jib - additional \$.70 per hour Boom over 210' including jib - additional \$1.00 per hour Boom over 250' including jib - additional \$1.50 per hour Boom over 295' including jib - additional \$2.00 per hour	9.86	.55	.60	a	.02
Master mechanic					
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, yard rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

DECISION #AF-512 (Cont'd)

Modifications P. 37

37-NLSS-4-P

(1-2)

DECISION #AF-512 (Cont'd)

Modifications P. 38

37-NLSS-4-P

(2-2)

MARINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments							
		H & W	Fareless	Vacation	App. Tr.		H & W	Fareless	Vacation	App. Tr.				
<b>POWER EQUIPMENT OPERATORS</b> Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pump-concrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	89.11	.55	.60	a	.02									
Booms over 150' including job - additional \$ .35 per hour														
Booms over 185' including job - additional \$ .70 per hour														
Booms over 210' including job - additional \$1.00 per hour														
Booms over 250' including job - additional \$1.20 per hour														
Booms over 285' including job - additional \$2.00 per hour														
Master mechanic	9.86	.55	.60	a	.02									
Swinger engines	9.16	.55	.60	a	.02									
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, yolk rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02									
<b>POWER EQUIPMENT OPERATORS</b> pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, siphons-pulsometers, concrete mixers, conveyors Assistant engineers (firemen) Oilers and apprentices (other than truck cranes and gradalls) Oilers and apprentices on truck cranes and gradalls Oilers on scoops	\$7.625	.55	.60	a	.02									
Assistant engineers (firemen)	6.31	.55	.60	a	.02									
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02									
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02									
Oilers on scoops	7.525	.55	.60	a	.02									
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day & Veterans' Day.														

DECISION #AP-814 - Mod. #2

(38 FR 11550 - May 11, 1973)  
Middlesex County, Massachusetts

Change:

Power equipment operators schedule  
(Building, heavy & highway)  
Power equipment operators schedule  
(Marine)

MASS-1-PED-1-2-3-c (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovels, cranes, truck cranes, drag-lines, trench booms, backhoes, three drum machines, derricks, pile drivers, elevator towers, boists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, sike loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	9.11	.55	.60	a	.02
Boom over 150' including jib - additional \$.35 per hour Boom over 185' including jib - additional \$.70 per hour Boom over 210' including jib - additional \$1.00 per hour Boom over 250' including jib - additional \$1.50 per hour Boom over 285' including jib - additional \$2.00 per hour	9.86	.55	.60	a	.02
Master mechanic					
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, rock rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor driven, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02

DECISION #AP-814 (Cont'd)

Modifications P. 10  
1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION:

POWER EQUIPMENT OPERATORS

Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), siphons-pulsoimeters, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tanager, single diaphragm pump

Assistant engineers (firemen)

Oilers and apprentices (other than truck cranes and gradalls)

Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day & Patriots' Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
	\$7.625	.55	.60	a	.02
	8.31	.55	.60	a	.02
	6.75	.55	.60	a	.02
	7.13	.55	.60	a	.02

DECISION WAF-514 (Cont'd)

Modifications P. 11  
37-MASS-4-P (11-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Fringe Benefits Payments					
	Basic Hourly Rates	H & V	Pensions	Vacation	App. T.	D
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	\$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional \$.35 per hour						
Booms over 185' including jib - additional \$.70 per hour						
Booms over 210' including jib - additional \$1.00 per hour						
Booms over 250' including jib - additional \$1.50 per hour						
Booms over 285' including jib - additional \$2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, yolk rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

DECISION WAF-514 (Cont'd)

Modifications P. 12  
37-MASS-4-P (3-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Fringe Benefits Payments					
	Basic Hourly Rates	H & V	Pensions	Vacation	App. T.	D
pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	\$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.						

Modifications P. 13

DECISION #AP-815 (Cont'd)

Modifications P. 14

DECISION #AP-815 - Mod. #1  
38 FR 12554 - May 11, 1973  
Suffolk County, Massachusetts

Change:  
Power equipment operators schedule  
(Building, heavy & highway)  
Power equipment operators schedule  
(Mining)

BUILD 100, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	MASS-1-PFP-1-2-3-c (1-2)			
	Basic Hourly Rates	H & V	Provision	Vacation
Shovels, cranes, truck cranes, drag-lines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumperette machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, oze loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	\$9.11	.55	.60	.02
Boom over 150' including job - additional \$.25 per hour Boom over 185' including job - additional \$.70 per hour Boom over 210' including job - additional \$1.00 per hour Boom over 220' including job - additional \$1.50 per hour Boom over 295' including job - additional \$2.00 per hour	9.86	.55	.60	.02

Master mechanic

Senic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, joint rakes, portable steam boilers, rollers, spreaders, compactors, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines

DECISION #AP-815 (Cont'd)

Modifications P. 14

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, hoists (power driven 1-5), wellpoint systems (operating and installing), siphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump

Assistant engineers (firemen):

Oilers and apprentices (other than truck cranes and gradalls)

Oilers and apprentices on truck cranes and gradalls

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

Basic Hourly Rates	Fringe Benefits Provisions (2-2)			
	H & V	Provision	Vacation	App. Tr.
\$7.625	.55	.60	a	.02
8.31	.55	.60	a	.02
6.75	.55	.60	a	.02
7.13	.55	.60	a	.02



DECISION #AP-816 - Mod. #2  
 (38 FR 12158 - May 11, 1973)  
 Worcester County, Massachusetts

DECISION #AP-816 (Cont. #1)

Modifications P. 13  
 MAS-1-PED-1-2-3-c

(2-2)

Change:  
 Power equipment operators schedule  
 (Building, heavy & highway)

MAS-1-PED-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Gr
		M & W	Fees	Vacation	App. Tr.		
POWER EQUIPMENT OPERATORS							
Shovels, cranes, truck cranes, drag-lines, trench booms, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, concrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, take loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	\$9.11	.55	.60	a		.02	
Boom over 150' including jib - additional \$.35 per hour Boom over 185' including jib - additional \$.70 per hour Boom over 210' including jib - additional \$1.00 per hour Boom over 250' including jib - additional \$1.20 per hour Boom over 293' including jib - additional \$2.00 per hour	9.86	.55	.60	a		.02	
Master mechanic							
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, rock rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a		.02	
Pumps (1-3 groups), compressors, welding machines (1-3 groups), generators, concrete vibrators, lighting planes, hoists (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsemeters, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	\$7.625	.55	.60	a		.02	
Assistant engineers (firemen)	8.31	.55	.60	a		.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a		.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a		.02	

PAID HOLIDAYS:  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:  
 a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

NOTICES

Modifications P. 50

Modifications P. 49

DECISION #AP-764 - Mod. #7  
(38 FR 6584 - March 9, 1973)  
Statewide, Nevada

Change:  
Electricians:  
Clark and Lincoln Counties, and  
Nye County (South of Mt. Diablo  
Base Line)  
Electricians; Technicians  
Cable splicers  
Churchill, Douglas, Elko, Esmeralda,  
Eureka, Humboldt, Lander, Lyon,  
Mineral, Nye (Remaining portions),  
Ormsby, Pershing, Storey, Washoe  
and White Pine Counties (excluding  
Lake Tahoe Area)  
Electricians  
Cable splicers  
Lake Tahoe Area  
Electricians  
Cable splicers  
Ironworkers:  
Remainder of State  
Fence erectors  
Reinforcing  
Ornamental; Structural  
Painters:  
Churchill, Douglas, Eureka, Elko,  
Humboldt, Lander, Lyon, Mineral,  
Nye (Remaining portions), Ormsby,  
Pershing, Storey and Washoe Counties  
(excluding Lake Tahoe Area)  
Brush  
Spray; Structural steel  
Lake Tahoe Area  
Brush  
Spray; Structural steel  
Plumbers:  
Clark, Lincoln and Nye (South of  
Highway #6), Counties

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
49.91	.43	11		.05	
10.24	.43	11		.05	
9.09	.53	14+.25		.03	
10.00	.53	14+.25		.03	
9.84	.53	14+.25		.03	
10.82	.53	14+.25		.03	
8.64	.66	.875	.85	.02	
8.75	.68	.875	.85	.02	
8.78	.68	.875	.85	.02	
7.70	.30	.20	.40		
7.95	.30	.20	.40		
8.10	.30	.20			
8.35	.30	.20			
8.40	.45	.90	1.60	.06	

DECISION #AP-266 - Mod. #1  
(38 FR 8395 - March 30, 1973)  
Clark, Lincoln and Nye (South of  
Highway #6) excluding the Nevada  
Test Site) Counties, Nevada

Change:  
Abbestos Workers  
Bricklayers; Stonemasons  
Ironworkers (Western portion of  
Lincoln County and Remaining Cos.):  
Fence erectors  
Reinforcing  
Ornamental; Structural  
Marble masons; Terrazzo workers;  
Tile setters  
Plumbers; Pipefitters  
Sheet metal workers

DECISION #AP-269 - Mod. #2  
(38 FR 7150 - March 16, 1973)  
Washoe County, Nevada

Change:  
Electricians:  
Cable splicers  
Ironworkers:  
Fence erectors  
Reinforcing  
Ornamental; Structural  
Painters:  
Brush  
Spray; Structural steel  
Tile Setters:  
Zone A: Within 15 miles radius of  
Court House in Reno  
Zone B: Within 15 miles to 30 miles  
radius of Court House in  
Reno  
Zone C: Within 35 to 75 miles  
radius of Court House in  
Reno

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
98.86	.68	.75	1.00	.01	
7.82	.20		1.00		
8.64	.68	.875	.85	.02	
8.75	.68	.875	.85	.02	
8.78	.68	.875	.85	.02	
7.82	.20		1.00	.01	
8.40	.45	.90	1.60	.06	
9.05	.58	1.15		.03	
9.09	.53	14+.25		.03	
10.00	.53	14+.25		.03	
8.64	.68	.875	.85	.02	
8.75	.68	.875	.85	.02	
8.78	.68	.875	.85	.02	
7.70	.30	.20	.40		
7.95	.30	.20	.40		
8.45	.40			.01	
8.80	.40			.01	
9.20	.40			.01	

Modifications P. 52

Basic Hourly Rates	Fringe Benefits Payments				App. To	On
	M & W	Vacation	Pen. & Sick	Other		
\$7.10 7.45	1% 1%				1/10% 1/10%	
6.16	.30	.40	.25		.04	
6.66	.30	.40	.25		.04	
6.91	.30	.40	.25		.04	

DECISION #AP-730 - Mod. #5  
(38 FR 12574 - May 11, 1973)  
Statewide, New Mexico

Change:  
Electricians (Chaves, Lincoln, and Roosevelt Counties):  
Zone (c) Anything beyond 22 miles from main Post Office:  
Electricians  
Cable splicers  
CABLEMEN (STATE-WIDE):  
From nearest basing point of the following cities or towns:  
Alamogordo, Albuquerque, Artesia, Bayard, Belen, Carlsbad, Clovis, Deming, Dulon, Espanola, Farmington, Gallup, Grants, Hobbs, Las Cruces, Las Vegas, Lordsburg, Los Alamos, Lovington, Fortales, Eaton, Roswell, Ruidoso, Santa Fe, Santa Rosa, Silver City, Socorro, Taos and Tucumanari:  
Zone (1) - 0 to 15 road miles from nearest basing point:  
Millwrights - Piledriverman  
Zone (2) - 15 to 35 road miles from nearest basing point:  
Millwrights - Piledriverman  
Zone (3) - Over 35 road miles from nearest basing point:  
Millwrights - Piledriverman

Modifications P. 51

Basic Hourly Rates	Fringe Benefits Payments				App. To	Other
	M & W	Vacation	Pen. & Sick	Other		
\$8.86 7.82	.68 .20	1.00 1.00	.75 .01			
8.64 8.75 8.78	.68 .68 .68	.85 .85 .85	.875 .875 .875	.02 .02 .02		
7.82 8.40 9.05	.20 .45 .58	1.00 1.60 1.15	.90 1.15	.02 .06 .03		
9.09 10.00	.53 .53	1.4-.25 1.4-.25		.03 .03		
9.84 10.82	.53 .53	1.4-.25 1.4-.25		.03 .03		
8.64 8.75 8.78	.68 .68 .68	.875 .875 .875		.02 .02 .02		
7.70 7.95	.30 .50	.20 .20		.40 .40		

DECISION #AP-290 - Mod. #1  
(38 FR 8914 - April 6, 1973)  
Clark (excluding the Nevada Test Site) County, Nevada

Change:  
Asbestos Workers  
Bricklayers; Stonemasons  
Ironworkers:  
Fence erectors  
Reinforcing  
Ornamental; Structural  
Marble masons; Terrazzo workers;  
Tile setters  
Plumbers; Pipefitters  
Sheet metal workers

DECISION #AP-907 - Mod. #2  
(38 FR 13941 - May 15, 1973)  
Churchill, Douglas, Elko, Lyon, Mineral, Ormsby and Washoe Counties, Nevada

Change:  
Electricians:  
Except Lake Tahoe Area  
Electricians  
Cable splicers  
Lake Tahoe Area  
Electricians  
Cable splicers  
Ironworkers (Gemeining Counties):  
Fence erectors  
Reinforcing  
Ornamental; Structural  
Painters:  
Except Lake Tahoe Area  
Brush  
Spray; Structural steel

Modifications P. 54

Modifications P. 53  
1-82, DME-LAB 2-3 1

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tc.		H & W	Pensions	Vacation	App. Tc.
\$2.95					\$6.95	.51	.63	1.00	.08
\$2.95					7.68	.65	.75		.07
3.05					6.00	.22	.15		
3.15					\$5.85				
3.25					6.05				
3.25					6.05				
3.25					6.85	.15	.25		.56
3.25					6.85	.15	.25		.56
3.25					6.15		.20		
3.25					6.40		.20		
3.25					6.65		.20		
3.25					5.70				.02
3.25					7.25	.25	.16		.56
3.25					7.65	.25	.16		.56

DECISION #AP-267 - Mod. #3  
(38 FR 6612 - March 9, 1973)  
Statewide, North Dakota

Change:  
Laborers:  
Group I  
General Construction Laborer;  
Reinforced steel setter; Sack  
shaker (cement and mineral filler);  
Pipe handler; Drill runner helper;  
Carpenter tender; Salsander  
heater and blower tender

GROUP II  
Semi Skilled Laborer; Bulk cement  
handler; Conduit layer, telephone  
or electrical; Form setter (pave-  
ment); Gas, Electric or pneumatic  
tool operator (chipping hammer,  
grinders and paving breakers (tamper  
(dirt)); Concrete vibrator operator);  
Chain saw operator; Concrete saw  
operator; Concrete curing man (not  
water); Bituminous worker (showeler  
dumper, raker and floater);  
Kettleman (Bituminous or lead);  
Concrete bucket signman; Power  
buggy operator; Brick and mason  
tender; Multiple pipe layer;  
Culvert pipe layer

GROUP III  
Callison Work; Bottom man, (sanitary  
sewer, storm sewer, water, and gas  
lines); Concrete mixer operator  
(one bag capacity); Motor mixer

GROUP IV  
Pipe Layers (Sanitary Sewer, Storm  
Sewer, Water and Gas Lines); Drill  
runner (incl. wagon churn or air  
track); Powderman, gunite and  
sandblast, nozzle man

DECISION #AP-284 - Mod. #2  
(38 FR 8927 - April 6, 1973)  
Statewide, Oregon

Change:  
Plumbers; Steamfitters;  
N. 1/2 of Benton, Lincoln, and  
Linn Counties; Marion, Polk,  
S. 1/2 of Tillamook, Yamhill  
Counties  
Glackman, Clatsop, Columbia,  
Gilliam, Hood River, Jefferson,  
Multnomah, Sherman, W. 1/2 of  
Tillamook, Wasco, Wheeler,  
Washington, and N. 1/2 of  
Yamhill Counties

Add:  
Roofers:  
Marion, Yamhill, Polk, Lincoln,  
Benton and Linn Counties

DECISION #AP-191 - Mod. #1  
(38 FR 11070 - May 25, 1973)  
Hamilton County, Tennessee

Change:  
Cement masons  
Power machine operators  
Swinging scaffold & bos'n chair  
Ironworkers:  
Structural, ornamental  
Reinforcing  
Painters:  
Commercial  
Industrial  
Sandblasting

DECISION #AP-192 - Mod. #1  
(38 FR 11073 - May 25, 1973)  
Knox County, Tennessee

Change:  
Cement masons  
Electricians and linemen  
Cable splicers

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & V	Families	Vacation	App. Tr.	
<p><b>DECISION #AP-723 (CONT'D)</b></p> <p>Building Construction (Cont'd):                      Power Equipment Operators (Cont'd):                      Air compressor, anytime there are two or more attachments operating on a 125 cu. ft. air compressor, or less, a light equipment operator shall be employed, any compressor over 125 cu. ft. shall have a light equipment operator; Blade grader-towed; Plow; Fork lift, 1500 lbs. capacity or less; Hoist, single drum; Pump 2 1/2 inches or larger; Pneumatic roller; Mixer-less than 14 cu. ft.; Polioaster; Truck crane driver &amp; other combination man; Form grader, gasoline or diesel driven welding machine, 3 to 6; High-lifts &amp; loaders, 1/3 cu. yd. or less                      Fireman                      Other</p>					
\$6.205 5.23 5.13					.30 .30 .30

Basic Hourly Rates	Fringe Benefits Payments				Other
	M & V	Families	Vacation	App. Tr.	
<p><b>DECISION #AP-728 - Mod. #4</b>                      (38 FR 10606 - April 27, 1973)                      Nueces County, Texas</p> <p>Change:                      Building Construction:                      Carpenters:                      Soft floor layers</p>					
\$5.88 5.88	.21 .21	.07 .07			.02 .02

**DECISION #AP-346 - Mod. #2**  
 (37 FR 20497 - September 29, 1972)  
 Dallas, Sherman, Mansford, Oakhill, trees, Lipscomb, Bartley, Moore, Hutchinson, Roberts, Memphis, Oldham, Fottter, Carson, Gray, Wheeler, Deaf Smith, Smadell, Armstrong, Dooley, Collingsworth, Castro, Swisher & Childress Counties, Texas

Change:  
 Building Construction:  
 Carpenters

**DECISION #AP-723 - Mod. #4**  
 (38 FR 10591 - April 27, 1973)  
 Travis County, Texas

Change:  
 Building Construction:  
 Power Equipment Operators:  
 Backfiller; Backhoe; Blade grader, self-propelled; Bull clam; Bulldozer & all types of cat tractors; Cableway; Clamshell operator; Crane - power operated, all types; Derricks-power operated, all types; Dragline; Elevating grader, self-propelled; Euclid operator; Foundation boring machine; Grapple; Heavy duty loader, over 1/3 cu. yd. capacity; Hoist-motor driven, two drums or more; Locomotive; Mixer, 14 cu. ft. or over; Mixmobile; Paving mixer-all types; Pumpcrete machine; Push cat operator; Rock crusher operated on job; Scooper mobile; Scraper; Shovel-power operated; Teaching machine - all types; Two 125 cu. ft. compressors; Welding machines - 6 to 12; Winch truck; Well points, including installations

Modifications P. 57

Modifications P. 58

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
<p>DECISION #AP-499 - Mod. #1 (38 FR 8410 - March 30, 1973) Bessico County and the City of Richmond, Virginia</p> <p>Change: Modification #2, 38 FR 15795, June 15, 1973 to read Mod. #3 Cement Masons: Cement masons Machine men and scaffold men Scaffolds 30' and over Millwrights Piledrivers and dock builders Plasterers Sheet Metal Workers: The City of Richmond The Balance of County</p>	<p>\$5.37 5.47 5.62 7.10 5.40 6.95 7.22 7.42</p>	<p>.20 .20 .20 .20 .20 .20 .20 .20</p>	<p>.01 .005 .005</p>		
<p>DECISION #AP-533 - Mod. #1 (38 FR 16078 - May 25, 1973) The Cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia</p> <p>Change: Bricklayers and Stone masons Bricklayers and Stone masons on stacks or chimneys 50' and over Painters: Brush and Roller Structural steel from ground to 74' 74' Spray, paperhangers and golve work Any work over 74' from the ground Bituminous coating and hot creosote Swing stage under 40' Swing stage over 40' up to 74' Sandblasting Epoxy - brushed or rolled Rollers with handles 6' or over</p>	<p>6.60 6.85 5.80 6.25 6.15 7.10 7.45 6.05 6.30 6.55 6.05 6.05</p>	<p>.30 .30 .20 .20 .20 .20 .20 .20 .20 .20 .20 .20</p>	<p>.02 .02</p>		

Basic Monthly Rates	Fringe Benefits Payments				Other
	H & W	Pension	Vacation	App. Tr.	
<p>DECISION #AP-283 - Mod. #5 (38 FR 8920 - April 8, 1973) Statewide, Washington</p> <p>Change: Carpenters: All Counties and parts of Cos. East of the 120th Meridian Carpenters Piledriver; Floor layers; Floor finishers; Floor sanders; Saw filers; Stationary power wood-working tool operator Shingler (wood or composition) Millwrights; Boom men; Machine erectors; Carpenters (creosoted material) Piledriver (creosoted material) Power Equipment Operators: All Counties and parts of Cos. East of the 120th Meridian See Attached Pages</p>	<p>\$7.39 7.54 7.59 7.64 7.79</p>	<p>.50 .50 .50 .50 .50</p>	<p>.50 .50 .50 .50 .50</p>	<p>.035 .035 .035 .035 .035</p>	

DECISION #AP-283 (cont'd) 1-WAS-PEO-1-2-3-e (1-4) Modifications P. 59

DECISION #AP-283 (cont'd) 1-WAS-PEO-1-2-3-e (1-4) Modifications P. 60

All Counties & parts of Counties East of the 120th Meridian

POWER EQUIPMENT OPERATORS

GROUP I

Bit Grinders; Bolt Threading Machines; Brakeman; Compressors, under 1000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deck Sand; Drillers' Helper; Firman & Heater Tender; Grade Checker; Helger (Mechanic or Welder, H.D.); Oiler; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Welding Machines.

GROUP II

A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1000 tons); Assistant Plant Operator, Fireman or Pugmiser (asphalt); Bag-ley or Stationary Scraper; Batch Plant & Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (1000 cu. ft. or over, 2 or more - gas, diesel or electric power); Concrete Saw (multiple cut); Distributor Laverman; Dope Pots (power agitated); Equipment Serviceman, Greaser & Oiler; Fork Lift or Lumber Stacker, Hydra Lift & similar; Gm trucks (pipeline); Hoist, single drum; Loaders (bucket elevators and conveyors); Longitudinal Float; Mixer (portable - concrete); Pavement Breaker, Hydra Hammer & similar; Posthold Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Boss &

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$6.85	.55	.65		.03	

POWER EQUIPMENT OPERATORS (CONT'D)

GROUP III

similar on construction job site); Tractor (farm type E/T with attachments except backhoe); Tugger Operators; Elevator hoisting materials

A-Frame Truck (2 or more drums); Assistant Refrigeration Plant & Chiller Operator (over 1000 tons); Backfillers (Cleveland & similar); Belt-Crete Conveyors with Power Pack or similar; Belt Loader (Kocal or similar); Blade Operator (Motor Patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit) (Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Lining Machine (concrete); Cleaning & Doping Machine (pipeline); Concrete Pump (squeeze-crete, flow-crete, pump-crete, Whitman & similar); Drills (churn, core, calys or diamond); Elevating Belt-type Loader (Euclid, Barber Green or similar); Elevating Grader-type Loader (Dumort, Adams, or similar); Generator Plant Engineers (diesel electric); Gomite Combination Mixer & Compressor; Hoist, (2 or more drums or Tower Hoist); Loaders, (overhead & front-end, under 4 yds., E/T); Locomotive Engineer; Mixer-Mobile; Oiler & Cable Tender, Mucking Machine, Paver (asphalt and concrete); Pump (Grout or Jet); Refrigeration Plant Engineer (1000 tons); Roller (finishing pavement); Rubber-tired Scrapers (one motor with one scrapay, under 40 yds.); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (crawler, incl. Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$7.15	.55	.65		.03	

DECISION #A-P-283 (cont'd) 1-NAIS-PEO-1-2-3-4 (4-4)

DECISION #A-P-283 (cont'd) 1-NAIS-PEO-1-2-3-4 (3-4)

DECISION #A-P-283 (cont'd) 1-NAIS-PEO-1-2-3-4 (3-4)

Basic Hourly Rates	Fringe Benefits Payments			Other
	H & V	Passives	Vacation	
\$7.40	.55	.65	.03	
7.50	.55	.65	.03	
7.55	.55	.65	.03	
\$7.70	.55	.65	.03	

**GROUP III (CONT'D)**  
Machines; Trenching Machines (under 7 ft. depth capacity); Turnhead Operator; Paver or curb extruder (asphalt and concrete)

**GROUP IV**  
H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (1000 tons & over); Seal-automatic Welding Machine.

**GROUP V**  
Asphalt Plant Operator; Grubber & Screening Plant Operator; Rubber-tired Scrapers Multi-Engine Power with one Scraper (Euclid, TS-24 & similar); Rubber-tired Scraper, One Motor with One Scraper (40 yds. & over); Single Engine with two Scrapers (Letourneau, Tandem B & similar); Surface Heater & Planer Machine; Turnhead (with re-screening)

**GROUP VI**  
Automatic Subgrader (ditches & trimmers) (R.A. Hansen & similar); Backhoes (under 3 yds.); Batch & Wet Mix Operator-Multiple Units (2 and incl. 4); Clamshell Operator (under 3 yds.); Concrete Slip Form Paver; Cranes (under 65 tons); Derricks & Stifflegs (under 65 tons); Draglines (under 3 yds.); Drilling Equipment (8" bit and over) (Robbins & similar); Hydra-Cranes (Austin, Western Hydra-Boe and similar with attachments); Loader Operator (Front End & Overhead 4 yds. to 8 yds.); Mucking Machines; Filedriving Engineers; Paver (Dual drum); Quad-track or Limer Operator (self-propelled); Rubber-tired Scrapers, Multiple

**POWER EQUIPMENT OPERATORS (CONT'D)**  
**GROUP VI (CONT'D)**  
Engines with two Scrapers; Shovels (under 3 yds.); Signalmen (Whirleys, Rightline Hammerheads or similar); Trenching Machines (7 ft. depth and over).

**GROUP VII**  
Backhoes (3 yds. and over); Batch Plant (over 4 units); Cableway Controller-Dispatcher; Cableway Operators; Clamshell Operator (3 yds. and over); Cranes (65 tons and over); Derricks & Stifflegs (65 tons and over); Draglines (3 yds. and over); Loader - (360 degrees revolving Loading Scooper or similar); Loaders (overhead and front end over 8 yds.); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yds. and over); Tower Crane; Whirleys and Hammerheads (all); Elevating belt, Bolland type

Underground Work - Add 10% to the Classification.  
(Not to include open pits, cuts, ditches, trenches and such work as paving, etc.)

All Crane Booms: 130' to 200' - \$.15/hr. Additional to Classification; Over 200' - \$.30/hr. Additional to Classification;

Yo-Yo Doret: 10% Additional

DECISION #A-P-823 - Mod. #3 (38 FR 13304 - May 18, 1973) Washington, D. C.

Omit:  
Power Equipment Operators' Schedule Building Construction as originally issued.  
Add:  
Power Equipment Operators' Schedule Building Construction

DECISION NO. AF-223 (Cont'd.) Modifications P. 63  
2-D.C.-PED-1-2-N

**BUILDING CONSTRUCTION**

Power Equipment Operators:  
35 ton cranes & above, tower & climbing cranes  
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, pile-driving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers, 50 cu. yds. struck capacity or above, multiple concrete conveyors  
Hydrocranes, and all other hydraulic cranes 12 tons or under  
Hydraulic backhoes, under 3 yds., mounted on tractors  
Front end loader (over 3 1/2 cu. yds.)  
Front end loader (over 2-3/4 cu. yds. to and including 3-1/2 cu. yds.)  
Front end loaders (Hi-lift), fork lifts  
Air compressors (on steel)  
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motormen, welding machines, well points  
Boilers (skeleton), trenching machines, tug boats, well drilling machines  
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity  
blade graders, bulldozers, motor graders  
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws  
Apprentice engineers:  
Firemen  
Truck crane oilers  
Oilers

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				OTHERS
	H & W	RETIREMENTS	VACATION	APP. TR.	
\$8.775	.35	.35	.10	.10	
8.525	.35	.35	.10	.10	
8.475	.35	.35	.10	.10	
8.375	.35	.35	.10	.10	
8.325	.35	.35	.10	.10	
8.375	.35	.35	.10	.10	
8.125	.35	.35	.10	.10	
8.195	.35	.35	.10	.10	
7.945	.35	.35	.10	.10	
8.115	.35	.35	.10	.10	
7.925	.35	.35	.10	.10	
7.725	.35	.35	.10	.10	
7.065	.35	.35	.10	.10	
6.945	.35	.35	.10	.10	
6.895	.35	.35	.10	.10	

**SUPPLEMENTAL DECISION**

STATE: Arkansas, Louisiana, Mississippi and Tennessee  
COURT: See Below  
DECISION NUMBER: AP-1107  
DAYS: Date of Publication  
Supercedes Decision No. 89-8588 dated March 17, 1972, in 37 FR 5654  
DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and Tributaries in Tennessee, Mississippi, Louisiana and Arkansas, including the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Ft. Smith, Arkansas; Memphis, Tennessee; and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport, Louisiana.

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Retiremen	Vacation	App. Tr.	
\$1.70					
1.70					
1.70					
1.80					
1.90					
2.10					
2.35					
2.90					
4.25					.05
3.85					.05
3.30					.05
3.05					.05
2.45					.05
1.85					.05
1.95					.05

**Laborers:**

Unskilled  
Asphalt workers, rakers, tampers, shovelers, ironers, etc.  
Revetment bookers, weavers  
Revetment laborers & tufsters  
Deckhand revetment  
Head deckhand, revetment  
Chain saw operator or filler  
Air tool operator  
Powderman  
Power Equipment Operators:  
Pile driver operator, mechanic (Heavy Equipment), cranes, derricks, drag-lines, welder, power shovels and backhoes, mixer (concrete, 21 cu. ft. & over), asphalt plant operator, trenching machine (over 18")  
Bulldozer (finisher, push cat & on barges), motor patrol finisher, scrapers and like equipment, front end loader, backhoe (tractor mounted) asphalt finisher or spreading machine, well point system operator, self-propelled loader (conveyor type)  
Firemen (Heavy construction), pile driver leadman, winchman  
Asphalt plant dryer operator, asphalt distributor, asphalt roller, bulldozer (rough, including disc, plow or roller motor patrol (haul roads), trenching machine (18" and under), self propelled roller (except asphalt) end dump equipment (off highway), mixer (concrete up to 21 cu. ft.), bottom dump euclid (and like equipment)  
Oiler, pump, mechanic helper, greaser, welder helper, tractor (farm type including disc, plow or roller)  
Truck Drivers:  
1 1/2 tons or less  
Over 1 1/2 tons

STATE: Connecticut  
 COUNTY: Fairfield  
 DATE: Date of Publication  
 DECISION NO.: AP-846  
 Supersedes Decision No. AP-671, dated March 9, 1973, in 38 FR 6334.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.	Other
	M & W	Festivals	Vacation	App. Tc.		
8.70	.42	.25				
8.25	.50	.30				
8.47	.35+.15	.50				
8.70	.40	.45				
8.35	.35+.15	.25				
6.93	.63	.66+.75				
7.65	.35	.15+.25				
7.43	.475+.45	.475				
7.65	.35	.15+.25				
6.96	.40	.27+.00				
7.65	.35	.15+.25				
7.85	.45	.15				
7.35	.30	.15				
7.75	.35	.15				
8.90	.50	.30				
8.40	.50	.30				
8.15	.40	.20				
8.45	.50	.30				
8.38	.45	.35				
8.25	.50	.30				
8.55	.30	.30				
8.65	.45	.30				
7.30	3-3/4%	7.5%				
8.20	.33	15+.20				
8.35	.33	15+.20				

Basic Hourly Rates	Fringe Benefits Payments				App. Tc.	Other
	M & W	Festivals	Vacation	App. Tc.		
88.21	.345	.23	25+.50		.015	
5.75	.345	.23	25+.50		.015	
4.105						
5.30	.125	.125				
9.30	.35	.44			.04	
6.70	.30	.30			.05	
6.95	.30	.30			.05	
7.20	.30	.30			.05	
7.20	.30	.30			.05	
6.70	.30	.30			.05	
8.75	.25	.15			.01	
4.50						
7.91	.25	.20	.75		.01	
8.10	.25	.25			.01	
8.25	.30		c		.01	
8.88	3-3/4%	6.5%+m	10%		1/2 of 1%	
8.88	3-3/4%	6.5%+m	10%		1/2 of 1%	
8.88	3-3/4%	6.5%+m	10%		1/2 of 1%	
8.92	.20	1%	d		1/2 of 1%	
8.32	.20	1%	d		1/2 of 1%	
6.43	.20	1%	d		1/2 of 1%	
7.15	3%	9%	4%			
7.15	3%	9%	4%			
6.20	.25					
7.20	.25					
4.50	.10					
4.80	.10					
4.75	.10					

Elevator Constructors  
 Elevator Constructors' Helpers  
 Elevator Constructors' Helpers (Prob.)  
 Glaziers  
 Ironworkers:  
 Structural, ornamental, reinforcing  
 Laborers (Building, Heavy & Highway):  
 Laborers, carpenter tenders, wrecking  
 Laborers  
 Jackhammer operator, mason tenders,  
 mortar mixer, pipe layers, plasterer  
 tenders, power buggy operator  
 Air track operators, wagon drill  
 operators and sand blasters  
 Open Air Caisson, Cylindrical Work and  
 Boring Crew:  
 Bottom Man  
 Top Man  
 Lathe:  
 Bethel-Brookfield-Danbury-New Fairfield-  
 Norwalk  
 Greenwich-Stamford-New Canaan  
 Remainder of County  
 Lead burners  
 Line Construction:  
 Darien-Greenwich-New Canaan-Stamford-  
 that portion of Norwalk West of Five  
 Mile River:  
 Linemen  
 Cable splicer  
 Driver groundman  
 Remainder of County:  
 Linemen  
 Equipment operator  
 Groundman, truck driver  
 Painters:  
 Greenwich:  
 Brush  
 Structural steel  
 Bethel-Brookfield-Danbury-Ridgefield-  
 Redding-Sandy Hook-New Fairfield-  
 Norwalk-Sherman:  
 Brush  
 Structural steel  
 Norwalk-Westport-Weston-Wilton:  
 Brush  
 Roller  
 Steel

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Vacation	App. Tr.	Other	
Painters (Cont'd):						
New Canaan:	\$4.35	.15				
Brush	4.85	.15				
Shelton-Monroe:	4.75	.12				
Brush	5.75	.12				
Structural steel	5.75	.12				
Spray:						
Brush	6.25	.29	.76-6/7			
Brush	7.15-2/7	.29	.76-6/7			
Structural steel	6.00	.25	.20			
Darien-Stanford:	6.00	.25	.20			
Brush	6.00	.25	.20			
Structural steel						
Spray						
Remainder of County:						
Brush	7.00	.35	.55			
Structural steel	8.00	.35	.55			
Millwrights:						
Millwright	8.65	.50	.30			
Piledrivers (Building Only):						
Greenwich	7.55	.35	.20			
Greenwich	8.25	.40	.20			
Darien-Stanford-New Canaan						
Bridgeport-Easton-Fairfield-Monroe-	8.45	.50	.30			
Stratford-Trumbull	8.40	.50	.30			
Norwalk	8.25	.50	.30			
Shelton	8.15	.20	.20			
Westport-Weston	8.25	.40	.20			
Wilton-Ridgefield	8.15	.20	.20			
Remainder of County						
Plumbers, Steamfitters:						
Greenwich	9.00	.30	.30			
Bethel-Brookfield-Danbury-New Fairfield-						
Newton-Redding-Ridgefield-Sherman	8.10	.30	.30			
New Canaan	8.20	.40	.30			
Stanford-Darien	9.20	.55	.30			
Bridgeport-Easton-Fairfield-Monroe-						
Shelton-Stratford-Trumbull	8.50	.45	.50			
Remainder of County	8.35	.40	.30			
Roofers:						
Composition, kettlemen	8.75	.60	.30			
Slate	9.00	.60	.30			
Helper (slater)	8.00	.60	.30			
Sheet metal workers	8.87	.40	.26			
Sprinkler fitters	8.00	.25	.40			
Waterproofers	8.50	.60	.30			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Vacation	App. Tr.	Other	
PAID HOLIDAYS: (Where Applicable)						
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.						
FOOTNOTES:						
a. Employer contributes 4% of 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.						
b. Holidays: A through F.						
c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.						
d. Holidays: 9 Paid Holidays, A through F; Washington's Birthday and Good Friday, plus one (1) floating holiday per year provided the employee has been employed for a period of ten (10) working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.						
e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.						
f. Holidays: B,C,D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.						
g. Employer contributes fifty dollars per year.						
h. Paid Holidays: A through F plus Good Friday.						
i. Paid Holidays: Labor Day, 1/2 day on Christmas Eve and on New Year's Eve.						
j. Paid Holidays: C through E.						
k. Paid Holidays: C and D.						
m. \$1.50 per man per day.						

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SM-COON-1-R

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Pensions	Vacation		App. Tr.	App. Tr.	App. Tr.
\$5.02	.30	.50H	b	\$5.02	.30	.50H	b
7.91	.30	.50H	b	7.91	.30	.50H	b
7.54	.30	.50H	b	7.54	.30	.50H	b

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Dinky Machine Operator, Power Pavement Breaker Operator  
Fireman (High Pressure)  
Oiler  
Crane with boom, excluding Jib, over 150 feet - .25 extra  
Crane with boom, excluding Jib, over 200 feet - .50 extra

PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.
- b. Seven (7) paid holidays: A through H and Good Friday.

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SM-COON-1-R

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Pensions	Vacation		App. Tr.	App. Tr.	App. Tr.
\$8.97	.30	.50H	b	\$8.97	.30	.50H	b
8.86	.30	.50H	b	8.86	.30	.50H	b
8.76	.30	.50H	b	8.76	.30	.50H	b
8.60	.30	.50H	b	8.60	.30	.50H	b
8.49	.30	.50H	b	8.49	.30	.50H	b
8.44	.30	.50H	b	8.44	.30	.50H	b
8.39	.30	.50H	b	8.39	.30	.50H	b
8.23	.30	.50H	b	8.23	.30	.50H	b
8.31	.30	.50H	b	8.31	.30	.50H	b
8.21	.30	.50H	b	8.21	.30	.50H	b
8.23	.30	.50H	b	8.23	.30	.50H	b
8.12	.30	.50H	b	8.12	.30	.50H	b
8.18	.30	.50H	b	8.18	.30	.50H	b

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION

Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over

Tower Crane, Dragline, Grapple, Hoisting Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift

Maintenance Engineer

Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.

Compressor Battery Operator

Asphalt Spreader

Bulldozer, Grader Operator, Scraper Pan Operator, Carry-all Operators

Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.

Air and Steam Valve Operator

Generator Op., Compressor Op., Pump and Well Point Op.

Steam Jenny Op., Fork Lift Op. not over 4 ft.

Mechanical Heater Operator

Roller Operator

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SU-COON-2-3-W ( 1 of 2 )

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	C
	H & W	Pensions	Vacation		
\$ 8.97	.30	.50 + a	b	.05	
8.86	.30	.50 +a	b	.05	
8.60	.30	.50 +a	b	.05	
8.44	.30	.50 +a	b	.05	
8.33	.30	.50 +a	b	.05	
8.18	.30	.50 +a	b	.05	
8.02	.30	.50 +a	b	.05	
7.83	.30	.50 +a	b	.05	
7.91	.30	.50 +a	b	.05	
8.21	.30	.50 +a	b	.05	
8.49	.30	.50 +a	b	.05	
7.54	.30	.50 +a	b	.05	
7.65	.30	.50 +a	b	.05	

POWER EQUIPMENT OPERATORS  
HEAVY AND HIGHWAY CONSTRUCTION

Erecting and handling structural steel, front end loader (7 yds. or over)

Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kobering loader (skooter)

Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumperete, rock and earth boring machine post and well digger compressor (battery operated), Hammer (vibratory), central mix operator, combination hoe & loader (over 1/2 yd.)

Asphalt spreader

Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader

Asphalt roller, bulldozer, carryall, maintenance engine, concrete mixer 5 bags and over

Front end loader ( under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine

Compressor, pump opr.

Fireman, high pressure

Well point system

Compressor battery operator

Offler

Batch plant, bulk cement plant,

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SU-COON-2-3-W ( 2 of 2 )

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	C
	H & W	Pensions	Vacation		

POWER EQUIPMENT OPERATORS  
HEAVY AND HIGHWAY CONSTRUCTION

Crane with 150 ft. boom - additional \$ .25 per hour

Crane with 200 ft. boom - additional \$ .50 per hour

PAID HOLIDAYS(Where applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A thru F and Good Friday.

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1-27-67, 01, 02, 3-2-67 F

FRINGE BENEFITS PAYMENTS

BASIC HOURLY RATES

H & W PENSIONS VACATION APP. TR. OTI

\$5.50	a	b	c	
5.60	a	b	c	
5.70	a	b	c	
5.60	a	b	c	
5.65	a	b	c	
5.75	a	b	c	
5.65	a	b	c	
5.80	a	b	c	
5.50	a	b	c	
5.75	a	b	c	

Truck Drivers:  
 Two axle trucks  
 Three axle trucks  
 Four axle trucks  
 Two axle ready-mix  
 Three axle ready-mix  
 Four axle ready-mix  
 Heavy duty trailer - to 40 tons  
 Heavy duty trailer - over 40 tons  
 Helpers  
 Specialized earth moving equipment

Paid Holidays (Where applicable):

- A-New Year's Day; B-Memorial Day;
- C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas.

Footnotes:

- a. \$14.00 per week for employee employed over 16 hours and \$3.35 per hour for employee less than 16 hours during the week.
- b. \$20.00 per week for employees employed over 24 hours and \$3.50 per hour for employees employed less than 24 hours during the week.
- c. Seven (7) holidays: A through F, and Good Friday; provided the employee has 11 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDES DECISION

STATE: Connecticut COUNTY: Hartford  
 DECISION NO.: AP-649 DATE: Date of Publication  
 SuperseDES Decision No. AP-472, dated March 16, 1973, in 38 FR 7174.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

2-COONK-1-2-3-R

1 of 3

	Fringe Benefits Payments				Other
	M & W	Pensions	Vacation	App. Tr.	
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
Asbestos workers:					
East Cranby-Enfield-Cranby-Hartland-Suffield-Windsor Locks	.34	.15		.01	
Remainder of County	.42	.28		.01	
Boilermakers	.50	10%			
Bricklayers, Cement masons, Finishers, Marble setters, Plasterers, Stone-masons, Terrazzo workers, tile setters (Building Only):					
Bristol-Plainville	8.70	.35+.15	.25+.17		
Marion	8.91	.50	.25	.01	
Berlin-Kensington-New Britain-Newton-Plantville-Southington	8.50	.15	.40		
Remainder of County	9.00	.50	.25		
Bricklayers, Cement masons, Finishers and Stonemasons (Heavy and Highway)	7.70	.35	.15		
Carpenters and Pile-drivers (Heavy and Highway)	8.60	.50	.30	.03	
Carpenters, Soft Floor Layers, Pile-drivers (Building Only):					
Burlington	8.45	.45	.30	.04	
Bristol-Plainville-Canton-Berlin-E. Berlin-Kingston-Newton-New Britain-Middle-Merion-Plantville-Bloomfield	8.47	.50	.30	.05	
Marlborough only	8.47	.40	.30	.05	
Southington	8.55	.50	.30	.03	
Remainder of County	8.48	.45	.30	.05	
Electricians:					
Berlin-Bristol-New Britain-Plainville-Southington-Newton	8.75	.35	15+.30	1/8 of 1%	
Hartford	8.80	.45	15+.20	1/8 of 1%	
Suffield Township-Thompsonville Village	8.80	.20	15+.15	b	
Remainder of County	8.80	.75	15+.20	1/8	
Elevator constructors	8.21	.345	.23	25+-.4d	.015
Elevator constructors' helpers	5.75	.345	.23	25+-.4d	.015
Elevator constructors' helpers (Prob.):	4.105				
Glaziers; Outside	8.01	.47	.32		
Ironworkers:					
Structural, ornamental, reinforcing	9.30	.35	.44		.04
Laborers (Building, Heavy and Highway):					
Laborers, Carpenter Tenders, Bricklayers	6.70	.20	.30		.05
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer					
Tenders, Power Suggy Operator	6.95	.30	.30		.05
Air Track Operators, Magon Drill Operators and Sandblasters	7.20	.30	.30		.05

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Fringe Benefits Payments				Other
	Basic Monthly Rates	H & W	Pensions	Vacation	
Laborers (Building, Heavy and Highway Cont'd):					
Open Air Caisson, Cylindrical Work and Boring Crews:					
Bottom Man	\$7.20	.30	.30	.05	
Top Man	6.70	.30	.30	.05	
Lathers:					
Bristol-Southington	8.75	.25	.15	.01	
Enfield-Suffield-Thompsonville-Windser-Marhousse Pt. Broadbrook-Mairese-Bazardville	7.60	.45	.25		
Remainder of County	9.15	.25	.30	.01	
Lead burners	8.25	.30		.01	
Line Construction:					
Linemen	8.92	.20	1%	.254f	1/2 of 1%
Groundman-truck driver	6.43	.20	1%	.254f	1/2 of 1%
Equipment operator	8.32	.20	1%	.254f	1/2 of 1%
Marble & tile setters' terrazzo workers' helpers	7.65	.35	.154-.25		
Millwrights:					
Bristol-Plainville-Canton	8.12	.35	.20		
Painters:					
Berlin-Bristol-Burlington-Hartland-New Britain-Newington-Plainville-Southington-Kensington-Forestville-E. Berlin-Milledale-Plantsville-Unionville:					
Brush	7.60	.50	.30		
Bridge	8.50	.50	.20		
Spray	10.875	.50	.20		
Remainder of County:					
Brush	7.65	.50	.30		
Spray	11.10	.50	.30		
Piledriverman (Building Only):					
Marlboro	8.12	.35	.20		
Plumbers:					
Southington	9.00	.55	.75	1	
Berlin-Bristol-New Britain-Plainville-E. Berlin-Kensington-Newington-Farmington	9.05	.30	.30		
Remainder of County	8.87	.5322	.5322	.20	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Fringe Benefits Payments				Other
	Basic Monthly Rates	H & W	Pensions	Vacation	
Roofers:					
Composition Helper - Class A	\$7.90	.425	.35	.30	
Composition Helper - Class B	7.325	.425	.35	.30	
Slate, Tile, Precast Concrete	3.60	.425	.35	.30	
Sheet Metal Workers	8.40	.425	.35	.30	.05
Sprinkler fitters	8.70	.50	.51	.40	.05
Steamfitters:					
Southington	8.00	.15	.20		
Berlin-Bristol-New Britain-Plainville	9.05	.30	.30		.05
Remainder of County	8.82	.54	.54		
Wareproofer	7.90	.425	.35	.30	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					
PAID HOLIDAYS: (Where Applicable)					
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
FOOTNOTES:					
a. Paid holidays: C, D, and E.					
b. \$.15 per man per week.					
c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.					
d. Holidays: A through F.					
e. Holidays: A through F, Washington's Birthday and Good Friday, and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days preceding & following the holiday.					
f. Nine (9) Paid Holidays: A through F, Washington's Birthday and Good Friday plus one (1) floating holiday per year provided the employee has been employed for a period of ten (10) working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.					
g. Paid Holidays: B through F.					
h. Paid Holidays: A through F and Good Friday.					
i. Paid Holiday: D.					
j. Paid Holidays C and D.					

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SM-COON-1-B

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Oth.
	H & W	Pensions	Vacation		
\$8.97	.30	.50+4	b		
8.86	.30	.50+4	b		
8.76	.30	.50+4	b		
8.60	.30	.50+4	b		
8.49	.30	.50+4	b		
8.44	.30	.50+4	b		
8.39	.30	.50+4	b		
8.33	.30	.50+4	b		
8.31	.30	.50+4	b		
8.21	.30	.50+4	b		
8.23	.30	.50+4	b		
8.12	.30	.50+4	b		
8.18	.30	.50+4	b		

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Hoisting Structural Steel, Setting Stone Derrick, Pile Driver, Hoisting Engineer 2 drums and over  
Tower Cranes, Draglines, Grapple, Hoisting Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic Shovel, Fork Lift - over 4 ft. lift  
Maintenance Engineer  
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.  
Compressor Battery Operator  
Asphalt Spreader  
Bulldozer, Grader Operator, Scraper Fan Operator, Carry-All Operators  
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Paverstone Spreader Op.  
Air and Steam Valve Operator  
Generator Op., Compressor Op., Pump and Well Point Op.  
Steam Jenny Op., Fork Lift Op. not over 4 ft.  
Mechanical Waster Operator  
Roller Operator

Fireman (High Pressure)  
Otter  
Crane with boom, excluding Jib, over 150 feet - .25 extra  
Crane with boom, excluding Jib, over 200 feet - .50 extra  
PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day  
FOOTNOTES:  
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.  
b. Seven (7) paid holidays: A through G and Good Friday.

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SM-COON-1-B

Basic Hourly Rates	Fringe Benefits Payments			App. T.	Oth.
	H & W	Pensions	Vacation		
\$8.02	.30	.50+4	b		
7.91	.30	.50+4	b		
7.54	.30	.50+4	b		

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Diesel Machine Operator, Power Pavement Breaker Operator  
Fireman (High Pressure)  
Otter  
Crane with boom, excluding Jib, over 150 feet - .25 extra  
Crane with boom, excluding Jib, over 200 feet - .50 extra  
PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day  
FOOTNOTES:  
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.  
b. Seven (7) paid holidays: A through G and Good Friday.

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POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				Basic Hourly Rates	FRIDGE DETAILS			
		H & W	PENSION	VACATION	APP. TL		OT	R & V	FEEDING	TECHNICIAN
Truck Drivers:	\$5.50	a	b	c		8.57	.30	.50 + a	b	.05
Two axle trucks	5.60	a	b	c						
Three axle trucks	5.70	a	b	c						
Four axle trucks	5.80	a	b	c						
Two axle ready-mix	5.65	a	b	c						
Three axle ready-mix	5.75	a	b	c		8.86	.30	.50 + a	b	.05
Four axle ready-mix	5.85	a	b	c						
Heavy duty trailer - to 40 tons	5.80	a	b	c						
Heavy duty trailer - over 40 tons	5.50	a	b	c						
Helpers	5.75	a	b	c						
Specialized earth moving equipment										
Paid Holidays (Where applicable):										
A. New Year's Day; B. Memorial Day;										
C. Independence Day; D. Labor Day;										
E. Thanksgiving Day; F. Christmas.										
Footnotes:										
a. \$14.00 per week for employees employed over 16 hours and \$35 per hour for employees employed less than 16 hours during the week.										
b. \$20.00 per week for employees employed over 24 hours and \$30 per hour for employees employed less than 24 hours during the week.										
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.										
Erecting and handling structural steel, front end loader (7 yds. or over)						8.60	.30	.50 + a	b	.05
Filledriver, crane shovel, dragline, gradall, trenching machine, lighter strick, paver (concrete), girrick (stiff leg and guy), steel pile sheeting, hoisting loader (skoooper)						8.44	.30	.50 + a	b	.05
Drill (dry heavy weight champion or equivalent) side boom, loader (Euclid) macking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 1/2 yd.)						8.33	.30	.50 + a	b	.05
Asphalt spreader										
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader										
Asphalt roller, bulldozer, carryall, maintenance engine, concrete mixer 5 bags and over						8.16	.35	.70 + a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement broom, ditch machine						3.02	.30	.50 + a	b	.05
Compressor, pump opr.						7.63	.30	.50 + a	b	.05
Fireman, high pressure						7.91	.30	.50 + a	b	.05
Well point system						8.21	.30	.50 + a	b	.05
Compressor battery operator						8.49	.30	.50 + a	b	.05
Other						7.54	.30	.50 + a	b	.05
Batch plant, bulk cement plant,						7.65	.30	.50 + a	b	.05

AP-849 P. 8

SM-COUG-2-3-W (2 of 2)

STATE: Connecticut

DECISION NO.: AP-850  
 SUPERSEDAS Decision No. AP-473, dated March 16, 1973, in 38 FR 7177.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

COUNTY: Litchfield  
 DATE: Date of Publication

Basic Hourly Rates	fringe Benefits Payments				Other
	M & V	Retiremen	Vacation	App. Tn.	
\$7.60	.34	.15		.01	
8.965	.42	.28			
8.705	.50	10%		.01	
8.91	.35	.25	1		
8.35	.35	.25			
8.70	.35	.25			
8.75	.50	.25			
7.65	.35	.15			
7.65	.40	.25			
7.60	.40	.25			
8.60	.50	.30		.03	
8.60	.50	.30		.03	
8.55	.50	.30		.03	
8.12	.35	.20			
8.45	.45	.30		.04	
8.75	.35	.30		1/2 of 1%	
8.35	.33	.30		1/2 of 1%	
8.80	.45	.30		1/8 of 1%	
8.21	.345	.23		.015	
5.75	.345	.23		.015	
4.105					
5.30	.125	.125			
9.30	.35	.44		.04	

PAID HOLIDAYS (where applicable):  
 A-New Year's Day; B-Memorial Day;  
 C-Independence Day; D-Labor Day;  
 E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:  
 a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.  
 b. Seven (7) paid holidays: A thru F and Good Friday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

Asbestos Workers:  
 Canaan, Colebrook, Norfolk, North  
 Remainer of County  
 Boilermakers  
 Bricklayers, cement masons-finishers,  
 marble setters, plasterers, stone  
 masons, terrazzo workers, tile setters  
 (Building Only):  
 Thomaston, Watertown, Woodbury  
 Bridgewater, Kent, New Milford, Roxbury  
 Plymouth, Terryville  
 Remainer of County  
 Marble setters' helpers, terrazzo  
 workers' helpers, tile setters' helpers  
 Bricklayers, Cement Mason-finishers,  
 Stonemasons (Heavy & Highway):  
 West of Housatonic River  
 East of Housatonic River  
 Carpenters & Filedriverman (Boy & Boy);  
 West of Housatonic River  
 East of Housatonic River  
 Carpenters, soft floor layers, pile-  
 drivers (Building Only):  
 Northfield, Thomaston, Watertown,  
 Morris  
 Plymouth, Terryville, Harwinton  
 Remainer of County  
 Electricians:  
 Plymouth  
 Bridgewater, New Milford  
 Remainer of County  
 Elevator Constructors  
 Elevator Constructors' Helpers  
 Elevator Constructors' Helpers (Prob.)  
 Glasiers  
 Ironworkers:  
 Structural, ornamental and reinforcing

AP-850 P. 2

3-COONS-1-2-3-0 (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Oth.
		H & W	Pensions	Vacation			
Laborers (Building, Heavy & Highway): Laborers, carpenters tenders, wrecking laborers	\$6.70	.30	.30		.05		
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tenders and power buggy	6.95	.30	.30		.05		
Air track operators, wagon drill ops., and sandblasters	7.20	.30	.30		.05		
Open Air Chisss, Cylindrical Work and Boring Crews:							
Bottom Man	7.20	.30	.30		.05		
Top Man	6.70	.30	.30		.05		
Lathers:							
Barkhastead, Colebrook, New Hartford, Norfolk, Winchester	9.15	.25	.30		.01		
Kent, Salisbury, Sharon	7.70	9%	.35		.01		
Remainder of County	8.75	.25	.15		.01		
Lead Burners	8.25	.30		c			
Line Construction:							
Linenmen	8.92	.20	1%	.29+ e	1/2 of 1%		
Equipment operator	8.32	.20	1%	.29+ e	1/2 of 1%		
Groundman, truck driver	6.43	.20	1%	.29+ e	1/2 of 1%		
Painters:							
Brush:							
New Milford	6.20	.25					
Remainder of County	7.60	.50	.30				
Structural steel:							
New Milford	7.20	.25					
Remainder of County (Bridge)	8.50	.50	.20				
Spray:							
Remainder of County	10.875	.50	.20				
Plumbers:							
Bridgewater, New Milford	8.10	.30	.30				
Barkhastead, New Hartford	8.87	.5322	.5322		.20		
Bethlehem, Roxbury, Washington, Woodbury, New Preston, Plymouth, Terryville, Thomaston and Watertown							
Remainder of County	8.32	.50+.08	.30		.08		
Roofers:							
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren:	7.79	.40	.30	j			
Composition, Kettlemen	8.75	.60	.30				
Slate and tile	9.00	.60	.30				
Slate and tile helpers	8.00	.60	.30				
Remainder of County:							
Composition	7.90	.425	.35	.30			
Slate and tile	8.40	.425	.35	.30			
Helpers Class A	7.325	.425	.35	.30			
Helpers Class B	3.60	.425	.35	.30			

AP-850 P. 3

3-COONS-1-2-3-0 (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Oth.
		H & W	Pensions	Vacation			
Sheet metal workers	\$8.87	.40	.26		.02		
Sprinkler fitters	8.00	.25	.40		.05		
Steamfitters:							
Barkhastead, New Hartford	8.82	.54	.54		.05		
Waterproofers:							
Bethlehem, Bridgewater, Kent, New Milford, Roxbury, Washington, Woodbury, Warren	8.75	.60	.30				
Remainder of County	7.90	.425	.35	.30			
Welders - rate for craft performing operation to which welding is incidental.							
PAID HOLIDAYS:							
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.							
FOOTNOTES:							
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.							
b. Six (6) paid holidays: A through F.							
c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 140 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.							
e. Nine (9) paid holidays: A through F, Washington's Birthday and Good Friday, plus one floating holiday per year provided the employee has been employed at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.							
f. Paid holidays: C and E.							
g. Paid holidays: B through E.							
h. Paid holidays: A through F plus Good Friday.							
i. Paid holidays: C and D.							
j. Paid Holiday: D.							

AP-850 P. 4

SM-COOR-2-3-V (1 of 2)

	Basic Hourly Rates	Fringe Benefits Payments				Apr. To	C
		M & V	Festivals	Vacation	Apr. To		
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION							
Erecting and handling structural steel front end loader (7 yds. or over)	\$ 8.97	.30	.50 + a	b	.05		
Piledriver, crane shovel, dragline, grapple, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheet-piling, hoisting loader (skooter)	8.86	.30	.50 + a	b	.05		
Drill (Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vib-tatory), central mix operator, combination hoe & loader (over 1/2 yd.)	8.60	.30	.50 + a	b	.05		
Asphalt spreader	8.44	.30	.50 + a	b	.05		
Front end loader (3yds. or over), grader power steam spreader, combination hoe and loader	8.33	.30	.50 + a	b	.05		
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 + a	b	.05		
Front end loader ( under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 + a	b	.05		
Compressor, pump opr.	7.83	.30	.50 + a	b	.05		
Fireman, high pressure	7.91	.30	.50 + a	b	.05		
Well point system	8.21	.30	.50 + a	b	.05		
Compressor battery operator	8.49	.30	.50 + a	b	.05		
Oilier	7.54	.30	.50 + a	b	.05		
Batch plant, bulk cement plant,	7.65	.30	.50 + a	b	.05		

AP-850 P. 3

SM-COOR-2-3-W (2 of 2)

	Basic Hourly Rates	Fringe Benefits Payments				Apr. To	D
		M & V	Prevision	Vacation	Apr. To		
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION							
Crane with 150 ft. boom - additional \$.25 per hour							
Crane with 200 ft. boom - additional \$.50 per hour							
PAID HOLIDAYS (where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanking Day; F-Christmas Day							
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A thru F and Good Friday.							

AP-550 P. 1  
SV-COOR-1-R

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Positions	Vacation		App. Tr.	App. Tr.	App. Tr.
\$8.02	.30	.50Hr	b	\$8.02	.30	.50Hr	b
7.91	.30	.50Hr	b	7.91	.30	.50Hr	b
7.54	.30	.50Hr	b	7.54	.30	.50Hr	b

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Disky Machine Operator, Power Pavement Breaker Operator  
Fireman (High Pressure)  
Oiler  
Crane with boom, excluding Jib, over 150 feet - .25 extra  
Crane with boom, excluding Jib, over 200 feet - .50 extra

PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:  
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.  
b. Seven (7) paid holidays: A through G and Good Friday.

AP-550 P. 6  
SV-COOR-1-R

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	M & W	Positions	Vacation		App. Tr.	App. Tr.	App. Tr.
\$8.97	.30	.50Hr	b	\$8.97	.30	.50Hr	b
8.86	.30	.50Hr	b	8.86	.30	.50Hr	b
8.76	.30	.50Hr	b	8.76	.30	.50Hr	b
8.60	.30	.50Hr	b	8.60	.30	.50Hr	b
8.49	.30	.50Hr	b	8.49	.30	.50Hr	b
8.44	.30	.50Hr	b	8.44	.30	.50Hr	b
8.39	.30	.50Hr	b	8.39	.30	.50Hr	b
8.33	.30	.50Hr	b	8.33	.30	.50Hr	b
8.31	.30	.50Hr	b	8.31	.30	.50Hr	b
8.21	.30	.50Hr	b	8.21	.30	.50Hr	b
8.23	.30	.50Hr	b	8.23	.30	.50Hr	b
8.12	.30	.50Hr	b	8.12	.30	.50Hr	b
8.18	.30	.50Hr	b	8.18	.30	.50Hr	b

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION

Hoisting Structural Steel, Setting Stone, Derrick, File Driver, Hoisting Engineer 2 drums and over  
Tower Crane, Dragsline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift  
Maintenance Engineer  
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mocking Machine, Pumcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.  
Compressor Battery Operator  
Asphalt Spreader  
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators  
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.  
Air and Steam Valve Operator  
Generator Op., Compressor Op., Pump and Well Point Op.  
Steam Jenny Op., Fork Lift Op. not over 4 ft.  
Mechanical Ester Operator  
Roller Operator

AP-850 P. 8 1-TH-SILO-1-2-3-F

FRINGE BENEFITS PAYMENTS	BASIC HOURLY RATES			OT		
	H & W	PERSONS	VACATION	APP. TR.	APP. TR.	OT
Truck Drivers:	a	b	c			
Two axle trucks	\$5.50					
Three axle trucks	5.60					
Four axle trucks	5.70					
Two axle ready-mix	5.60					
Three axle ready-mix	5.65					
Four axle ready-mix	5.75					
Heavy duty trailer - to 40 tons	5.65					
Heavy duty trailer - over 40 tons	5.80					
Helpers	5.50					
Specialized earth moving equipment	5.75					

Truck Drivers:  
 Two axle trucks  
 Three axle trucks  
 Four axle trucks  
 Two axle ready-mix  
 Three axle ready-mix  
 Four axle ready-mix  
 Heavy duty trailer - to 40 tons  
 Heavy duty trailer - over 40 tons  
 Helpers  
 Specialized earth moving equipment

Paid Holidays (where applicable):

- A. New Year's Day; B. Memorial Day;
- C. Independence Day; D. Labor Day;
- E. Thanksgiving Day; F. Christmas.

Footnotes:

- a. \$14.00 per week for employee employed over 16 hours and \$.35 per hour for employee less than 16 hours during the week.
- b. \$20.00 per week for employees employed over 24 hours and \$.50 per hour for employees employed less than 24 hours during the week.
- c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

SUPERSEDES DECISION

STATE: Connecticut COUNTY: Middlesex  
 DECISION NO.: AP-851 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-474, dated March 16, 1973, in 36 FR 7181.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

4-CORR-1-2-3-N (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	8.705	.42	.28		.01
Boilermakers	8.85	.35+.15	.25		
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters (Building Only)	7.65	.35	.15+.25		
Marble Setters' Helpers, Terrazzo Workers' Helpers, Tile Setters' Helpers	7.60	.40	.25	e	.03
Stonemasons (Heavy & Highway Only)	8.60	.50	.30	e	
Carpenters & Pile-Drivers (Hvy & Hwy)	8.47	.40	.30		.05
Only)					
Electricians:					
Cromwell, Middfield, Middletown, Portland	8.80	.75	12+.20		3%
Remainder of County	9.00	.55	12+.20		3%
Elevator Constructors	8.21	.345	.23	24+4b	.015
Elevator Constructors' Helpers	5.75	.345	.23	24+4b	.015
Glasiors (Outside)	4.105	.47	.32		
Ironworkers: Structural, Ornamental and Reinforcing	9.30	.45	.44		.04
Laborers (Building, Hvy., Highway): Laborers, carpenters tenders, wrecking laborers	6.70	.30	.30		.05
Jackhammer op., mason tenders, mortar mixer, pipelayers, plasterer tender and power buggy	6.95	.30	.30		.05
Air track operators, wagon drill ops. and sand blasters	7.20	.30	.30		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Top Man	6.70	.30	.25		.05
Bottom Man	7.20	.30	.25		.05
Leathers:					
Cromwell, East Haddam, East Hampton, Middfield, Middletown, Portland	9.15	.25	.30		.01
Remainder of County	8.52	.25	.20		.01
Lead Burners	8.25	.30		c	
Line Constructors:					
Lineman	8.92	.20	1%	.20+4	1/2 of 1%
Equipment Operator	8.32	.20	1%	.20+4	1/2 of 1%
Groundman, Truck Driver	6.43	.20	1%	.20+4	1/2 of 1%
Painters:					
Brush	7.60	.50	.30		
Bridge	8.50	.50	.20		
Spray	10.87	.50	.20		
Pile-Drivers (Building Only)	8.12	.35	.20		

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation		App. Tc.	H & W	Pensions	Vacation
Plumbers and Steamfitters: Clinton, Westbrook, Killingworth Essex, Old Saybrook, Ivoryton, Saybrook Remainder of County, Plumbers Remainder of County, Steamfitters	48.55 8.75 8.87 8.82	.30 .20 .5322 .54	f	\$ 8.97	.39	.50 + e	b	.05
Boilers: Composition Composition, Helpers, class "A" Composition, Helpers, class "B" Slate, Tile, Precast Concrete Waterproofer Sheet Metal Workers Sprinkler Fitters Welders - Receive rate prescribed for craft performing operation to which welding is incidental.	7.90 7.325 3.60 8.40 7.90 8.70 8.00	.35 .35 .30 .35 .35 .31 .40	.30 .30 .30 .30 .30	8.66	.39	.50 + e	b	.05
<b>PAID HOLIDAYS (Where Applicable):</b> A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.				8.60	.39	.50 + e	b	.05
<b>FOOTNOTES:</b> a. 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.				8.44	.39	.50 + e	b	.05
b. Paid Holidays: A through F.				8.33	.39	.50 + e	b	.05
c. Nine (9) paid holidays: A through F. Washington's Birthday, Good Friday and Christmas Eve, providing 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.				8.18	.39	.50 + e	b	.05
d. Nine (9) paid holidays: A through F. Washington's Birthday and Good Friday, plus one floating holiday per year, provided the employee has been employed for at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.				8.02	.39	.50 + e	b	.05
e. Paid Holidays: A through F plus Good Friday.				7.83	.39	.50 + e	b	.05
f. Paid Holidays: D.				7.91	.39	.50 + e	b	.05
				8.21	.39	.50 + e	b	.05
				8.49	.39	.50 + e	b	.05
				7.54	.39	.50 + e	b	.05
				7.65	.39	.50 + e	b	.05



AP-831 P. 6 SV-CORN-1-R

AP-831 P. 7 I.T.O.SI.COM-1-2-2-F

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Diesel Machine Operator, Power Pavement Breaker Operator  
Fireman (High Pressure)  
Oiler  
Crane with boom, excluding jib, over 150 feet - .25 extra  
Crane with boom, excluding jib, over 200 feet - .50 extra

PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

- a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.
- b. Seven (7) paid holidays: A through E and Good Friday.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION

Truck Drivers:  
Two axle trucks  
Three axle trucks  
Four axle trucks  
Two axle ready-mix  
Three axle ready-mix  
Four axle ready-mix  
Heavy duty trailer - to 40 tons  
Heavy duty trailer - over 40 tons  
Balzers  
Specialized earth moving equipment

PAID HOLIDAYS (Where applicable):

A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

- a. \$14.00 per week for employees employed over 16 hours and \$.15 per hour for employees employed less than 16 hours during the week.
- b. \$20.00 per week for employees employed over 24 hours and \$.50 per hour for employees employed less than 24 hours during the week.
- c. Seven (7) holidays: A through F, and Good Friday provided the employee has 51 calendar days service and is available for work the day preceding and following the holiday.

BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			OT
	H & V	PENSIONS	VACATION	
\$5.50	a	b	c	
5.60	a	b	c	
5.70	a	b	c	
5.60	a	b	c	
5.65	a	b	c	
5.75	a	b	c	
5.65	a	b	c	
5.80	a	b	c	
5.50	a	b	c	
5.75	a	b	c	

AP-832 P. 2

SUPERSEDES DECISION

COUNTY: New Haven  
 DATE: Date of Publication  
 Supersedes Decision No. AP-476, dated March 16, 1973, in 38 FR 7187.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

S-COON-1-2-3-B (1-6)

	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other
<b>BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION</b>					
Asbestos workers	.42	.28		.01	
Boilermakers	8.705	10%			
Bricklayers, cement masons-finishers					
Marble setters, plasterers, stonemasons	8.47	.35+.15	.50		
terrazzo workers, tile setters (Building only):	8.35	.50	.25		
Milford-Devon	8.50	.15	.40		
Ansonia-Derby					
Meriden					
Beacon Falls-Middlebury-Middletown-	8.91	.35+.15	.25		
Newgatch-Prospect-Waterbury-Meriden-	8.52	.35+.15	.50		
Wolcott-Thomaston-Woodbury					
Remainder of County					
Bricklayers, cement masons-finishers, stonemasons (Heavy & Highway Only):					
Milford	7.65	.40	.25		
Remainder of County	7.60	.40	.25		
Carpenters, soft floor layers, piledrivers (Building Only):					
Ansonia-Seymour-Derby-Orange	8.25	.50	.30		
Milford	8.45	.50	.30		
Wallingford-Meriden	8.12	.35	.20		
Cheshire-Middlebury-Prospect-South-					
bury-Waterbury-Wolcott-Beacon Falls-					
Saugatuck	8.55	.50	.30	.03	
Remainder of County	8.00	.50	.30		
Carpenters, Piledrivers (Heavy & Highway Only)	8.60	.50	.30	.03	
Electricians:					
Beacon Falls-Middlebury-Saugatuck-					
Oxford-Prospect-Seymour-Southbury-					
Waterbury-Wolcott	8.80	.45	1 1/8+.20	1/8 of 1%	
Milford	7.75	.23	1 1/4+.20	1/4 of 1%	
Remainder of County	9.00	.55	1 1/4+.20	1/4 of 1%	
Elevator Constructors	8.21	.345	.23	2 1/2+.46	
Elevator Constructors' helpers	5.75	.345	.23	2 1/4+.46	
Elevator Constructors' helpers (Prob.)	4.105			.015	
Glassiers	5.30	.125	.125		
Ironworkers:	8.01	.47	.32		
Structural, Ornamental & Reinforcing	9.30	.45	.44		
Labors (Building, Heavy & Highway):					
Labors, Carpenter tenders, Brecking	6.70	.30	.30	.05	
labors					
Jackhammer operator, Mason tenders,					
Mortar mixer, Pipelayers, Plasterers'					
tenders, Power buggy operator	6.95	.30	.30	.05	

S-COON-1-2-3-B (2-6)

	Fringe Benefits Payments				
	H & W	Pensions	Vacation	App. Tr.	Other
<b>BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION</b>					
Labors (Building, Heavy & Highway Cont'd):					
Air track operators, Wagon drill Oper-					
ators and Sandblasters	87.20	.30	.30	.05	
Open Air Caisson, Cylindrical Work and					
Boring Crews	7.20	.30	.30	.05	
Bottom Man	6.70	.30	.30	.05	
Top Man					
Labors:					
Beacon Falls-Cheshire-Meriden-					
Middlebury-Saugatuck-Oxford-Prospect-	8.75	.25	.15	.01	
Southbury-Waterbury-Wolcott	8.52	.14	.20	.01	
Remainder of County	8.25	.30			
Lead Burners					
Line Construction:					
Linemen	8.92	.20	1%	1/4+.29	1/4 of 1%
Equipment operator	8.32	.20	1%	1/4+.29	1/4 of 1%
Groundman, truck driver	6.43	.20	1%	1/4+.29	1/4 of 1%
Marble setters' helpers, terrazzo work-					
ers' helpers, tile setters' helpers	7.65	.35	.15+.25		
Painters:					
Brush:					
Ansonia-Beacon Falls-Derby-Oxford-Sey-					
mour	4.75	.12			
Milford (Remainder of Township)	7.00	.35	.55		
Cheshire-Oxford-Madison-Meriden-					
Wallingford	7.60	.50	.30		
Milford (Up to Golf Street)	7.15	.35	.40		
Remainder of County	6.40	.25	.25		
Structural Steel:					
Ansonia-Beacon Falls-Derby-Oxford-Sey-					
mour	5.75	.12			
Milford	8.00	.35	.55		
Spray:					
Ansonia-Beacon Falls-Derby-Oxford-Sey-					
mour	5.75	.12			
Cheshire-Oxford-Madison-Meriden-					
Wallingford	10.875	.50	.20		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates		Fringe Benefits Payments		
	M & W	Female	Vacation	App. Tr.	Other
Painters (Cont'd): Spray (Cont'd): Milford (Up to Gulf Street) Remainder of County	10.15 9.15	.35 .25	.40 .25		
Commercial & Industrial: Middlebury-Naugatuck-Prospect-Roxbury- Southbury-Waterbury-Wolcott	7.10	.35	.30		
Bridges: Cheshire-Osiford-Madison-Meriden- Wallingford	8.50	.50	.20		
Plumbers & Steamfitters: Milford	8.53	.45	.50	.36	.01
Ansonia-Basson Falls-Bethany-Naugatuck- Oxford-Prospect-Seymour	9.15	.35	.30	.24	.02
Middlebury-Southbury-Waterbury-Wolcott- South Britain	8.32	.55+ .08	.50		.08
Cheshire-Meriden-Wallingford	9.00	.55	.75		
Remainder of County	8.55	.40+ .15	.30		
Roofers: Cheshire-Meriden-Prospect-Wallingford- Wolcott:	7.90	.425	.35		
Composition	7.325	.425	.35	.30	
Composition, Helpers, Class A	3.60	.425	.35	.30	
Composition, Helpers, Class B	8.40	.425	.35	.30	
Slate and Tile	8.75	.60	.30		
Remainder of County: Composition, Settlemen	9.00	.60	.30		
Slate and Tile	8.00	.60	.30		
Slate helpers	8.70	.50	.51		.05
Sheet metal workers	8.00	.25	.40		.05
Sprinkler fitters					
Waterproofers: Cheshire-Meriden-Prospect-Wallingford- Wolcott	7.90	.425	.35	.30	
Remainder of County	8.75	.60	.30		

Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.  
b. Paid Holidays: A through F.

FOOTNOTES (Cont'd):

- c. Paid Holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the Holiday, and the regular scheduled days immediately preceding and following the Holiday.
- d. Nine (9) Paid Holidays: A through F, Washington's Birthday and Good Friday, plus one (1) floating holiday per year, provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.
- e. Paid Holidays: C and D; providing the employee works the day before and the day after the holiday.
- f. Paid Holidays: B through D, plus Good Friday, provided the employee has been employed 14 consecutive days immediately prior to the holiday.
- g. Paid Holidays: B through E.
- h. Paid Holidays: A through F, plus Good Friday.
- j. Paid Holidays: C, D and E.
- k. Paid Holiday: Labor Day.
- l. Paid Holiday: D
- m. Paid Holidays C and D.
- n. Paid Holidays: D and Good Friday.

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SM-C008-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			Oth.
		H & W	Pensions	Vacation	
Hoisting Structural Steel, Setting Stone Derrick, Pile Driver; Moistening Engineer 2 drums and over	\$8.97	.30	.50+4	b	
Tower Crane, Dragline, Grapple, Kohring Scooper Loader and/or Hoe, Moistening Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+4	b	
Maintenance Engineer	8.76	.30	.50+4	b	
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mocking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+4	b	
Compressor Battery Operator	8.49	.30	.50+4	b	
Asphalt Spreader	8.44	.30	.50+4	b	
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+4	b	
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+4	b	
Air and Steam Valve Operator	8.31	.30	.50+4	b	
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+4	b	
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+4	b	
Mechanical Reester Operator	8.12	.30	.50+4	b	
Roller Operator	8.18	.30	.50+4	b	

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SM-C008-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments			Oth.
		H & W	Pensions	Vacation	
Disky Machine Operator, Power Pavement Breaker Operator	\$8.02	.30	.50+4	b	
Fireman (High Pressure)	7.91	.30	.50+4	b	
Oilier	7.54	.30	.50+4	b	
Cranes with boom, excluding jib, over 150 feet - .25 extra					
Cranes with boom, excluding jib, over 200 feet - .50 extra					
PAID HOLIDAYS (where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTES: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A through H and Good Friday.					

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SM-COUM-2-3-U (1 of 2)

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	D
		M & V	Pensions	Vacation	App. Tr.		
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	\$ 8.97	.30	.50 + a	b	.05		
Erecting and handling structural steel, front end loader (7 yds. or over)							
Filloidiver, crane shovel, dragline, gradall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, hoisting loader (skooter)	8.86	.30	.50 + a	b	.05		
Drill (joy heavy weight champion or equivalent) side boom, loader (excav) sucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 1/2 yd.)	8.60	.30	.50 + a	b	.05		
Asphalt spreader	8.44	.30	.50 + a	b	.05		
Front end loader (3 yds. or over), grader power stem spreader, combination hoe and loader	8.33	.30	.50 + a	b	.05		
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 3 bays and over	8.18	.30	.50 + a	b	.05		
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 + a	b	.05		
Compressor, pump opt.	7.83	.30	.50 + a	b	.05		
Fircman, high pressure	7.91	.30	.50 + a	b	.05		
Well point system	8.21	.30	.50 + a	b	.05		
Compressor battery operator	8.49	.30	.50 + a	b	.05		
Other	7.54	.30	.50 + a	b	.05		
Batch plant, bulk cement plant,	7.65	.30	.50 + a	b	.05		

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SM-COUM-2-3-U (2 of 2)

	Basic Hourly Rates	Fringe Benefits Payments			
		M & V	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION					
Crane with 150 ft. boom - additional \$ .25 per hour					
Crane with 200 ft. boom - additional \$ .50 per hour					
PAID HOLIDAYS (where applicable): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day					
FOOTNOTE: a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund. b. Seven (7) paid holidays: A thru F and Good Friday.					

SUPERSEDES DECISION

STATE: Connecticut COUNTY: New London  
 DECISION NO.: AP-833 DATE: Date of Publication  
 Supersedes Decision No. AP-475, dated March 16, 1973, in 38 FR 7184.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

6-CONN-1-2-3-Q (1-2)

BASIC RATES	FRINGE BENEFITS PAYMENTS				OT
	H & W	PENSIONS	VACATION	APP. TL.	
\$5.50	a	b	c		
5.60	a	b	c		
5.70	a	b	c		
5.80	a	b	c		
5.95	a	b	c		
6.10	a	b	c		
6.25	a	b	c		
6.40	a	b	c		
6.55	a	b	c		
6.70	a	b	c		

Truck Drivers:  
 Two axle trucks  
 Three axle trucks  
 Four axle trucks  
 Two axle ready-mix  
 Three axle ready-mix  
 Four axle ready-mix  
 Heavy duty trailer - to 40 tons  
 Heavy duty trailer - over 40 tons  
 Helpers  
 Specialized earth moving equipment

Paid Holidays (where applicable):  
 A. New Year's Day; B. Memorial Day;  
 C. Independence Day; D. Labor Day;  
 E. Thanksgiving Day; F. Christmas.

- Footnotes:  
 a. \$14.00 per week for employee employed over 16 hours and \$3.35 per hour for employee less than 16 hours during the week.  
 b. \$20.00 per week for employee employed over 24 hours and \$5.50 per hour for employee employed less than 24 hours during the week.  
 c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

Basic Hourly Rates	Fringe Benefits Payments				Deductions
	H & W	Pensions	Vacation	App. TL.	
\$8.80	.50	.45		.005	
8.95	.42	.28		.01	
8.705	.50	10%			
8.95	.20+.15	.25			
8.90	.40	.25			
7.65	.35	.15+.25			
7.60	.40	.25	e		
8.60	.50	.30	e	.03	
8.25	.35	.35			
8.55	.50	.30			
9.00	.55	15+.20		1/3 of 1%	
8.80	.75	15+.20		.5%	
8.21	.23	.23	24+4b	.015	
5.75	.345	.23	24+4b	.015	
4.105	.345	.23	24+4b	.015	
8.01	.47	.32		.04	
9.30	.35	.44		.05	
6.70	.30	.30		.05	
6.95	.30	.30		.05	
7.20	.30	.30		.05	
7.20	.30	.30		.05	
6.70	.30	.30		.05	
7.40	.45	.50		.01	
8.70	.20	.30		.01	

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6-COON-1-2-3-Q

(2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Fringe Benefits Payments				Dhs
	H & W	Pensions	Vacation	App. T.	
Lead burner	.30		c	.01	
Line Construction:					
Lineman	.20	1%	.29-d	1/2 of 1%	
Equipment operators	.20	1%	.29-d	1/2 of 1%	
Groundman, truck driver	.20	1%	.29-d	1/2 of 1%	
Painters:					
Brush	.35	.50	.20		
Bridge	.25	.40	.20		
Sandblasters, steamcleaners	.35	.50	.20		
Plumbers, Steamfitters:					
Gorton, Lyme, Marville, New London,					
Old Lyme, Salem, Stoughton, Water-					
ford, East Lyme, Essex, Saybrook,					
Ivoryton, Old Saybrook, Montville to					
Four Corners	.20	.20			
Remainder of County	.40	.20	f		
Roofers:					
Composition	.75	.35	.30		
Composition, helpers, class "a"	8.48	.35	.30		
Composition, helpers, class "b"	7.90	.35	.30		
Slate, tile, precast concrete	3.60	.35	.30		
Sprinkler Fitters	8.40	.35	.30		
Sheet Metal Workers	8.00	.25	.40	.05	
Waterproofers	8.70	.50	.31	.05	
Welders - receive rate prescribed for	7.90	.25	.30		
craft performing operation to which					
welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE):

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 4% basic hourly rate for 5 years or more service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.
- Six paid holidays: A through F.
- Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, plus one (1) floating holiday per year, provided the employee has been employed for at least 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.
- Paid holidays: A through F, plus Good Friday.
- Paid holiday: D.

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SW-COON-1-R

	Fringe Benefits Payments				Dhs
	H & W	Pensions	Vacation	App. T.	
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
Hoisting Structural Steel, Setting Stone Derrick, Pile Driver, Hoisting Engineer 2 drums and over	.30	.50+e	b		18.97
Tower Crane, Draglines, Grapple, Hoisting Scoop Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic Shovel, Fork Lift - over 4 ft. lift	.30	.50+e	b		8.86
Maintenance Engineer	.30	.50+e	b		8.76
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mocking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	.30	.50+e	b		8.60
Compressor Battery Operator	.30	.50+e	b		8.49
Asphalt Spreader	.30	.50+e	b		8.44
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-all Operators	.30	.50+e	b		8.39
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	.30	.50+e	b		8.33
Air and Steam Valve Operator	.30	.50+e	b		8.31
Generator Op., Compressor Op., Pump and Well Point Op.	.30	.50+e	b		8.21
Steam Jenny Op., Fork Lift Op. not over 4 ft.	.30	.50+e	b		8.23
Mechanical Heater Operator	.30	.50+e	b		8.12
Roller Operator	.30	.50+e	b		8.18

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SM-COIN-2-3-V (1 of 2)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
\$8.02	.30	.50+4a	b	\$8.97	.30	.50 + a	b
7.91	.30	.50+4a	b	8.66	.30	.50 +a	b
7.54	.30	.50+4a	b	8.60	.30	.50 +a	b
				8.44	.30	.50 +a	b
				8.33	.30	.50 +a	b
				8.18	.30	.50 +a	b
				8.02	.30	.50 +a	b
				7.83	.30	.50 +a	b
				7.91	.30	.50 +a	b
				8.21	.30	.50 +a	b
				8.49	.30	.50 +a	b
				7.54	.30	.50 +a	b
				7.65	.30	.50 +a	b

POWER EQUIPMENT OPERATORS  
HAWEY AND HIGHWAY CONSTRUCTION

Erecting and handling structural steel, front end loader (7 yds. or over)

Piledriver, crane shovel, dragline, graball, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, hoisting loader (skooter)

Drill (Joy heavy weight champion or equivalent) side boom, loader (Bozic) sucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 3 yd.)

Asphalt spreader

Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader

Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over

Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, ditch machine

Compressor, pump opt.

Fireman, high pressure

Well point system

Compressor battery operator

Oiler

Batch plant, bulk cement plant.

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SM-COIN-1-E

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		H & W	Pensions	Vacation
\$8.02	.30	.50+4a	b	\$8.97	.30	.50 + a	b
7.91	.30	.50+4a	b	8.66	.30	.50 +a	b
7.54	.30	.50+4a	b	8.60	.30	.50 +a	b
				8.44	.30	.50 +a	b
				8.33	.30	.50 +a	b
				8.18	.30	.50 +a	b
				8.02	.30	.50 +a	b
				7.83	.30	.50 +a	b
				7.91	.30	.50 +a	b
				8.21	.30	.50 +a	b
				8.49	.30	.50 +a	b
				7.54	.30	.50 +a	b
				7.65	.30	.50 +a	b

POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):

Dinky Machine Operator, Power Pavement Breaker Operator

Fireman (High Pressure)

Oiler

Crane with boom, excluding jib, over 150 feet - .25 extra

Crane with boom, excluding jib, over 200 feet - .50 extra

PAID HOLIDAYS (Where applicable):  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:  
a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through G and Good Friday.



SUPERSEDES DECISION

STATE: Connecticut  
 DECISION NO.: AP-834

COUNTY: Tolland  
 DATE: Date of Publication  
 Supersedes Decision No. AP-477 dated March 9, 1973, in 38 FR 6528.  
 DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-COHN-1-2-3-N

2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Others
		M & V	Pensions	Vacation	App. Tr.		
BUILDING, HEAVY & HIGHWAY CONSTRUCTION							
Asbestos workers:							
Somers-Stafford-Union	\$7.60	.39	.15	.01			
Remainder of County	8.965	.42	.28				
Boilermakers	8.705	.50	10%	.01			
Bricklayers, Cement Masons-Finishers, Marble Setters, Plasterers, Stonemasons-Terrazzo Workers, Tile Setters (Building Only)	9.00	.50	.25				
Marble Setters' helpers, Terrazzo Workers' helpers, Tile Setters' helpers	7.65	.35	.15+.25				
Bricklayers, Cement Masons-Finishers, Stonemasons (Heavy & Highway)	7.60	.40	.25	e			
Carpenters & Piledrivers (Hvy. & Hwy)	8.60	.50	.30	e	.03		
Carpenters, Soft Floor Layers & File-drivers, Millwrights (Building Only): Bolton	8.48	.50	.30		.05		
Remainder of County	8.50	.35	.30				
Electricians	8.35	.40	12+.20	1/2			
Elevator constructors	8.21	.345	.23	25+e+b	.015		
Elevator constructors' helpers	5.75	.345	.23	25+e+b	.015		
Elevator constructors' helpers (Prob.)	4.105						
Glassiers (Outside)	8.01	.47	.32				
Ironworkers: Structural, Ornamental, Reinforcing	9.30	.35	.44		.04		
Laborers (Building, Heavy and Highway): Laborers, Carpenter Tenders, Wrecking	6.70	.30	.30		.05		
Laborers	6.55	.30	.30		.05		
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	7.20	.30	.30		.05		
Air Track Operators, Wagon Drill Operators and Sandblasters	7.20	.30	.30		.05		
Open Air Caisson, cylindrical Work and Boring Crew:	7.20	.30	.30		.05		
Bottom Man	6.70	.30	.30		.05		
Top Man							
Leathers:							
Somers, Stafford, Stratford Springs, Staffordville, Union, Crystal Lake	7.60	.45	.25		.01		
Remainder of County	9.15	.20	.30		.01		
Lead Burners	8.25	.30		c			
Line Construction:							
Linemen	8.92	.20	1%	d+.29	1/2 of 1%		
Equipment Operator	8.32	.20	1%	d+.29	1/2 of 1%		
Groundman, Truck Driver	6.43	.20	1%	d+.29	1/2 of 1%		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION  
 Painters:  
 Brush:  
 Ellington, Hebron, Rockville, Somers, Vernon  
 Remainder of County  
 Bridger:  
 Ellington, Hebron, Rockville, Somers, Vernon  
 Spray:  
 Ellington, Hebron, Rockville, Somers, Vernon  
 Bridger  
 Remainder of County  
 Plumbers  
 Roofers:  
 Composition  
 Composition Helpers, Class A  
 Composition Helpers, Class B  
 Slate, Tile, Precast Concrete  
 Sheet Metal Workers  
 Sprinkler Fitters  
 Steamfitters  
 Waterproofers

Basic Hourly Rates  
 \$7.65  
 7.00  
 8.50  
 11.10  
 8.50  
 8.87  
 7.90  
 7.325  
 3.60  
 8.40  
 8.70  
 8.00  
 8.82  
 7.90

M & V  
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Pensions  
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Vacation  
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App. Tr.  
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Others  
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PAID HOLIDAYS (Where Applicable):  
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
- Six (6) paid holidays: A through F.
- Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.
- Nine (9) paid holidays: A through F, Washington's Birthday and Good Friday, plus one floating holiday per year, provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.
- Paid holidays: A through F plus Good Friday.

AP-854 P. 3

1-TH-SM-COMM-1-2-3-F

SH-COMM-2-3-U (1 of 2)

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	H & W	PENSION	VACATION	APP. TR.	OT
Truck Drivers:					
Two axle trucks	a	b	c		
Three axle trucks	a	b	c		
Four axle trucks	a	b	c		
Two axle ready-mix	a	b	c		
Three axle ready-mix	a	b	c		
Four axle ready-mix	a	b	c		
Heavy duty trailer - to 40 tons	a	b	c		
Heavy duty trailer - over 40 tons	a	b	c		
Helpers	a	b	c		
Specialized earth moving equipment	a	b	c		
Paid Holidays (where applicable):					
A-New Year's Day; B-Memorial Day;					
C-Independence Day; D-Labor Day;					
E-Thanksgiving Day; F-Christmas.					
Footnotes:					
a. \$14.00 per week for employee employed over 16 hours and \$3.35 per hour for employed less than 16 hours during the week.					
b. \$20.00 per week for employees employed over 24 hours and \$5.50 per hour for employees employed less than 24 hours during the week.					
c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.					

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	FRINGE BENEFITS PAYMENTS				
	H & W	PENSION	VACATION	APP. TR.	C
Erecting and handling structural steel, front end loader (7 yds. or over)	.30	.50 + a	b		.05
Piledriver, crane shovel, dragline, gradall, trenching machine, lighter derrick, pavor (concrete), derrick (stiff leg and guy), steel pile sheeting, hoisting loader (skoooper)	.30	.50 + a	b		.05
Drill(Joy heavy weight champion or equivalent) side boom, loader (Doclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over 1/2 yd.)	.30	.50 + a	b		.05
Asphalt spreader	.30	.50 + a	b		.05
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	.30	.50 + a	b		.05
Asphalt roller, bulldozer, carryall, maintenance engine, concrete mixer 5 bags and over	.30	.50 + a	b		.05
Front end loader ( under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	.30	.50 + a	b		.05
Compressor, pump opr.	.30	.50 + a	b		.05
Fireman, high pressure	.30	.50 + a	b		.05
Well point system	.30	.50 + a	b		.05
Compressor battery operator	.30	.50 + a	b		.05
Oiler	.30	.50 + a	b		.05
Batch plant, bulk cement plant,	.30	.50 + a	b		.05



AP-854 P. 7

SM-CORR-1-B

**POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):**

- Dinky Machine Operator, Power Pavement Breaker Operator
- Fireman (High Pressure)
- Oilier
- Crane with boom, excluding jib, over 150 feet - .25 extra
- Crane with boom, excluding jib, over 200 feet - .50 extra

**PAID HOLIDAYS (where applicable):**

- A-New Year's Day; E-Memorial Day;
- C-Independence Day; D-Labor Day;
- E-Thanksgiving Day; F-Christmas Day

**FOOTNOTES:**

- a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.
- b. Seven (7) paid holidays: A through H and Good Friday.

**SUPERSEDES DECISION**

STATE: Connecticut  
 COUNTY: Windham  
 DECISION NO.: AP-855  
 DATE: Date of Publication  
 SUPERSEDES DECISION NO. AP-478, dated March 9, 1973, in 38 FR 6511.  
 DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4-stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			Deductions
		H & W	Pensions	Vacation	
<b>BUILDING, HEAVY &amp; HIGHWAY CONSTRUCTION</b>					
Asbestos Workers:	8.965	.42	.28		.01
Ashford, Chaplin, Eastford, Hampton, Scotland, Windham	7.60	.34	.15		.005
Woodstock	8.80	.505	.45		.01
Remainder of County	8.705	.50	10%		
Soilremakers					
Bricklayers, Cement Masons-Finishers, Marble Setter, Plasterers, Stonemasons, Terrazzo Workers, Tile Setters, (Building Only)	6.20	.14	.15		
Bricklayers, Cement Masons-Finishers	7.60	.40	.25	f	.03
Stonemasons (Heavy and Highway)	8.60	.50	.30	f	
Carpenters & Piledrivers (Hwy. & Hwy.)	8.50	.35	.30		.35
Carpenters, Soft Floor Layers, Pile-drivers and millwrights (Building Only)	8.35	.40	1%-.20		.015
Electricians	8.21	.345	.23	2744+6	.015
Elevator Constructors	5.75	.345	.23	2744+6	
Elevator Constructors' Helpers (Prob.)	4.105				
Glaziers (Outside)	8.01	.47	.32		.04
Ironworkers, Structural, Ornamental, Reinforcing	9.30	.35	.44		.05
Laborers (Building, Heavy and Highway): Laborers, Carpenter Tenders, Wrecking Laborers	6.70	.30	.30		.05
Jackhammer Operator, Mason Tenders, Mortar Mixer, Pipelayers, Plasterer Tenders, Power Buggy Operator	6.95	.30	.30		.05
Air Track Operators, Wagon Drill Operators and Sandblasting	7.20	.30	.30		.05
Open Air Caisson, Cylindrical Work and Spring Crew:					
Bottom Man	7.20	.30	.30		.05
Top Man	6.70	.30	.30		.05
Lathers:					
Chaplin, Hampton, Scotland, Windham	9.15	.20	.30		.01
Danilson	7.40	.45	.50		.01
Remainder of County	7.60	.45	.25		
Lead burners	8.25	.30		c	.01
Line Construction:					
Linemen	8.92	.20	1%	.29+ e	1/2 of 1%
Equipment Operator	8.32	.20	1%	.29+ e	1/2 of 1%
Groundsman, Truck Driver	6.43	.20	1%	.29+ e	1/2 of 1%
Marble Setters' helpers, Terrazzo Workers helpers, Tile setters' helpers	7.65	.35	1.5+.25		

AP-855 P. 3

SW-COON-1-R

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		App. Tc.	Apr. Tc.	Dis.
\$8.97	.30	.50+e	b				
8.86	.30	.50+e	b				
8.76	.30	.50+e	b				
8.60	.30	.50+e	b				
8.49	.30	.50+e	b				
8.44	.30	.50+e	b				
8.39	.30	.50+e	b				
8.33	.30	.50+e	b				
8.31	.30	.50+e	b				
8.21	.30	.50+e	b				
8.23	.30	.50+e	b				
8.12	.30	.50+e	b				
8.18	.30	.50+e	b				

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION

Hoisting Structural Steel, Setting Stone Derrick, Pile Driver, Hoisting Engineer 2 drums and over

Tower Crane, Dragline, Gradall, Hoisting Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift

Maintenance Engineer

Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivalent, Mocking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.

Compressor Battery Operator

Asphalt Spreader

Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators

Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.

Air and Steam Valve Operator

Generator Op., Compressor Op., Pump and Well Point Op.

Stream Jenny Op., Fork Lift Op. not over 4 ft.

Mechanical Heater Operator

Boiler Operator

AP-855 P. 2

8-COON-1-2-3-N

(2-2)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Pensions	Vacation		App. Tc.	Apr. Tc.	Dis.
\$7.65	.50	.30					
11.10	.50	.30					
8.50	.20	.20					
7.00	.35	.50	.20				
7.73	.35	.50	.20				
7.90	.35	.50	.20				
7.80	.35	.50	.20				
8.87	.5322	.5322	.20	.20			
6.55	.15	.20					
7.90	.425	.35	.30				
7.325	.425	.35	.30				
3.60	.425	.35	.30				
8.40	.425	.35	.30				
7.90	.425	.35	.30				
8.70	.50	.31	.05	.05			
8.00	.25	.40					
8.82	.54	.54					
6.55	.15	.20					

Painters: Willmatic; Brush Spray Bridge (Entire County) Remainder of County; Brush Sandblasters, steamcleaners Hazardous Swing stage, swing scaffold, window Jacks and boson chair

Flumbers: Windham Remainder of County Roofers: Composition Composition Helpers, Class A Composition Helpers, Class B Slate, Tile, Precast Concrete Waterproofers Sheet Metal Workers Sprinkler Fitters Steamfitters: Windham Remainder of County

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS (WHERE APPLICABLE): A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a. Employer contributes 4% of the basic hourly rate for 5 years or more of service or 2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six (6) paid holidays: A through F.

c. Nine (9) paid holidays: A through F, Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. Seven (7) paid holidays: A through F and Good Friday provided the employee has worked at least 10 working days prior to the holiday and is available for work the day before and the day after the holiday.

e. Nine (9) paid holidays: A through F, Washington's Birthday and Good Friday plus one (1) floating holiday per year provided the employee has been employed for a period of 10 working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

AP-855 P. 4 SV-CON-1-2

SE-CO-2-3-M (1 of 2)

Basic Hourly Rates	Fringe Benefits Payments				Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	App. Tr.		H & W	Pensions	Vacation	App. Tr.
\$8.02	.30	.504a	b		\$8.97	.30	.50 + a	b	.05
7.91	.30	.504a	b						
7.54	.30	.504a	b		8.86	.30	.50 4a	b	.05
					8.60	.30	.50 4a	b	.05
					8.44	.30	.50 4a	b	.05
					8.33	.30	.50 4a	b	.05
					8.18	.30	.50 4a	b	.05
					8.02	.30	.50 4a	b	.05
					7.83	.30	.50 4a	b	.05
					7.91	.30	.50 4a	b	.05
					8.21	.30	.50 4a	b	.05
					8.49	.30	.50 4a	b	.05
					7.54	.30	.50 4a	b	.05
					7.65	.30	.50 4a	b	.05

**POWER EQUIPMENT OPERATORS  
BUILDING CONSTRUCTION (Cont'd):**

Dinky Machine Operator, Power Pavement Breaker Operator  
Fireman (High Pressure)  
Oiler  
Crane with boom, excluding jib, over 150 feet - .25 extra  
Crane with boom, excluding jib, over 200 feet - .50 extra

**PAID HOLIDAYS (Where applicable):**  
A-New Year's Day; B-Memorial Day;  
C-Independence Day; D-Labor Day;  
E-Thanksgiving Day; F-Christmas Day

**FOOTNOTES:**

a. Employer contributes \$.15 per hour to Supplemental Unemployment Fund.  
b. Seven (7) paid holidays: A through G and Good Friday.



STATE: Maryland and Virginia

SUPERSEDES DECISION  
 COUNTIES: Montgomery and Prince Georges Counties,  
 Maryland; City of Alexandria, Virginia; Arlington  
 and Fairfax Counties, Virginia and Dulles  
 International Airport.

AP-658 P. 2  
 1-DC-1-2-7  
 2 of 3

DECISION NO.: AP-658  
 Supersedes Decision No. AP-492, dated March 9, 1973, in 38 FR 6538.  
 DESCRIPTION OF WORK: Building Construction - excluding all residential projects.

DATE: Date of Publication  
 International Airport.

DESCRIPTION OF WORK: Building Construction - excluding all residential projects.

Basic Hourly Rates	Fringe Benefits Payments			App. Tc.	Oth
	H & W	Pensions	Vacation		
Asbestos workers	.35	.15		.015	
Boilermakers - Blacksmiths	.30	.70	.20	.01	
Bricklayers	.40	.40		.10	
Carpenters	.30	.34		.07	
Cement Masons:					
Cement Masons	.255	.20		.05	
Grinding Machine	.255	.20		.05	
Electricians	.35	1% + .30		.10	
Elevator Constructors:					
Elevator Constructors	.345	.23	.24 + abb	.015	
Elevator Constructors' Helpers	.345	.23	.24 + abb	.015	
Elevator Constructors' Helpers (Prob)	.429				
Glassiers	.46	.40			
Ironworkers:					
Structural	.47	.45		.02	
Ornamental & chain link fence	.47	.45		.02	
Reinforcing	.35	.25		.03	
Labors:					
Common laborers, landscapers	.28	.35		.05	
Acetylene burners used on wrecking	.28	.35		.05	
Air tool op., scaffold builders,					
paving breakers, townmasters,					
buggy mobiles, spaders, mortar-					
men and scooters	.28	.35		.05	
Pipelayers	.28	.35		.05	
Plasterers' tenders	.32	.20		.03	
Plumbers' laborers	.30	.15		.03	
Powdermen	.28	.35		.05	
Powdermen, well points	.28	.35		.05	
Stone carvers	.175	.20			
Stone trimmers, fitters & cutters	.175	.20			
Lead Burners	.30	.30		.025	
Line Constructors:					
Linemen, cable splicers, equipment	.30			.01	
ops.					
Truck with winch, truck pole or steel	.20	1%		1/2 of 1%	
handling	.20	1%		1/2 of 1%	
Groundmen (0 to 1 year)	.20	1%		1/2 of 1%	
Groundmen (1 to 2 years)	.20	1%		1/2 of 1%	
Groundmen (over 2 years)	.20	1%		1/2 of 1%	
Marble Setters	.35	.25			
Marble Setters' Helpers	.35	.34		.07	
Milbrights	.30				
Painters:					
Brush, spray, paperhangers, tapers	.41	.18		.03	
Steel, sandblasting, swing stage,					
power brushing	.41	.18		.03	
Pildrivermen	.30	.34		.07	
Plasterers	.45	.25		.06	

BUILDING CONSTRUCTION, (Continued)

Plumbers  
 Roofers:  
 Composition  
 Slate, tile mops, waterproofer, waterproofers, sprayers, sprandral & ironite  
 Helpers  
 Sheet metal workers  
 Soft floor layers  
 Sprinkler fitters  
 Steamfitters, refrigeration & air conditioning mechanic  
 Stone masons  
 Terrazzo & mosaic workers  
 Terrazzo workers' helpers  
 Tile setters  
 Tile setters' helpers  
 Truck Drivers:  
 Boom trucks  
 Small dump, water sprinkler, grease & oil  
 Flat, pick-up hauling materials, small Euclids, dump over 8 wheels  
 Trailers, low-boys, tractor pulls  
 Helpers  
 Carryalls, large Euclids, water sprinkler, tunnel work ground  
 Mechanics  
 Concrete mixers  
 Riggers & Welders - receive rates prescribed for crafts performing operations to which rigging & welding are incidental.

Basic Hourly Rates	Fringe Benefits Payments			App. Tc.	Oth
	H & W	Pensions	Vacation		
\$8.93	.38	.25		.10	
6.65	.35	.20			
7.15	.35	.20			
4.85	.35	.20			
8.30	.60	.66		.06	
8.12	.30	.34		.07	
8.75	.30	.50		.05	
8.79	.40	.40		.07	
8.60	.35	.25			
8.31	.40	.30			
7.10	e	.20			
8.31	.40	.30			
7.10	e	.20			
4.10	.22	f			
3.85	.22	f			
3.95	.22	f			
4.15	.22	f			
3.70	.22	f			
4.25	.22	f			
4.00	.22	f			
3.20	.12	.15			

BUILDING CONSTRUCTION	FRINGE BENEFITS PAYMENTS					
	BASIC HOURLY RATES	R & W	PERIODS	VACATION	APP. TR.	OTHERS
Power Equipment Operators: 35 ton cranes & above, tower & climbing cranes	\$8.775	.35	.35		.10	
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, pile-driving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers						
50 cu. yds. struck capacity or above, multiple concrete conveyors	8.525	.35	.35		.10	
Hydrocranes, and all other hydraulic cranes 12 tons or under	8.475	.35	.35		.10	
Hydraulic backhoes, under 1/2 yd., mounted on tractors	8.375	.35	.35		.10	
Front end loader (over 3 1/2 cu. yds.)	8.525	.35	.35		.10	
Front end loader (over 2-3/4 cu. yds. to and including 3-1/4 cu. yds.)	8.375	.35	.35		.10	
Front end loaders (Hi-lift), fork lifts	8.125	.35	.35		.10	
Air compressors (on steel)	8.195	.35	.35		.10	
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motorman, welding machines, well points	7.945	.35	.35		.10	
Boilers (skeleton), trenching machines, tug boats, well drilling machines	8.115	.35	.35		.10	
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity						
blade graders, bulldozers, motor graders	7.925	.35	.35		.10	
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws	7.725	.35	.35		.10	
Apprentice engineers:						
Firemen	7.065	.35	.35		.10	
Truck crane oillers	6.945	.35	.35		.10	
Others	6.895	.35	.35		.10	

BUILDING CONSTRUCTION

Power Equipment Operators:  
35 ton cranes & above, tower & climbing cranes  
Backhoes, boom cats, cableways, cranes or derricks, draglines, elevating graders, hoists, elevator (permanent) paving mixers, pile-driving engines, power shovels, tunnel shovels, mucking machines, batch plants, concrete pumps, locomotives (standard narrow gauge), power driven wheel scoops & scrapers  
50 cu. yds. struck capacity or above, multiple concrete conveyors  
Hydrocranes, and all other hydraulic cranes 12 tons or under  
Hydraulic backhoes, under 1/2 yd., mounted on tractors  
Front end loader (over 3 1/2 cu. yds.)  
Front end loader (over 2-3/4 cu. yds. to and including 3-1/4 cu. yds.)  
Front end loaders (Hi-lift), fork lifts  
Air compressors (on steel)  
Air compressors (except on steel), concrete mixers, mechanics & maintenance men, pumps, tunnel mechanics, tunnel motorman, welding machines, well points  
Boilers (skeleton), trenching machines, tug boats, well drilling machines  
Power driven wheel scoops & scrapers under 50 cu. yds. struck capacity  
blade graders, bulldozers, motor graders  
Rollers, asphalt spreaders, bull float finishing machines, concrete spreaders, concrete finishing machines, fine graders, form graders, concrete saws  
Apprentice engineers:  
Firemen  
Truck crane oillers  
Others

BUILDING CONSTRUCTION, continued

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

- Holidays: A through F.
- Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years service as Vacation Pay Credit.
- Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve (providing employee has worked at least 45 full hrs during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday).
- Employer contributes \$37.92 per man per month.
- \$6.00 per week when employee has worked 90 days and works 3 days in a work week.
- Holidays: A - D - E and F (providing the employem works the regularly scheduled work days immediately preceding and following the holiday).

AP-913 P. 2

SUPERSEDES DECISION

STATE: Montana  
 COUNTY: Flathead, Lake, Lincoln, and Missoula  
 DATE: Date of Publication  
 DECISION NUMBER: AP-913  
 SUPERSEDES DECISION AP-278 dated March 30, 1973, in 38 FR 8378  
 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				Other
		H & W	Pensions	Vacation	App. Tr.	
PAINTERS: Brush and Spray Lake (Southern Area) and Missoula Cos. Lake (Northern Area) and Remaining Cos. Brush and Roller up to 9" Paperhanging, Perforating, Sign painting Spray work Sandblasting and apply to bitumastic epoxy on other hazardous material Structural steel bridge or Dam work (brush or spray) Structural steel bridge or Dam work (over 30 ft. high (brush or spray))	\$6.11 4.35 4.60 5.00 3.45 5.45 5.95	.30	.15			
PLASTERERS: Lake (Southern Area) and Missoula Cos. Lake (Northern Area) and Remaining Cos.	6.65 6.05	.35 .20				
PLUMBERS: Flathead and Lincoln Counties Remaining Counties	3.90 6.58 5.60	.30 .30 .30	.30 .30 .30			.02 .05
ROOFERS SHEET METAL WORKERS SPRINKLER FITTERS	6.88 7.20 6.65	.22 .30 .30	.10 .10 .25			.01 .05
TELESCOPE WORKERS TILE SETTERS TRUCK DRIVERS	6.65 6.65 5.065	.30 .30	.25 .25			.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, 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.						
ASBESTOS WORKERS BOILERMAKERS BRICKLAYERS; Stonemasons CARPENTERS: Flathead, Lincoln, Lake (northern area including town of Ravalli from a point where Hwy #10A and Hwy #93 intersect), Mineral (northern area including the town of Superior) Carpenters Sawyers; Filers; Piledrivers; Carpenters working burned, charred, creosoted or similar treated material Millwrights and machine erectors Lake (southern area, south of Ravalli) Mineral (area southeast of southeast city limits of the town of Superior), and Missoula Counties Carpenters Millwrights; Piledrivers; Power sawy Saw filer	87.96 8.25 6.65 6.15 6.35 6.50 5.97 6.22 6.40 5.75 7.00 7.40 6.74 3.45 3.45 7.56 7.56 5.95 6.65	.44 .30 .30 .30 .30 .30 .30 .30 .35 .35 .35 .20 .20 .345 .345 .48 .48 .30	.72 1.00 .45 .45 .45 .45 .35 .35 .43 .43 .35 1% 1% .23 .23 .65 .65 .30	.02 .02 .02 .02 .01 .01 3% 3% Z4-a Z4-a .05 .05		
CEMENT MASONS: Lake (Southern Area) and Missoula Cos. Lake (Northern Area) and Remaining Cos.	6.40 5.75	.35 .20				
ELECTRICIANS: Electricians Cable splicers ELEVATOR CONSTRUCTORS ELEVATOR CONSTRUCTORS' HELPERS ELEVATOR CONSTRUCTORS' HELPERS (PROP.) IRONWORKERS: Reinforcing Ornamental; Structural LATEERS MABLE MASONS	7.00 7.40 6.74 3.45 3.45 7.56 7.56 5.95 6.65	.20 .20 .345 .345 .48 .48 .30	1% 1% .23 .23 .65 .65	3% 3% Z4-a Z4-a .05 .05		

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LANCERS

Flathead, Lake (northern area) and Lincoln Counties:

Laborers  
Nozzlemen (air & water); Sandblast  
tall hoeman; Fowdeman helper;  
Powerdriven wheelbarrow; Hodder and  
spreader; Form setters (paving);  
Bucketman  
Small air tool op. incl. blow pipes,  
small power tools; Chuck tenders;  
Asphalt rakers; Dumpman; Rip rapping;  
Pipe wrapper; Pot tender  
Jackhammer; Pavement breaker;  
Vibrator; Mechanical tamper and other  
air tools; Cement handlers (sack or  
bulk)

Lake (southern area) and Missoula  
Counties

Laborers  
All power tools, Creosoteworkers;  
Jackhammer; Marble & tile setters;  
tenders; Pipelayers; Pipewrappers;  
Pot tenders; Small concrete mixers;  
Vibrators  
Cement masons & plaster tenders;  
Mason tenders; Pumpcrete, Gunnite  
& plaster pump

POWER EQUIPMENT OPERATORS

MONI-1-P80-2-3-b

(1-4)

Basic Hourly Rates	Fringe Benefits Payments			Basic Hourly Rates	Fringe Benefits Payments		
	H & W	Vacation	App. Tr.		H & W	Vacation	App. Tr.
\$5.065	.35	.25		\$6.86	.45		.03
5.215	.35	.25		6.55	.45		.03
5.245	.35	.25		6.72	.45		.03
5.30	.35	.25		7.02	.45		.03
5.065	.35	.25	.03	7.02	.45		.03
5.315	.35	.25	.03	6.61	.45		.03
5.465	.35	.25	.03	7.02	.45		.03
				6.69	.45		.03
				7.53	.45		.03
				6.81	.45		.03
				7.27	.45		.03
				6.74	.45		.03
				6.74	.45		.03
				7.02	.45		.03
				7.22	.45		.03
				7.42	.45		.03
				6.54	.45		.03
				6.85	.45		.03
				7.02	.45		.03
				7.02	.45		.03
				7.02	.45		.03
				7.02	.45		.03
				6.61	.45		.03
				6.78	.45		.03
				7.02	.45		.03
				7.02	.45		.03
				6.60	.45		.03
				6.72	.45		.03
				7.18	.45		.03
				7.33	.45		.03

A-Frame Truck Crane, Winch Truck and similar  
Air Compressor, Single  
Air Compressor, two or more  
Air Doctor  
Asphalt Paving Machine  
Asphalt Paving Machine Screed  
Automatic Finegrader, Curries and other similar types  
Belt Finish Machine  
Bit Grinder  
Bituminous Mixer Paving, Travel Plant  
Boring Machine (small), jeep, pickup or farm tractor mounted  
Boring Machine (large)  
Broom, self-propelled  
Cableway Highline  
Cement Silo  
Central Mixing Plants, Concrete dam & stationary  
Chain Bucket Loader  
Chip or Gravel Spreader, self-propelled  
Concrete Batch Plant, one & two mixers  
Concrete Batch Plant, three and four mixers  
Concrete Batch Plant, five mixers & over  
Concrete Batch Plant Oiler, up to & incl. two mixers  
Concrete Batch Plant Oiler, three mixers and over  
Concrete Bucket Dispatcher  
Concrete Curing Machine  
Concrete Finish Machine Paving  
Concrete Float-Spreader  
Concrete Mixer, three bags & under  
Concrete Mixer, four bags and over  
Concrete Power Saw, self-propelled  
Concrete Travel Batcher  
Conveyor Loader, up to & incl. 42' belt  
Conveyor Loader, over 42 inch belt  
Crane, to & incl. 80' boom w/4th jib  
Crane, 81' to 130' boom

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AP-913 P. 5

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(2-4)

MMNT-1-PED-2-3-5

MMNT-1-PED-2-3-5

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates			Fringe Benefits Payments			Fringe Benefits Payments				
	Basic Hourly Rates	M & V	Fixedness	Vacation	App. Tn.	Dis.	M & V	Fixedness	Vacation	App. Tn.	Dis.
Crane, 131' to 150' boom	\$7.38	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Crane, 151' boom & over	7.43	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Crane Oiler	6.59	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Crusher	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Crusher Oiler & Helper	6.51	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Crusher Conveyor, when required	6.48	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Distributor	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
DG 10, 15, or 20 Tractor pulling roller	6.74	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Electric Overhead Cranes	7.20	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Elevating Grader	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Farm Type Tractor, up to & incl. 50 HP Engine	6.48	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Farm Type Tractor, over 50HP Engine	6.56	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Field Equipment Serviceman	6.94	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Field Equipment Serviceman Helper	6.51	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Fireman	6.61	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Forklift, on construction job site	6.83	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Form Grader	6.79	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Grapple	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Grade Setter	6.48	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Heavy Duty Drill, all types	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Heavy Duty Driller Helper	6.61	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Herman-Nelson Heaters & similar type	6.56	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Hoist, Single drum	6.79	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Hoist, two or more drums	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Helicopter Hoist	7.52	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Hot Plant Fireman, when in Operation	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Hot Plant Oiler, 100 ton per hour or over	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Hydra lift and similar types	6.51	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Industrial Locomotive all classes	6.92	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Mechanic and/or Welder on job	7.12	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Mechanic and/or Welder Helper on job	6.51	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Microobile	7.10	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Motor Patrol	7.15	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Mountain Logger or similar type	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Mucking Machine	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Oiler-Driver, Trolley Tired Cranes	6.59	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Oilers, other than Shovels & Cranes	6.51	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Oiler, hoist house, dams	6.92	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Pavement Breaker, Exaco & similar	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Paving & Mixing Machine	7.15	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Power Auger, Large Truck or Tractor Mounted	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Power Mixer, single or double drum	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Power Saw, Multiple cut, self-propelled	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Pumpcrete or Grout Machine	7.02	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03
Pumpman	6.55	.45	.45	.45	.03	.03	.45	.45	.45	.03	.03

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AP-513 P. 7

MONT-LINE CONSTRUCTION-2-3-c

(4-4)

MONT-L-FER-2-3-b

Basic Hourly Rates	Fringe Benefits Payments			App. T.	C4
	M & W	Pensions	Vacation		
4.61	.25	1X			1X
5.31	.25	1X			1X
5.65	.25	1X			1X
6.50	.25	1X			1X
7.58	.25	1X			1X
8.43	.25	1X			1X

(Flathead-Lake-Lincoln Counties)

LINE CONSTRUCTION

All construction of "B" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".

SCHEDULE "A"

GROUNDMAN "B"

GROUNDMAN "A" (experienced)

HEAD GROUNDMAN; Foreman; Jackhammer-Compressorman

LINE EQUIPMENT OPERATOR

LINEMAN

CABLE SPLICER

SCHEDULE "B"

All work for Power Utilities & R.E.A.'s except work covered under Schedule "A" all Highway Lighting, Street Lighting & Motor Traffic Controlling.

JACKHAMMER-COMPRESSORMAN; Foreman; Head Compressorman

LINE EQUIPMENT OPERATOR

LINEMAN; Pole Sprayer

CABLE SPLICER

Basic Hourly Rates	Fringe Benefits Payments			App. T.	C4
	M & W	Pensions	Vacation		
\$7.45	.45	.45	.03		
7.02	.45	.45	.03		
7.20	.45	.45	.03		
7.02	.45	.45	.03		
7.02	.45	.45	.03		
7.02	.45	.45	.03		
7.55	.45	.45	.03		
6.92	.45	.45	.03		
7.02	.45	.45	.03		
7.02	.45	.45	.03		
6.51	.45	.45	.03		

POWER EQUIPMENT OPERATORS (cont'd)

Track-type front end loaders, over 15 cu. yd.

Track-type tractor with or without attachments

Track-type tractor, on Euclid loader

Trenching Machines

Turnhead Conveyor, or Head Tower on Batch Plant

Wagner Boiler & similar type

Whirley Crane

Whirley Crane Oiler

Water Pull when used for compaction

Washing and Screening Plant

Washing and Screening Plant Oiler

SUPERSEDES DECISION

STATE: Montana  
 COUNTY: Statewide  
 DECISION NUMBER: AP-914  
 DATE: Date of Publication  
 Supersedes Decision No. AP-272 dated March 23, 1973 in 38 FR 7741  
 DESCRIPTION OF WORK: Heavy and Highway Construction

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MOU-SU-LINE CONSTRUCTION-2-3-d

Basic Hourly Rates	Fringe Benefits Payments				C4
	H & W	Pensions	Vacation	App. Tc.	
\$6.71	.25	1%		1/2	
5.96	.25	1%		1/2	
4.72	.25	1%		1/2	
4.20	.25	1%		1/2	
6.07	.25	1%		1/2	
6.86	.25	1%		1/2	
6.53	.25	1%		1/2	
6.00	.25	1%		1/2	
4.56	.25	1%		1/2	

Missoula County

LINE CONSTRUCTION  
 (Jobs 69,000 volts or less)

- Cable splicer
- Line equipment operators; Pooderman
- Experienced groundman (2 yrs.); Truck drivers
- Groundman; Pole digger (groundman)
- Linemen
- (Jobs over 69,000 volts)
- Cable splicers
- Linemen; Pole sprayer
- Line equipment operators; Pooderman
- Groundman

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tc.	
\$6.36	.30	.45		1/2	.02
6.31	.30	.45		1/2	.02
5.64	.35	.15			
5.79	.35	.15			
5.89	.35	.15			
6.04	.35	.15			
6.65	.30	1%		1/2	
6.94	.20	1%		1/2	
7.00		1%		1/2	
7.83	.32	1%		1/2	
6.95		1%		1/2	
5.60		1%		1/2	
6.10		1%		1/2	
7.00	.20	1%		1/2	
6.60	.20	1%		1/2	
6.80		1%		1/2	
6.05	.20	1%		1/2	
6.94	.20	1%		1/2	

CARPENTERS:  
 Carpenters  
 Piledrivers; Scaffilers; Carpenters on charred and creosote wood  
 CEMENT MASONS (Eastern Counties):  
 Cement masons  
 Grinder, bush hammer and clipping fan preparing finish surface; Epoxy  
 CEMENT MASONS (Western Counties):  
 Cement masons  
 Grinder, bush hammer and clipping fan preparing finished surface; Epoxy  
 ELECTRICIANS:  
 Beaverhead-Jefferson-Madison and Silverbow Counties  
 Big Horn-Carbon-Golden Valley-Musselshell-Fooder River-Rosebud-Stillwater-Treasure and Yellowstone Coal Broadwater-Levis and Clark and Meagher Counties  
 Cascade-Choteau-Glacier-Judith Basin-Pondera-Teton and Toole Counties  
 Beeriidge-Granite-Powell Counties  
 Fergus-Petroleum and Wheatland Co.s:  
 (Electrical Contracts less than \$20,000)  
 (Electrical Contracts \$20,000 or more)  
 Flathead-Lake-Lincoln-Mineral-Missoula-Gallatin County  
 Blaine-Hill-Liberty and Phillips Co.s.  
 Park and Sweetgrass Counties  
 (Electrical Contracts less than \$25,000)  
 (Electrical Contracts Over \$25,000)

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	Basic Hourly Rates	Fringe Benefits Payments			App. T.	Other
		H & W	Pensions	Vacation		
<b>PLUMBERS: (cont'd)</b>						
Dawson-Fallon-Carfield-Golden Valley-						
Musselshell-Petroleum-Powder River-						
Prairie-Richland-Roosevelt-Sheridan-						
Stillwater-Treasure-Wheatland-						
Wibaux-Yellowstone-Counties	\$7.30	.40	.40			1 1/4
<b>SHEET METAL WORKERS:</b>						
Blaine-Cascade-Choteau-Glacier-Hill-						
Judith Basin-Liberty-Fonders-Teton-						
Toolie Counties	6.81	.32	.10			.02
Callatin County	6.56	.27	.10			.02
Broadwater-Jefferson, St. incl. City of						
Souther-Lewis & Clark-Wesber Counties	7.12	.22	.10			
Flathead-Lake-Lincoln-Mineral-Missoula-						
Flathead-Lake-Lincoln-Mineral-Missoula-						
Bavalli-Sanders counties	6.88	.22	.10			.01
<b>Big Horn-Carbon-Carter-Custer-Daniels-</b>						
<b>Dawson-Fallon-Fergus-Garfield-Golden</b>						
<b>Valley-McCone-Musselshell-Petroleum-</b>						
<b>Phillips-Powder River-Park-Prairie-</b>						
<b>Richland-Roosevelt-Rosebud-Sheridan-</b>						
<b>Stillwater-Sweetgrass-Valley-Wheatland-</b>						
<b>Wibaux-Treasure and Yellowstone Counties</b>	6.62	.27	.20			.02
<b>Beaverhead-Deerlodge-Jefferson (St.)-</b>						
<b>Madison-Powell and Silverbow Counties</b>	6.55	.27	.20			

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	Basic Hourly Rates	Fringe Benefits Payments			App. T.	Other
		H & W	Pensions	Vacation		
<b>ELECTRICIANS (cont'd)</b>						
Carter-Daniels-Dawson-Fallon-McCone-						
Prairie-Richland-Roosevelt-Sheridan-						
Valley and Wibaux Counties	\$6.40		1%			1/4
Custer and Garfield Counties	5.64		1%			1/4
<b>IRONWORKERS:</b>						
Beaverhead-Broadwater-Deerlodge-						
Callatin-Granite-Jefferson-Lewis and						
Clark (Southern half including Wolf	7.10	.40	.65			.05
Creek)-Madison-Park-Powell-Bavalli and						
Silverbow Counties	7.56	.48	.65			.05
Flathead-Glacier-Lake-Lincoln-Mineral-	7.03	.40	.65			.05
Missoula and Sanders Counties						
Remaining Counties						
<b>PAINTERS:</b>						
Beaverhead-Broadwater-Jefferson-Madison						
and Silverbow Counties:	5.56					
Brush	6.06					
Bowler, over 8 ft.	8.34					
Spray						
Big Horn-Carbon-Carter-Custer-Daniels-						
Dawson-Fallon-Garfield-Golden Valley-						
McCone-Musselshell-Phillips-Powder						
River-Prairie-Richland-Roosevelt-						
Rosebud-Sheridan-Stillwater-Treasure-						
Valley-Wheatland-Wibaux and Yellowstone						
Counties:	5.84	.25	.20			
Brush	6.09	.25	.20			
Steel	6.82	.25	.20			
Spray						
Cascade-Choteau-Glacier-(excluding						
Glacier National Park)-Judith Basin-						
Lewis & Clark N.-Fonders-Teton and Toolie						
Counties:	5.85	.34	.30			
Brush	6.35	.34	.30			
Spraying; Sandblasting	8.10	.34	.30			
Granite-Lake-Mineral-Missoula-Powell-						
Bavalli and Sanders Counties:						
Brush; Spray; Sign painters	6.11	.30	.15			
<b>PLUMBERS:</b>						
Blaine-Cascade-Choteau-Fergus-Glacier-						
Hill-Judith Basin-Liberty-McCone-						
Meagher-Phillips-Fonders-Roosevelt-						
Teton-Toolie and Valley Counties	7.35	.35	.50			.04
Flathead and Lincoln Counties	5.90	.30	.30			.02
Mineral and Missoula Counties	6.58	.30	.30			.05
Beaverhead-Broadwater-Deerlodge-						
Callatin-Granite-Jefferson-Lewis and						
Clark-Madison-Park-Powell-Silverbow-						
Sweetgrass Counties	7.20	.25	.25			.05
Big Horn-Carbon-Carter-Custer-Daniels-						

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LABORERS:

LABORERS:	EASTERN COUNTIES		WESTERN COUNTIES		MON-LAB-2-3 a ALL COUNTIES		WESTERN COUNTIES		MON-LAB 2-3a ALL COUNTIES	
	Basic Hourly Rates	Basic Monthly Rates	Basic Hourly Rates	Basic Monthly Rates	H & W	Fringe Benefits Payments	H & W	Basic Hourly Rates	Basic Monthly Rates	Fringe Benefits Payments
Asphalt Baker	5.18	5.02	5.33	5.17	.30	.25	.30	5.33	5.17	.25
Axeman	5.02	5.17	5.17	5.17	.30	.25	.30	5.43	5.43	.25
Car and Truck Loaders, Scissorman	5.02	5.17	5.33	5.33	.30	.25	.30	5.73	5.73	.25
Caisson Workers (Free Air)	5.18	5.17	5.17	5.17	.30	.25	.30	5.27	5.27	.25
Carpenter Tender	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Cement Bandlers	5.18	5.17	5.33	5.33	.30	.25	.30	5.27	5.27	.25
Choker Setter	5.18	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Chuck Tender & Nipper (above ground)	5.02	5.17	5.17	5.17	.30	.25	.30	5.02	5.02	.25
Concrete Laborers (wet or dry), Bucketman, Signalman and Cement Mason Tender	5.18	5.17	5.33	5.33	.30	.25	.30	5.18	5.18	.25
Concrete or Asphalt Saw	5.12	5.27	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Concrete Vibrator (5' and over)	5.23	5.38	5.38	5.38	.30	.25	.30	5.02	5.02	.25
Cresote Material Handler, Epoxy, other chemically injurious material	5.18	5.17	5.33	5.33	.30	.25	.30	5.02	5.02	.25
Cosmoline applying and removing	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Core Drill	5.62	5.77	5.77	5.77	.30	.25	.30	5.12	5.12	.25
Curb Machine	5.12	5.27	5.27	5.27	.30	.25	.30	5.02	5.02	.25
Drills, Air-Tract, self-propelled, Cat or Truck mounted air operated	5.26	5.43	5.43	5.43	.30	.25	.30	5.12	5.12	.25
Drills, Air-Tract, with Dual Masts	5.38	5.53	5.53	5.53	.30	.25	.30	5.17	5.17	.25
Drills, Air-Tract, self-propelled, Mustang type or similar	5.38	5.48	5.48	5.48	.30	.25	.30	5.02	5.02	.25
Dumpson (Spotter)	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Dumpson (Grademan)	5.18	5.17	5.33	5.33	.30	.25	.30	5.02	5.02	.25
Fence Erector and Installer (Incl. installation & erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers)	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Form Stripper	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Form Setter	5.12	5.27	5.27	5.27	.30	.25	.30	5.12	5.12	.25
Grade Setter	5.28	5.43	5.43	5.43	.30	.25	.30	5.12	5.12	.25
General Laborer	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
High Scaler	5.10	5.25	5.25	5.25	.30	.25	.30	5.12	5.12	.25
High Pressure Machine Muzzleman	5.38	5.53	5.53	5.53	.30	.25	.30	5.12	5.12	.25
Heater Tender	5.22	5.38	5.38	5.38	.30	.25	.30	5.12	5.12	.25
Jackhammer, Pavement Breaker, Wagon Drills, Vibrator, Mechanical Tamper, Cat or Truck Mounted Air Operated	5.18	5.33	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Drills, Vibrating Roller band steered and other Air Tools	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Landscape Laborer	5.18	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Morrleman-Air and Water, Gunite and Placo Machine	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Pilot Car	5.02	5.17	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Pipe Layer (all types)	5.18	5.33	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Pipe Wraper	5.18	5.33	5.33	5.33	.30	.25	.30	5.12	5.12	.25
Post Hole Digger (Power Auger)	5.12	5.27	5.27	5.27	.30	.25	.30	5.12	5.12	.25

\* Eastern Counties: Plains-Carter-Coaster-Daniel-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

\* Western Counties: Beaverhead-Big Horn-Broadwater-Carbo-Cascade-Choteau-Deerlodge-Fergus Flathead-Gallatin-Glacier-Judith-Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Peabody-Powell-Sawalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Valley and Yellowstone

NOTICES

(2-6)

MONT-1-FED-2-3-3

Basic Hourly Rates	Fringe Benefits Payments				On
	M & W	Pensions	Vacation	App. Tr.	
\$7.38	.45	.45		.03	
7.43	.45	.45		.03	
6.59	.45	.45		.03	
7.02	.45	.45		.03	
6.51	.45	.45		.03	
6.48	.45	.45		.03	
7.02	.45	.45		.03	
6.74	.45	.45		.03	
7.20	.45	.45		.03	
7.02	.45	.45		.03	
6.48	.45	.45		.03	
6.56	.45	.45		.03	
6.94	.45	.45		.03	
6.51	.45	.45		.03	
6.61	.45	.45		.03	
6.83	.45	.45		.03	
6.79	.45	.45		.03	
7.02	.45	.45		.03	
6.48	.45	.45		.03	
7.02	.45	.45		.03	
6.61	.45	.45		.03	
6.56	.45	.45		.03	
6.79	.45	.45		.03	
7.02	.45	.45		.03	
7.52	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.51	.45	.45		.03	
6.92	.45	.45		.03	
7.02	.45	.45		.03	
7.12	.45	.45		.03	
6.51	.45	.45		.03	
7.10	.45	.45		.03	
7.15	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.99	.45	.45		.03	
6.51	.45	.45		.03	
6.92	.45	.45		.03	
7.02	.45	.45		.03	
7.15	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.55	.45	.45		.03	

POWER EQUIPMENT OPERATORS (cont'd)

(1-4)

MONT-1-FED-2-3-3

Basic Hourly Rates	Fringe Benefits Payments				On
	M & W	Pensions	Vacation	App. Tr.	
\$6.86	.45	.45		.03	
6.55	.45	.45		.03	
6.72	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
7.15	.45	.45		.03	
6.72	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.61	.45	.45		.03	
7.02	.45	.45		.03	
6.69	.45	.45		.03	
7.53	.45	.45		.03	
6.81	.45	.45		.03	
7.27	.45	.45		.03	
6.74	.45	.45		.03	
6.74	.45	.45		.03	
7.02	.45	.45		.03	
7.22	.45	.45		.03	
7.42	.45	.45		.03	
6.54	.45	.45		.03	
6.85	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.61	.45	.45		.03	
6.78	.45	.45		.03	
7.02	.45	.45		.03	
7.02	.45	.45		.03	
6.60	.45	.45		.03	
6.72	.45	.45		.03	
7.18	.45	.45		.03	
7.33	.45	.45		.03	

POWER EQUIPMENT OPERATORS

A-Frame Truck Crane, Winch Truck and similar  
 Air Compressor, Single  
 Air Compressor, two or more  
 Air Doctor  
 Asphalt Paving Machine  
 Asphalt Paving Machine Screed  
 Automatic Finegrader, Carries and other similar types  
 Belt Finish Machine  
 Bit Grinder  
 Bituminous Mixer Paving, Travel Plant  
 Boring Machine (small), jeep-pickup or farm tractor mounted  
 Boring Machine (large)  
 Broom, self-propelled  
 Cableway Highline  
 Cement Silo  
 Central Mixing Plants, Concrete dam & stationary  
 Chain Bucket Loader  
 Chip or Gravel Spreader, self-propelled  
 Concrete Batch Plant, one & two mixers  
 Concrete Batch Plant, three and four mixers  
 Concrete Batch Plant, five mixers & over  
 Concrete Batch Plant Oilier, up to & incl. two mixers  
 Concrete Batch Plant Oilier, three mixers and over  
 Concrete Bucket Dispatcher  
 Concrete Curing Machine  
 Concrete Finish Machine Paving  
 Concrete Float-Spreader  
 Concrete Mixer, three bags & under  
 Concrete Mixer, four bags and over  
 Concrete Power Saw, self-propelled  
 Concrete Travel Batcher  
 Conveyor Loader, up to & incl. 42' belt  
 Conveyor Loader, over 42 inch belt  
 Crane, to & incl. 80' boom with jib  
 Crane, 81' to 130' boom

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MONT-1-PED-2-3-b

(3-4)

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. T.	Oid
		H & W	Pensions	Vacation		
Push Tractor	7.02	.45	.45	.45	.03	
Quad Cat	7.32	.45	.45	.45	.03	
Refrigerator Plant	7.02	.45	.45	.45	.03	
Retort	6.81	.45	.45	.45	.03	
Roller, on blade or hot mix oil paving	7.02	.45	.45	.45	.03	
Roller, on other blade or hot mix paving	6.72	.45	.45	.45	.03	
Roller, 25 ton or over	7.02	.45	.45	.45	.03	
Hoss & similar type carriers, on construction site	7.02	.45	.45	.45	.03	
Rubber-tired Dozer	7.02	.45	.45	.45	.03	
Rubber-tired Front End Loader, 1 yd. & under	6.73	.45	.45	.45	.03	
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	7.02	.45	.45	.45	.03	
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	7.14	.45	.45	.45	.03	
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	7.24	.45	.45	.45	.03	
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	7.34	.45	.45	.45	.03	
Rubber-tired Front End Loader, over 15 yds.	7.44	.45	.45	.45	.03	
Scraper, EM 15, 20, 21 & similar type if power unit is not used	7.02	.45	.45	.45	.03	
Scraper, single or twin engine pulling belly dump trailer	7.40	.45	.45	.45	.03	
Scraper, single engine	7.15	.45	.45	.45	.03	
Scraper, twin engine	7.25	.45	.45	.45	.03	
Scraper, tandem engine	7.51	.45	.45	.45	.03	
Self-propelled Shovel and similar type	7.02	.45	.45	.45	.03	
Shovels, incl. all attachments, under 1 cu. yd.	7.02	.45	.45	.45	.03	
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yd.	7.20	.45	.45	.45	.03	
Shovels, incl. all attachments, over 3 cu. yd. to & incl. 5 cu. yd.	7.47	.45	.45	.45	.03	
Shovels, incl. all attachments, over 5 cu. yd.	7.60	.45	.45	.45	.03	
Shovel Oiler, 3 yds. & under	6.51	.45	.45	.45	.03	
Shovel Oiler, over 3 cu. yds.	6.92	.45	.45	.45	.03	
Slip form paver	7.15	.45	.45	.45	.03	
Stiff leg derrick & guy derrick	7.47	.45	.45	.45	.03	
Track-type front end loaders; up to & incl. 5 cu. yds.	7.02	.45	.45	.45	.03	
Track-type front end loaders; over 5 cu. yd. to & incl. 10 cu. yd.	7.25	.45	.45	.45	.03	
Track-type front end loaders, over 10 cu. yd. to & incl. 15 cu. yd.	7.35	.45	.45	.45	.03	

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MONT-1-PED-2-3-b

(4-4)

POWER EQUIPMENT OPERATORS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			App. T.	O
		H & W	Pensions	Vacation		
Track-type front end loaders, over 15 cu. yd.	7.45	.45	.45	.45	.03	
Track-type tractor with or without attachments	7.02	.45	.45	.45	.03	
Track-type tractor, on Euclid Loader	7.20	.45	.45	.45	.03	
Trenching Machine	7.02	.45	.45	.45	.03	
Turnhead Conveyor, or Head Tower on Batch Plant	7.02	.45	.45	.45	.03	
Wagner Roller & similar type	7.02	.45	.45	.45	.03	
Whirley Crane	7.55	.45	.45	.45	.03	
Whirley Crane Oiler	6.92	.45	.45	.45	.03	
Water Pull when used for compaction	7.02	.45	.45	.45	.03	
Washing and Screening Plant	7.02	.45	.45	.45	.03	
Washing and Screening Plant Oiler	6.51	.45	.45	.45	.03	

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(1-2)

MONT-1-TD-1-2-3-g

TRUCK DRIVERS

Fringe Benefits Payments

Basic Hourly Rates

H & W

Pensions

Vacation

App. Tc.

Others

COMBINATION Truck; Concrete Mixer and Transit Mixer:  
To and incl. 4 cu. yds.  
Over 4 cu. yds. to and incl. 6 cu. yds.  
Over 6 cu. yds. to and incl. 8 cu. yds.  
Over 8 cu. yds. to and incl. 10 cu. yds.  
Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment

DISTRIBUTOR DRIVER AND HELPER

DEY BATCH TRUCKS:

3 Batch or under  
Over 3 Batch to and incl. 5 Batch  
Over 5 Batch to and incl. 10 Batch  
Over 10 Batch to and incl. 15 Batch  
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment

PUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hoisting Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Partsmen, Cardex men, Warehouse Expediter

DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEWARDS:

7 cu. yds. or less  
Over 7 cu. yds. to and incl. 10 cu. yds.  
Over 10 cu. yds. to and incl. 15 cu. yds.  
Over 15 cu. yds. to and incl. 20 cu. yds.  
Over 20 cu. yds. to and incl. 25 cu. yds.  
Over 25 cu. yds. to and incl. 30 cu. yds.  
Over 30 cu. yds. to and incl. 35 cu. yds.  
Over 35 cu. yds. to and incl. 40 cu. yds.  
Over 40 cu. yds. to and incl. 45 cu. yds.  
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment

DUMPSTERS

TRUCK DRIVERS

Fringe Benefits Payments

Basic Hourly Rates

H & W

Pensions

Vacation

App. Tc.

Others

DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:  
To and incl. 25 cu. yds.  
Over 25 cu. yds. to and incl. 30 cu. yds.  
Over 30 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment

SERVICEMEN

POWDER TRUCK DRIVER (bulk unloader type)

FLAT TRUCKS:

To and incl. 3 Tons  
Over 3 tons Factory rating

FUEL TRUCKS, SERVICE TIEMEN

LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER

LUMBER CARRIERS, LIFT TRUCKS; Power broom

WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:

2,500 gals. and under  
Over 2,500 gals. to and incl. 4,500 gals.  
Over 4,500 gals. to and incl. 6,000 gals.  
Over 6,000 gals. to and incl. 8,000 gals.  
Over 8,000 gals. to and incl. 10,000 gals.  
Over 10,000 gals. - additional \$.08 per hour each additional 2,000 gals. increment

WINCE, A-FRAME, SWEDISH CRANE, HYDRA-LIFT, GROUTASTE, AND COMBINATIONS MULCHING, SEEDING AND FERTILIZING

TRUCK MECHANIC

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MONT-1-TD-1-2-3-g

(2-2)

Fringe Benefits Payments

Basic Hourly Rates

H & W

Pensions

Vacation

App. Tc.

Others

\$6.14  
6.20

6.39

5.83

5.65  
6.00

6.12

6.00

5.74

5.65  
5.94

6.14

6.20

6.28

5.90

6.39

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MONY-LINE CONSTRUCTION-2-3-C

Basic Hourly Rates	Fringe Benefits Payments			App. To
	H & W	Pensions	Vacation	
4.61	.25	1%		1%
5.31	.25	1%		1%
5.65	.25	1%		1%
6.50	.25	1%		1%
7.58	.25	1%		1%
8.43	.25	1%		1%
5.13	.25	1%		1%
5.88	.25	1%		1%
6.67	.25	1%		1%
7.48	.25	1%		1%

(Flathead-Lake-Lincoln Counties)

LINE CONSTRUCTION

All construction of "n" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".

SCHEDULE "A"

- GROUNDMAN "B"
- GROUNDMAN "A" (experienced)
- HEAD GROUNDMAN; Powderman; Jackhammer-Compressorman

LINE EQUIPMENT OPERATOR

LINEMAN

CABLE SPLICER

SCHEDULE "B"

All work for Power Utilities & R.E.A.'s except work covered under Schedule "A" all Highway Lighting, Street Lighting & Motor Traffic Controlling.

- JACKHAMMER-COMPRESSORMAN; Powderman; Head Groundman

LINE EQUIPMENT OPERATOR

LINEMEN; Pole Sprayer

CABLE SPLICER

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MONY-SI-LINE CONSTRUCTION-2-3-d

Basic Hourly Rates	Fringe Benefits Payments			App. To	On
	H & W	Pensions	Vacation		
\$6.71	.25	1%		1%	
5.96	.25	1%		1%	
4.72	.25	1%		1%	
4.20	.25	1%		1%	
6.07	.25	1%		1%	
6.88	.25	1%		1%	
6.53	.25	1%		1%	
6.00	.25	1%		1%	
4.96	.25	1%		1%	

LINE CONSTRUCTION

(Jobs 69,000 volts or less)

Cable splicer

Line equipment operators; Powderman

Experienced groundmen (2 yrs.); Truck drivers

Groundmen; Pole digger (groundman)

Lineman

(Jobs over 69,000 volts)

Cable splicers

Lineman; Pole sprayer

Line equipment operators; Powderman

Groundman

AP-915 P. 2

SUPERSEDES DECISION

STATE: Montana  
 COUNTY: Silver Bow  
 DECISION NUMBER: AP-915  
 DATE: Date of Publication  
 Supersedes Decision No. AP-289 dated April 6, 1973, in 38 FR 8856  
 DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

LABORERS

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Bricklayers	\$7.30					
Carpenters	5.87	.30	.35	.50		
Cement Masons	4.90	.30		.60		
Electricians	6.65	.30	1%		¾%	
Ironworkers:						
Structural, Ornamental and	7.10	.40	.65		.05	
Reinforcing	5.56					
Painters, brush	7.20	.25	.25		.05	
Plumbers	6.55	.27	.20			
Sheet Metal Workers						

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tr.	
Common laborer; Laborers with roofers; Moving, cleaning, oiling and carrying to the next point of erection, and the stripping of forms which are not to be re-used, and of forms on all flat arch work; Laborer digman; Fence erector and installer - includes the installation and erection of highway fences, guard rails, median curbs, reference posts, guide posts and right-of-way markers; Breaking and drilling concrete, by hand, except for blasting; Breaking and drilling of asphalt pavement by hand; Mixing and paving cold asphalt pavement; Assesani; Chuck tender and nipper, above ground; Kozileman, air and water; Scissorman; Stake jumper	4.225	.15	.20	.405	.02	
Riprapping of stone, rock or brick	4.30	.15	.20	.405	.02	
Hand faller	4.305	.15	.20	.405	.02	
Post hole digger, power auger	4.32	.15	.20	.405	.02	
Tunnel and shafts - Free air, bull-gang, pot tender	4.325	.15	.20	.405	.02	
Mechanical tamper; Pavement breaker or other power tools used by laborers not otherwise classified	4.35	.15	.20	.405	.02	
Installing metallic or non-metallic highway culvert pipe incl. sectional plate pipe 48" and under	4.375	.15	.20	.405	.02	
Choker setter; Pipewrappet; Power saw (backing and falling); Brakeman; Chucktender; Muckers; Nippers; Primerhouseman	4.385	.15	.20	.405	.02	
Wagon driller, running jacksmer or hand drilling for blasting and sand-blasting; Car or truck mounted air operated drills	4.40	.15	.20	.405	.02	

AP-915 P.3

AP-915 P.4

MIN-3-REG-1-E (1-6)

LABORERS(Cont'd)

Laying of all sewer tile or drain pipe; Mixing and paving hot asphalt pavement

Powderman

Highscalery; Concrete nozzleman; Miners

Core drill operator

Basic Hourly Rates	Fringe Benefits Payments				Ct
	H & W	Pension	Vacation	App. Tr.	
4,475	.15	.20	.405	.02	
4,50	.15	.20	.405	.02	
4,585	.15	.20	.405	.02	
4,825	.15	.20	.405	.02	

POWER EQUIPMENT OPERATORS

A-FRAME TRACK CRANE

AIR COMPRESSOR, single

AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving

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 & 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 & 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 & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, track-type, motor & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mounting Logger or similar; Mucking Machine; Pavement breaker, Emco & 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 Const. site); Scraper BM 10; Scraper, BM 15, 20, 21 & similar ~~Power unit is not used; Self-~~

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pension	Vacation	App. Tr.	
\$6.86	.45	.45	.45	.03	
6.55	.45	.45	.45	.03	
6.72	.45	.45	.45	.03	

Basic Hourly Rates	Fringe Benefits Payments.			App. Tr.
	H & W	Positions	Vacation	
7.02	.45	.45		.03
7.15	.45	.45		.03
6.61	.45	.45		.03
6.69	.45	.45		.03
7.53	.45	.45		.03
6.81	.45	.45		.03
7.27	.45	.45		.03
6.74	.45	.45		.03
7.22	.45	.45		.03
7.42	.45	.45		.03
6.54	.45	.45		.03
6.85	.45	.45		.03
6.78	.45	.45		.03
6.60	.45	.45		.03
7.18	.45	.45		.03
7.33	.45	.45		.03
7.38	.45	.45		.03

## POWER EQUIPMENT OPERATORS: (Cont)

els, incl. all attachs, under 1 yd.;  
Trenching machine; Turnhead conveyor  
or head tower op. on batch plant;  
water fall, when used for compaction;  
Washing & screening plant

AUTOMATIC FINISHER, gerries & simi-  
lar; Motor patrol; Paving & mixing ma-  
chine; Scraper, DN 15, 20, 21 & simi-  
lar if power unit is used; Scraper,  
single engine; Slip form paver

BORING MACHINE; Concrete mixer, 3 bags  
& under; Fireman; Heavy duty rotary  
drill helper; Motor op.

BROOM OP., self-propelled

CABLEWAY OP.

CEMENT SILL

CENTRAL MIXING PLANTS, concrete dams &  
stationary

CHAIN BUCKET LOADER; Chip-gravel  
spreader self-propelled; DN 10, 15, 20  
tractor pulling roller

CONCRETE BATCH PLANT OP., 3 & 4 mixers

CONCRETE BATCH PLANT OP., 5 mixers &  
over

CONCRETE BATCH PLANT OILER, up to 6  
incl. 2 mixers

CONCRETE BATCH PLANT OILER, 3 mixers &  
over

CONCRETE MIXER OP., 4 bags & over

CONVEYOR LOADER, to & incl. 42" belt

CRANE, to & incl. 80' boom with jib

CRANE, 81' to 130' boom

CRANE, 131' to 150' boom

## NOTICES

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	H & W	Positions	Vacation	
\$7.43	.45	.45		.03
6.59	.45	.45		.03
7.20	.45	.45		.03
7.51	.45	.45		.03
7.55	.45	.45		.03
6.92	.45	.45		.03
6.51	.45	.45		.03
6.48	.45	.45		.03
6.93	.45	.45		.03
7.21	.45	.45		.03
6.56	.45	.45		.03
6.94	.45	.45		.03
6.83	.45	.45		.03
6.79	.45	.45		.03

## POWER EQUIPMENT OPERATORS: (Cont)

CRANE, 151' boom & over

CRANE OILER; Oiler driver, rubber-tired  
cranes

CRANES, electric overhead; Shovels,  
incl. all attachs, 1 yd. to & incl. 3  
yds.; Track type tractor, on euclid  
loader

CRANE, TOWER; Scraper, tandem or  
(engine)

CRANE, WHIRLEY

CRANE, WHIRLEY OILER; hydraulic &  
similar; Oiler, hoist house, dams;  
Shovel oiler, over 3 yds.; Winch truck  
with boom

CRUSHER AND/OR SCREENING PLANT HELPER,  
(if over 2 separate units); Crusher  
oiler; Field equip. service helper;  
Hot plant oiler, 100 tons per hr. or  
over; Hydraulic and/or welder helper on  
job; Oilers, other than shovels &  
cranes; Shovel oiler, 3 yds. & under;  
Washing and screening plant oiler

CRUSHER CONVEYOR, when required; Farm  
type tractor, up to & incl. 50 H.P.;  
Grade setter

DRILLING MACHINE (does not include Jack-  
hammer, Wagon drillers or waterlines)

EUCLID LOADER & similar; Loader & hoe  
combination, rubber-tired, loader 1  
yd. to & incl. 3 yds., hoe over 1 yd.

FARM TYPE TRACTOR, over 50 H.P.;  
Heaters, Herman Nelson & similar

FIELD EQUIPMENT SERVICE MAN

FORK LIFT (On constr. site)

HOIST, OR AIR TUGGER, single drum; Farm  
grader

AP-915 P. 8

(1-2)

	Basic Hourly Rates	Fringe Benefits Payments			Other
		H & W	Pensions	Vacation	
TRUCK DRIVERS					
COMBINATION Trucks; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	\$5.90	.45	.30		
Over 4 cu. yds. to and incl. 6 cu. yds.	5.98	.45	.30		
Over 6 cu. yds. to and incl. 8 cu. yds.	6.06	.45	.30		
Over 8 cu. yds. to and incl. 10 cu. yds.	6.14	.45	.30		
Over 10 cu. yds. - additional \$.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	5.83	.45	.30		
DRY BATCH TECHS:					
3 Batch or under	5.65	.45	.30		
Over 3 Batch to and incl. 5 Batch	5.78	.45	.30		
Over 5 Batch to and incl. 10 Batch	5.94	.45	.30		
Over 10 Batch to and incl. 15 Batch	6.10	.45	.30		
Over 15 Batch - additional \$.15 per hour each additional 5 Batch increment					
PUMPMAN, GRAVEL SPREADER BOX; Pickup Driver, Hauling Materials; Pilot Car Driver, Teamsters and Helpers; Warehousemen, Portemen, Cardex men, Warehouse Expediter	5.65	.45	.30		
BUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBARDS:					
7 cu. yds. or less	5.65	.45	.30		
Over 7 cu. yds. to and incl. 10 cu. yds.	5.78	.45	.30		
Over 10 cu. yds. to and incl. 15 cu. yds.	5.94	.45	.30		
Over 15 cu. yds. to and incl. 20 cu. yds.	6.08	.45	.30		
Over 20 cu. yds. to and incl. 25 cu. yds.	6.14	.45	.30		
Over 25 cu. yds. to and incl. 30 cu. yds.	6.20	.45	.30		
Over 30 cu. yds. to and incl. 35 cu. yds.	6.26	.45	.30		
Over 35 cu. yds. to and incl. 40 cu. yds.	6.32	.45	.30		
Over 40 cu. yds. to and incl. 45 cu. yds.	6.38	.45	.30		
Over 45 cu. yds. - additional \$.06 per hour each additional 5 cu. yds. increment					
BUNPSTERS	5.78	.45	.30		

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(4-4)

MON-3-PEO-1-f

	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
		H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont.)					
FULLER KINCKO PUMP; Loaders (Barber Green & similar)	6.67	.45	.45	.03	
HELICOPTER PILOT	7.52	.45	.45	.03	
LOADERS, RUBBER-TIRED, 1 yd. & under	6.73	.45	.45	.03	
LOADERS, RUBBER-TIRED, over 3 yds. to & incl. 5 yds.	7.14	.45	.45	.03	
LOADERS, RUBBER-TIRED, 5 yds. to & incl. 10 yds.	7.24	.45	.45	.03	
LOADERS, RUBBER-TIRED, over 10 yds. to & incl. 15 yds.	7.34	.45	.45	.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. sideboards)	7.44	.45	.45	.03	
LOADERS, TRACK-TYPE, over 5 yds. to & incl. 10 yds. Scraper, twin engine	7.25	.45	.45	.03	
LOADERS, TRACK-TYPE, over 10 yds. to & incl. 15 yds.	7.35	.45	.45	.03	
LOADERS, TRACK-TYPE, over 15 yds.	7.45	.45	.45	.03	
MECHANIC AND/OR WELDER, on job	7.09	.45	.45	.03	
MIXER/MOBILE	7.10	.45	.45	.03	
PILDDRIVER (when shovel equip. is not used)	6.67	.45	.45	.03	
QUAD CAT	7.32	.45	.45	.03	
SCRAPER, single or twin engine pulling belly dump trailer	7.40	.45	.45	.03	
SHOVELS, incl. all attachs., over 3 yds. to & incl. 5 yds., Stiff-leg derrick & guy derrick	7.47	.45	.45	.03	
SHOVELS, incl. all attachs., over 5 yds.	7.60	.45	.45	.03	



REMAINING COUNTIES

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
\$4.90	.30		.60		
5.00	.25			.05	
7.20	.25	.25			
5.33	.35	.30	.50		
6.56	.27	.10		.02	
6.55	.27	.20			
7.20	.30	.50		.05	
6.65					

**PLASTERERS:**  
 Beaverhead, Bear Lodge and Silver  
 Bow Counties  
 Callatin County  
**PLUMBERS**  
 ROOFERS  
**SHEET METAL WORKERS:**  
 Callatin County  
 Beaverhead, Bear Lodge and Silver  
 Bow Counties  
**SFRINKLER FITTERS**  
**TERRAZZO WORKERS & Tile Setters:**  
 Callatin County

**FOOTNOTES:**

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.

NOTICES

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. T.	
4.225	.15	.20	.405	.02	
4.30	.15	.20	.405	.02	
4.305	.15	.20	.405	.02	
4.32	.15	.20	.405	.02	
4.325	.15	.20	.405	.02	
4.35	.15	.20	.405	.02	
4.375	.15	.20	.405	.02	
4.385	.15	.20	.405	.02	
4.40	.15	.20	.405	.02	

**LABORERS**

Common laborer; Laborers with roofers; Moving, cleaning, oiling and carrying to the next point of erection, and the stripping of forms which are not to be re-used, and of forms on all flat arch work; Laborer dunnage; Fence erector and installer - includes the installation and erection of highway fences, guard rails, median curbs, reference posts, guide posts and right-of-way markers; Breaking and drilling concrete, by hand, except for blasting; Breaking and drilling of asphalt pavement by hand; Mixing and paving cold asphalt pavement; Axeman; Chuck tender and nipper, above ground; Boazleman, air and water; Scissorsman; Stake jumper

Riprapping of stone, rock or brick  
 Hand faller

Post hole digger, power auger

Tunnel and shafts - Free air, bull-gang, pot tender

Mechanical tamper; Pavement breaker or other power tools used by laborers not otherwise classified

Installing metallic or non-metallic highway culvert pipe incl. sectional plate pipe 48" and under

Choker setter; Pipewrepper; Power saw (bucking and falling); Brakeman; Chucktenders; Buckers; Nippers; Primarhouseman

Wagon driller, running jackhammer or hand drilling for blasting and sand-blasting; Car or truck mounted air operated drills

AP-916 P. 5

GALLATIN COUNTY

MONT-1-FED-2-3-b

(1-4)

POWER EQUIPMENT OPERATORS

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Othrs
	M & W	Pensions	Vacation	Health		
\$6.86	.45	.45	.45	.45	.03	
6.55	.45	.45	.45	.45	.03	
6.72	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.15	.45	.45	.45	.45	.03	
6.72	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
6.61	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
6.89	.45	.45	.45	.45	.03	
7.33	.45	.45	.45	.45	.03	
6.81	.45	.45	.45	.45	.03	
7.27	.45	.45	.45	.45	.03	
6.74	.45	.45	.45	.45	.03	
6.74	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.22	.45	.45	.45	.45	.03	
7.42	.45	.45	.45	.45	.03	
6.54	.45	.45	.45	.45	.03	
6.85	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
6.61	.45	.45	.45	.45	.03	
6.78	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
6.60	.45	.45	.45	.45	.03	
6.72	.45	.45	.45	.45	.03	
7.18	.45	.45	.45	.45	.03	
7.33	.45	.45	.45	.45	.03	

A-Frame Truck Crane, Winch Truck and similar  
 Air Compressor, Single  
 Air Compressor, two or more  
 Air Doctor  
 Asphalt Paving Machine  
 Asphalt Paving Machine Screed  
 Automatic Finegrader, Curries and other similar types  
 Belt Finish Machine  
 Bit Grinder  
 Bituminous Mixer Paving, Travel Plant or farm tractor mounted  
 Boring Machine (small), jeep, pickup  
 Boring Machine (large)  
 Broom, self-propelled  
 Cableway Rightline  
 Cement Silo  
 Central Mixing Plants, Concrete dam & stationary  
 Chain Bucket Loader  
 Chip or Gravel Spreader, self-propelled  
 Concrete Batch plant, one & two mixers  
 Concrete Batch Plant, three and four mixers  
 Concrete Batch Plant, five mixers & over  
 Concrete Batch Plant Oiler, up to & incl. two mixers  
 Concrete Batch Plant Oiler, three mixers and over  
 Concrete Bucket Dispatcher  
 Concrete Curing Machine  
 Concrete Finish Machine Paving  
 Concrete Float-Spreader  
 Concrete Mixer, three bags & under  
 Concrete Mixer, four bags and over  
 Concrete Power Saw, self-propelled  
 Concrete Travel Batch Conveyor Loader, up to & incl. 42" belt  
 Conveyor Loader, over 42 inch belt  
 Crane, to & incl. 80' boom with jib  
 Crane, 81' to 130' boom

AP-916 P. 4

LABORERS(Cont'd)

Laying of all sewer tile or drain pipe; Mixing and paving hot asphalt pavement

Powderman

Highcaller; Concrete mazzlemans; Mixers

Core drill operator

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Othrs
	M & W	Pensions	Vacation	Health		
4.475	.15	.20	.405	.02		
4.50	.15	.20	.405	.02		
4.585	.15	.20	.405	.02		
4.825	.15	.20	.405	.02		

GALLATIN COUNTY

Laborers:

General Laborers  
 Hod carriers; Jackhammer operators; Vibrator; Mixer; Concrete pump tender; Mazieman; Concrete curb machine; Curb form setter

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Othrs
	M & W	Pensions	Vacation	Health		
4.83	.35	.25	.03			
5.08	.35	.25	.03			



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(1-4)

MON-3-FED-1-f

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Dy
	M & W	Pensions	Vacation	Health		
\$6.86	.45	.45	.45	.45	.03	
6.55	.45	.45	.45	.45	.03	
6.72	.45	.45	.45	.45	.03	

Basic Hourly Rates

POWER EQUIPMENT OPERATORS

- A-FRAME TOWER CRANE
- AIR COMPRESSOR, single
- AIR COMPRESSOR, 2 or more; Belt finishing; Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving
- 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 & spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Grapple; Heavy duty rotary drills (Quarry Master, Joy drills & 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 & incl. 3 yds.; Loaders, track-type, up to & incl. 5 yds.; Loaders, track-type, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under; Mountain loader or similar; Mucking Machine; Pavement breaker, Emco & 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; Refrigrator 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 M 10; Scraper, M 15, 20, 21 & similar if Power unit is not used; Self-propelled sheepsfoot & similar; Show-

AP-916 P. 8

(4-4)

MON-3-FED-2-3-b

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Othrs
	M & W	Pensions	Vacation	Health		
\$7.45	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.20	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
7.55	.45	.45	.45	.45	.03	
6.92	.45	.45	.45	.45	.03	
7.02	.45	.45	.45	.45	.03	
6.31	.45	.45	.45	.45	.03	

POWER EQUIPMENT OPERATORS (cont'd)

- Track-type front end loaders, over 15 cu. yd.
- Track-type tractor with or without attachments
- Track-type tractor, on Euclid Loader Trenching Machine
- Turnhead Conveyor, or Head Tower on Batch Plant
- Wagner Boiler & similar type
- Whirley Crane
- Whirley Crane Oiler
- Water Pail when used for compaction
- Washing and Screening Plant
- Washing and Screening Plant Oiler

	Basic Hourly Rates	Fringe Benefits Payments,		
		H & W	Pensions	Vacation App. To
<b>POWER EQUIPMENT OPERATORS: (Cont)</b>				
els, incl. all attachs, under 1 yd.; Trenching machine; Turnhead conveyor or head tower op. on batch plant; water pull, when used for compaction; Washing & screening plant	7.02	.45	.45	.03
<b>AUTOMATIC FINISHERS, graders &amp; simi-</b>				
lar; Motor patrol; Paving & mixing machine; Scraper, DW 15, 20, 21 & simi- lar if power unit is used; Scraper, single engine; Slip form paver	7.15	.45	.45	.03
<b>BORING MACHINES; Concrete mixer, 3 bags &amp; under; Fireman; Heavy duty rotary drill helper; Retort op.</b>	6.61	.45	.45	.03
<b>BROOM OP., self-propelled</b>	6.69	.45	.45	.03
<b>CABLEWAY OP.</b>	7.53	.45	.45	.03
<b>CEMENT SILO</b>	6.81	.45	.45	.03
<b>CENTRAL MIXING PLANTS, concrete dams &amp; stationary</b>	7.27	.45	.45	.03
<b>CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller</b>	6.74	.45	.45	.03
<b>CONCRETE BATCH PLANT OP., 3 &amp; 4 mixers</b>	7.22	.45	.45	.03
<b>CONCRETE BATCH PLANT OP., 5 mixers &amp; over</b>	7.42	.45	.45	.03
<b>CONCRETE BATCH PLANT OILER, up to &amp; incl. 2 mixers</b>	6.34	.45	.45	.03
<b>CONCRETE BATCH PLANT OILER, 3 mixers &amp; over</b>	6.85	.45	.45	.03
<b>CONCRETE MIXER OP., 4 bags &amp; over</b>	6.78	.45	.45	.03
<b>CONVEYOR LOADER, to &amp; incl. 42" belt</b>	6.60	.45	.45	.03
<b>CRANE, to &amp; incl. 80' boom with jib</b>	7.18	.45	.45	.03
<b>CRANE, 81' to 130' boom</b>	7.33	.45	.45	.03
<b>CRANE, 131' to 150' boom</b>	7.38	.45	.45	.03

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation App. To
<b>POWER EQUIPMENT OPERATORS: (Cont)</b>				
CRANE, 151' boom & over	\$7.43	.45	.45	.03
CRANE OILER; Oiler driver, rubber-tired cranes	6.59	.45	.45	.03
CRANES, electric overhead; Shovels, incl. all attachs. 1 yd. to & incl. 3 yds.; Track type tractor, on euclid loader	7.20	.45	.45	.03
CRANE, TOWER; Scraper, tandem or (engine)	7.51	.45	.45	.03
CRANE, WHIRLEY	7.55	.45	.45	.03
CRANE, WHIRLEY OILER; hydraulic & similar; Oiler, hoist house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	6.92	.45	.45	.03
CRUISER AND/OR SCREENING PLANT HELPER, (if over 2 separate units); Crusher oiler; Field equip. service helper; Hot plant oiler, 100 tons per hr. or over; Mechanic and/or welder helper on job; Oilers, other than shovels & cranes; Shovel oiler, 3 yds. & under; Washing and screening plant oiler	6.51	.45	.45	.03
CRUISER CONVEYOR, when required; Farm type tractor, up to & incl. 50 H.P.; Grade setter	6.48	.45	.45	.03
DRILLING MACHINE (does not include Jack hammer, Wagon drillers or waterlines)	6.93	.45	.45	.03
EUCLID LOADER & similar; Loader & hoe combination, rubber-tired, loader 1 yd. to & incl. 3 yds., hoe over 1 yd.	7.21	.45	.45	.03
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Melson & similar	6.56	.45	.45	.03
FIELD EQUIPMENT SERVICE MAN	6.94	.45	.45	.03
FORK LIFT (On const. site)	6.83	.45	.45	.03
HOIST, OR AIR TUGGER, single drum; Farm grader	6.79	.45	.45	.03



AP-916 P. 14  
MONT-1-ID-1-2-3-g (2-2)

AP-916 P. 14  
MONT-1-ID-1-2-3-g (1-2)

Beaverhead, Deer Lodge, and  
Silver Bow Counties

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. To	C
	M & W	Pensions	Vacation		
\$6.14	.45	.30			
6.20	.45	.30			
6.39	.45	.30			
5.83	.45	.30			
5.65	.45	.30			
6.00	.45	.30			
6.12	.45	.30			
6.00	.45	.30			
5.74	.45	.30			
5.65	.45	.30			
5.94	.45	.30			
6.14	.45	.30			
6.20	.45	.30			
6.28	.45	.30			
5.90	.45	.30			
6.39	.45	.30			

TRUCK DRIVERS  
 DW 20, DW 21, or EUGLID TRACTORS,  
 PULLING P.8, 21 or SIMILAR DUMP WAGONS:  
 To and incl. 25 cu. yds.  
 Over 25 cu. yds. to and incl. 30 cu.  
 yds.  
 Over 30 cu. yds. - additional \$.06  
 per hour each additional 5 cu. yds.  
 increment  
 SERVICEMEN  
 POWDER TRUCK DRIVER (bulk unloader type)  
 FLAT TRUCKS:  
 To and incl. 3 Tons  
 Over 3 tons Factory rating  
 FUEL TRUCKS; SERVICE TIREMEN  
 LOWBOYS, FOUR-WHEEL TRAILER, FLOAT  
 SEMI-TRAILER  
 LUMBER CARRIERS, LIFT TRUCKS; Paver  
 broom  
 WATER TANK DRIVERS, PETROLEUM PRODUCTS  
 DRIVERS:  
 2,500 gals. and under  
 Over 2,500 gals. to and incl. 4,500  
 gals.  
 Over 4,500 gals. to and incl. 6,000  
 gals.  
 Over 6,000 gals. to and incl. 8,000  
 gals.  
 Over 8,000 gals. to and incl. 10,000  
 gals.  
 Over 10,000 gals. - additional \$.08  
 per hour each additional 2,000 gals.  
 increment  
 WINCH, A-FRAME, SWEDISH CRANE, HYDRA-  
 LIFT, GROUTCURE, AND COMBINATION  
 MULCHING, SEEDING AND FERTILIZING  
 TRUCK MECHANIC

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			App. To	Other
	M & W	Pensions	Vacation		
\$5.90	.45	.30			
5.98	.45	.30			
6.06	.45	.30			
6.14	.45	.30			
5.83	.45	.30			
5.65	.45	.30			
5.78	.45	.30			
5.94	.45	.30			
6.10	.45	.30			
5.65	.45	.30			
5.65	.45	.30			
5.78	.45	.30			
5.94	.45	.30			
6.08	.45	.30			
6.14	.45	.30			
6.20	.45	.30			
6.26	.45	.30			
6.32	.45	.30			
6.38	.45	.30			
5.78	.45	.30			

CONCRETE Mixer and  
 Transit Mixer:  
 To and incl. 4 cu. yds.  
 Over 4 cu. yds. to and incl. 6 cu. yds.  
 Over 6 cu. yds. to and incl. 8 cu. yds.  
 Over 8 cu. yds. to and incl. 10 cu. yds.  
 Over 10 cu. yds. - additional \$.08  
 per hour each additional 2 cu. yds.  
 increment  
 DISTRIBUTOR DRIVER AND HELPER  
 DEF BATCH TRUCKS:  
 3 Batch or under  
 Over 3 Batch to and incl. 5 Batch  
 Over 5 Batch to and incl. 10 Batch  
 Over 10 Batch to and incl. 15 Batch  
 Over 15 Batch - additional \$.15 per  
 hour each additional 5 Batch  
 increment  
 DUMPY, GRAVEL SPREADER, BOX; Pickup  
 Driver, Hauling Materials; Pilot Car  
 Driver, Teamsters and Helpers; Ware-  
 housemen, Partsmen, Cardex men, Ware-  
 house Expediter  
 DUMP TRUCKS AND SIMILAR EQUIPMENT WATER  
 LEVEL CAPACITY, INCLUDING SIDEBOARDS:  
 7 cu. yds. or less  
 Over 7 cu. yds. to and incl. 10 cu. yds.  
 Over 10 cu. yds. to and incl. 15 cu.  
 yds.  
 Over 15 cu. yds. to and incl. 20 cu.  
 yds.  
 Over 20 cu. yds. to and incl. 25 cu.  
 yds.  
 Over 25 cu. yds. to and incl. 30 cu.  
 yds.  
 Over 30 cu. yds. to and incl. 35 cu.  
 yds.  
 Over 35 cu. yds. to and incl. 40 cu.  
 yds.  
 Over 40 cu. yds. to and incl. 45 cu.  
 yds.  
 Over 45 cu. yds. - additional \$.06 per  
 hour each additional 5 cu. yds.  
 increment  
 DUMPSTERS

AP-916 P. 15

LINE CONSTRUCTION-2-3-d

Basic Hourly Rates	Fringe Benefits Payments			App. Tr.
	M & W	Festivals	Vacation	
\$6.71	.25	1%		1/4
5.96	.25	1%		1/4
4.72	.25	1%		1/4
4.20	.25	1%		1/4
6.07	.25	1%		1/4
6.86	.25	1%		1/4
6.53	.25	1%		1/4
6.00	.25	1%		1/4
4.96	.25	1%		1/4

LINE CONSTRUCTION  
(Jobs 69,000 volts or less)

Cable splicer

Line equipment operators; Powermen

Experienced Groundmen (2 yrs.); Truck drivers

Groundmen; Pole digger (groundman)

Linemen

(Jobs over 69,000 volts)

Cable splicers

Lineman; Pole sprayer

Line equipment operators; Powermen

Groundman

SUPERSEDES DECISION

COUNTIES: Big Horn, Custer, Dawson, Richland, Roosevelt, Rosebud, and Yellowstone

DATE: Date of Publication

DECISION NUMBER: AP-917

Supersedes Decision No. AP-266 dated April 6, 1973 in 38 FE 8909

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

Basic Hourly Rates	M & W	Fringe Benefits Payments			App. Tr.	Oth.
		Festivals	Vacation			
\$7.96	.44	.72			.02	
8.23	.30	1.00				
7.75					.02	
7.00					.02	
5.92	.30	.35			.02	
6.22	.30	.35			.02	
5.65	.30	.35			.01	
5.90	.30	.35			.01	
6.15	.30	.35			.01	
5.65	.30	.35				
5.90	.30	.35				
6.15	.30	.35				
5.56	.30					
6.94	.20	1%			1/4	
7.34	.20	1%			1/4	
5.64					1/4	
6.40					1/4	
6.74	.345	.23	244a			
70LJR	.345	.23	244a			
50LJR						
7.03	.40	.65			.05	
7.75					.02	
5.84	.25	.20				
6.09	.25	.20				
6.82	.25	.20				
5.61	.30					
7.30	.40	.40			1/4	
7.35	.35	.50			1/4	

ASBESTOS WORKERS

BOILERMAKERS

BRICKLAYERS; Stonemasons

Big Horn, Custer, Dawson, Rosebud and Yellowstone Counties

Richland County

CARPENTERS:

Big Horn, Rosebud and Yellowstone Cos.

Carpenters

Millwrights

Custer County

Carpenters

Filedriermen

Millwrights

Dawson, Richland and Roosevelt Cos.

Carpenters

Filedriermen

Millwrights

CEMENT MASONS

Big Horn and Yellowstone Counties

ELECTRICIANS:

Big Horn, Rosebud and Yellowstone Cos.

Electricians

Cable splicers

Custer County

Dawson, Richland and Roosevelt Cos.

ELEVATOR CONSTRUCTORS

ELEVATOR CONSTRUCTORS' HELPERS

ELEVATOR CONSTRUCTORS' HELPERS (PROB.)

IRONWORKERS:

Structural; Reinforcing; Ornamental

MARBLE MASONS

Big Horn, Custer, Dawson, Richland, Rosebud and Yellowstone Counties

PAINTERS:

Brush; Roller

Steel

Spray

PLASTERERS

FUNDBERS:

Big Horn and Yellowstone Counties

Big Horn, Custer, Dawson, Richland, Rosebud and Yellowstone Counties

Roosevelt County

AP-917 P. 3

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
\$4.89	.35	.25		.03
5.11	.35	.25		.03
5.39	.35	.25		.03
5.04	.35	.25		.03
5.26	.35	.25		.03
5.29	.35	.25		.03
4.12	.15	.15		.02
4.37	.15	.15		.02
4.52	.15	.15		.02
4.62	.15	.15		.02
4.37	.15	.15		.02
4.62	.15	.15		.02

LABORERS:

Custer and Dawson Counties  
 General laborers  
 Jackhammer op.; Mechanical tamper;  
 Pipelayers (all types); Pavement  
 breakers; Pneumatic and electric  
 tool ops.; Pipewrappers  
 Mason and plaster tenders  
 Big Horn, Rosebud and Yellowstone Cos  
 General laborers; Concrete laborers;  
 Chuck tenders and nippers  
 Cement handler (sack or bulk); Jack-  
 hammer op.; Mortarman; Pipelayer  
 (all types); Pipewrapper; Primer-  
 houseman  
 Mason and plaster tenders  
 Richland and Roosevelt Counties  
 Laborers  
 Air tool op. (jackhammer, vibrator)  
 Brick tenders  
 Mortar mixers  
 Pipelayers (concrete and clay)  
 Plasterers' tenders

AP-917 P. 2

Basic Hourly Rates	Fringe Benefits Payments			
	M & W	Pensions	Vacation	App. Tr.
\$6.155				.02
5.75	.27	.20		.02
6.62	.25	.20		.05
5.54	.30	.30		.05
7.20				.02
7.75				.02

ROOFERS:

Big Horn, Custer, Dawson, Richland,  
 Rosebud and Yellowstone Counties  
 Roosevelt County  
 SHEET METAL WORKERS  
 SOFT FLOOR LAYERS  
 SPRINKLER FITTERS  
 TERRAZZO WORKERS AND TILE SETTERS:  
 Big Horn, Custer, Dawson, Richland,  
 Rosebud and Yellowstone Counties

FOOTNOTES:

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.



AP-917 P. 6

MONT-1-PED-2-3-0

(3-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Di
		H & W	Pensions	Vacation		
Fork Tractor	7.02	.45	.45	.03		
Quad Cat	7.32	.45	.45	.03		
Refrigerator Plant	7.02	.45	.45	.03		
Motor	6.61	.45	.45	.03		
Roller, on blade or hot mix off 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		
Boss & 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, DS 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	7.13	.45	.45	.03		
Scraper, twin engine	7.23	.45	.45	.03		
Scraper, tandem engine	7.31	.45	.45	.03		
Self-propelled sheepsfoot 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		

AP-917 P. 7

MONT-1-PED-2-3-0

(4-4)

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			App. Tr.	Di
		H & W	Pensions	Vacation		
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 Boiler & 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		

AP-917 P. 9

MON-2-FED-1-8

(2-3)

Basic Hourly Rates	Fringe Benefits Payments			App. Tc.	Others
	M & V	Vacation	Penalties		
\$7.52	.45	.45	.45	.03	
6.72	.45	.45	.45	.03	
7.18	.45	.45	.45	.03	
7.33	.45	.45	.45	.03	
7.38	.45	.45	.45	.03	
7.43	.45	.45	.45	.03	
7.21	.45	.45	.45	.03	
6.57	.45	.45	.45	.03	
6.92	.45	.45	.45	.03	
6.81	.45	.45	.45	.03	
7.15	.45	.45	.45	.03	
7.25	.45	.45	.45	.03	
7.35	.45	.45	.45	.03	
7.45	.45	.45	.45	.03	
6.48	.45	.45	.45	.03	

POWER EQUIPMENT OPERATORS (cont'd):

HELICOPTER HOIST  
 CONVEYOR; Chip and gravel spreader  
 CRANE OPERATORS:  
 To and incl. 80' w/ jibs  
 81' to 130' boom  
 131' to 150' boom  
 151' boom and over  
 ELECTRIC OVERHEAD CRANE; Euclid loader and similar type; Shovels, incl. all attachments, 1 yd. to and incl. 4 yds.; Turnapoli, IM 20, 21 and similar type scrapers  
 CRANE OILER-DRIVER, rubber tired  
 DRILLING MACHINE, does not incl. jack-hammer, wagon driller, or water liner; Field equipment serviceman; Winch truck with hydraulic boom  
 FORK LIFT, on construction site  
 FRONT-END LOADER, rubber-tired, over 3 yds. to and incl. 5 yds.; LaTourneau, single and similar type; Motor patrol; Automatic finegrader, gurrries and similar type  
 FRONT-END LOADERS, rubber-tired, over 5 yds. to and incl. 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.  
 FRONT-END LOADERS, rubber-tired, 10 yds. to and incl. 15 yds.; Track-type front-end loaders to and incl. 15 cu. yds.  
 FRONT-END LOADERS, rubber-tired, over 15 yds. (factory struck castings, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.  
 GRADE SETTER; Herman Nelson beaters and similar type  
 LETOURNEAU, Tandem and similar type;  
 Quad Cat

AP-917 P. 8

MON-2-FED-1-8

(1-3)

Basic Hourly Rates	Fringe Benefits Payments			App. Tc.	Others
	M & V	Vacation	Penalties		
\$7.02	.45	.45	.45	.03	
6.77	.45	.45	.45	.03	
6.51	.45	.45	.45	.03	
6.71	.45	.45	.45	.03	
6.69	.45	.45	.45	.03	
6.58	.45	.45	.45	.03	
7.54	.45	.45	.45	.03	
6.79	.45	.45	.45	.03	
6.91	.45	.45	.45	.03	

POWER EQUIPMENT OPERATORS:

ASPHALT PAVING MACHINE; Air doctory; Bit grinder; Bituminous mixer; Bulldozers; Boring machine, large; Concrete finish machine, paving; Concrete float and spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and incl. 3 yds.; Heavy duty rotary drills; Quarry master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mucking machine; Pavement breaker, Emco and similar type; Paver mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grove machine; Roller, finish high type pavement; Ross and similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader, front-end up to and incl. 5 cu. yds.; Tractor, and Athey type loader; Wagner roller and similar type  
 A-FRAME TRUCK CRANE; Hoist; Single drum  
 AIR COMPRESSOR, SINGLE; Crusher and/or screening plant helper, if over 2 units  
 AIR COMPRESSOR, TWO OR MORE; Front-end loader, rubber-tired, under 1 yds.; Roller, grade or finish  
 BELT FINISHING  
 BORING MACHINE, Small; Fireman; Mixer, concrete, 3 bags or under; Batort  
 CARLEWAY  
 CEMENT SILO  
 CONCRETE BATCH PLANT; Crusher and/or screening plant stationary

Big Horn, Custer, Rosebud, and Yellowstone Counties

AP-917 P. 11

MON-2-PED-1-8 (3-3)

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.	Othrs
	H & W	Pensions	Vacation	App. Tr.		
\$6.66	.45	.45	.45	.03		
7.12	.45	.45	.45	.03		
6.47	.45	.45	.45	.03		
6.58	.45	.45	.45	.03		
6.83	.45	.45	.45	.03		
7.11	.45	.45	.45	.03		
6.52	.45	.45	.45	.03		
7.51	.45	.45	.45	.03		
6.46	.45	.45	.45	.03		
7.51	.45	.45	.45	.03		
6.96	.45	.45	.45	.03		

POWER EQUIPMENT OPERATORS (cont'd)  
 LOADER, BARBER GREEN and similar type  
 MECHANIC AND/OR WELDER, on job site  
 MECHANIC AND/OR WELDER, HELPER; Heavy duty rotary drill helper; Oiler  
 MIXER, CONCRETE, 3 bags and under  
 MIXER, CONCRETE, 4 bags and over  
 MIXER, MOBILE  
 PUMPS  
 SHOVELS, over 4 yds.; Stiff leg, Cuy derrick; Scraper, tandem 3 engines  
 TRACTOR, rubber-tired, (Industrial)  
 TOWER CRANE  
 TRENCHING MACHINE

MON-2-SU-LINE CONSTRUCTION-2-3-d

Basic Hourly Rates	Fringe Benefits Payments				App. Tr.
	H & W	Pensions	Vacation	App. Tr.	
\$6.71	.25	.15			1/4
5.56	.25	.15			1/4
4.72	.25	.15			1/4
4.20	.25	.15			1/4
6.07	.25	.15			1/4
6.88	.25	.15			1/4
6.53	.25	.15			1/4
6.00	.25	.15			1/4
4.56	.25	.15			1/4

LINE CONSTRUCTION (Jobs 69,000 volts or less)  
 Cable splicer  
 Line equipment operators; Powdermen  
 Experienced groundmen (2 yrs.); Truck drivers  
 Groundmen; Pole digger (groundman)  
 Linemen  
 (Jobs over 69,000 volts)  
 Cable splicers  
 Linemen; Pole sprayer  
 Line equipment operators; Powdermen  
 Groundman

AP-912 P. 2

SUPersedas DECISION

STATE: Nevada  
 COUNTY: Clark and Southern Half of Nye  
 DECISION NUMBER: AP-912  
 DATE: Date of Publication  
 Supersedes Decision No. AP-282 dated March 30, 1973 in 38 FR 8401.  
 DESCRIPTION OF WORK: Building, Heavy and Highway Construction at the Nevada Test Site including the Tonopah Test Range.

LABORERS:

DRY PACKING OF CONCRETE AND FILLING OF FORM BOLT HOLES; Debris handler and dumpman; Gas and oil pipeline laborer; Laborer general or construction; Labor Demolition (Cleaning of bricks, lumber etc.); Window cleaner

CUTTING TOUCH OPERATOR (DEMOLITION); Mortarman and Tarman

GUINEA CHASER

FINE GRADER, (highway and street paving, airport runways and similar type heavy construction); Landscape gardener, nurseryman

LABORER, PACKING ROD STEEL AND PANS

UNDERGROUND LABORER INCLUDING CAISSON BELLOWS (except tunnels)

CHUCKER (except tunnels); Scaler; Tank scaler and cleaner

CESSPOOL DIGGER AND INSTALLER

CONCRETE CURER-IMPERVIOUS MEMBRANE AND OILER OF ALL MATERIALS AND FORM OILER; Making and caulking of all non-metallic pipe joints; Riprap stone paver; Sand-blaster (pot tender)

ASPHALT IRONER, MAKER, SPREADER; BERRY-mobile man; Cement dumper (on one yard or larger mixers and handling bulk cement); Concrete core cutter; Concrete saw man excluding tractor type; Gas and oil pipeline wrapper-Fot tender and form man; Operator of cement grinding machines; Operator and tenders of pneumatic and electric tools, vibrating machine, and similar mechanical tools not separately classified herein; Echo-scraper; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shedders

	Basic Hourly Rates	Fringe Benefits Payments				Other
		H & W	Pensions	Vacation	App. Tc.	
ASBESTOS WORKERS	\$8.86	.68	.75	1.00		
CARPENTERS (Nevada Test Site)	6.79	.45	.60	.80	.03	
CARPENTERS (Tonopah Test Range):	5.66	.45		1.94		
Carpenters; Power actuated tools	5.685	.45		1.94		
Floorlayers; Shinglers	5.805	.45		1.94		
Power saw operator (overhead)						
CEMENT MASONS:	6.35	.50		1.60	.03	
Cement masons	6.60	.50		1.60	.03	
Floor finishing machine						
ELECTRICIANS:	10.10	.43	1%		.05	
Electricians; Equipment operators;	10.43	.43	1%		.05	
Linemen	8.08	.43	1%		.05	
Cable splicers						
Groundmen						
IRONWORKERS:	8.64	.68	.875	.85	.02	
Fence erectors	8.75	.68	.875	.85	.02	
Reinforcing	8.78	.68	.875	.85	.02	
Ornamental; Structural						
PAINTERS:	6.87	.32	.25	1.00	.02	
Brush	7.12	.32	.25	1.00	.02	
Structural steel	7.33	.32	.25	1.00	.02	
Sandblaster steel	8.40	.45	.90	1.60	.06	
FLUWIGERS; Steamfitters	9.05	.58	1.15		.03	
SHEET METAL WORKERS						

AP-912 P. 3

AP-912 P. 3

LABORERS (cont'd)

ROCK SLINGER; Scaler (using Bos'ns chair or safety belt or power tools)  
 DRILLER AND/OR PAVEMENT BREAKER  
 LAYING OF ALL NON-METALLIC PIPE, INCL. SEWER PIPE, DRAIN PIPE AND UNDERGROUND TILE  
 GAS AND OIL PIPELINE, WRAPPER - 6" pipe and over  
 CHIRPER OR SHORER; Powderman  
 STEEL HEADROADED MAN  
 DRILLER (Core, Diamond or Wagon); Joy driller model TW-M-24, Gardner-Denver Model DG 143 and similar type drills; Sandblaster (mazzelman)  
 HEAD ROCK SLINGER  
 RIGGING: Receive rate prescribed for craft performing operation to which rigging is incidental.

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$3.86	.26	.60	1.00		
5.89	.26	.60	1.00		
5.91	.26	.60	1.00		
5.94	.26	.60	1.00		
5.96	.26	.60	1.00		
6.025	.26	.60	1.00		
6.05	.26	.60	1.00		
6.12	.26	.60	1.00		

POWER EQUIPMENT OPERATORS:

GROUP I

Air compressor, pump or generator operator; Engineer-oiler and signalman; Heavy duty repairman's helper; Switchman or brakeman

GROUP II

Concrete mixer operator, skip type; Conveyor operator and beltman; Fireman; Generator, pump or compressor operator (2-5 inclusive over 5 units, \$4.10 per hour for each additional unit up to 10 units, portable units); Generator, pump or compressor plant operator; Hydrostatic pump; Skip loader; Wheel type Ford, Ferguson jeep or similar type 3/4 yd., or less (w/o drag-type attachments); Temporary heating plant operator; Truck crane oiler

GROUP III

A-frame or winch truck operator; Dickey locomotive or tunnel motor operator; Elevator hoist operator; Equipment greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power concrete curing machine; Power concrete saw operator; Power-driven jumbo form setter operator; Boss carrier; Self-propelled tar pipelining machine operator; Stationary pipe wrapping and cleaning machine operator; Trenchblade Operator

GROUP IV

Asphalt plant fireman; Boring machine operator; Boxman or mixer box operator (concrete or asphalt plant); Water well drilling machine operator; Rightline cableway signalman; Locomotive engineer; Power sweeper operator; Roller operator, compacting; Screed operator; Trenching machine operator (up to six foot depth capacity manufacturer's rating)

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Pensions	Vacation	App. Tr.	
\$6.33	.75	1.20	.30	.02	
6.57	.75	1.20	.30	.02	
6.81	.75	1.20	.30	.02	
6.92	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)

GROUP V

Asphalt or concrete spreading; Asphalt plant engineer; Deck engine operator; Fork lift, under 5 tons; Grade checker; Heavy duty repairman; Heavy duty welder; Machine tool operator; Pavement breaker operator; Pneumatic heading shield-tunnel; Road oil mixing machine operator; Rubber-tired heavy duty equipment operator-Gabion, EM, Euclid, LeTourneau, Larami-Choute, or similar type equipment, with any type attachments; Skip loader wheel type over 3/4 yds. up to and including 1-1/2 yds.; Slip form pump operator (power driven hydraulic lifting device for concrete forms); Mechanical tamping or finishing machine operator, roller (all types and sizes) soil, cement, asphalt-finish; Tractor operator, - drag-type shovel, bulldozer, tamper, scraper and push tractor

Basic Hourly Rates	Fringe Benefits Payments			Other	
	M & V	Pensions	Vacation		App. Tc.
\$7.11	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)

GROUP VI

Combination heavy duty repairman and welder, concrete mixer operator - paving; Concrete mobile mixer operator; Concrete pump or pumpcrete gun operator; Crushing plant engineer; Elevating grader operator; Gradedall operator; Highline cableway operator; Hoist operator (Chicago boom and mine); Koman belt loader and similar type; Lift slab machine operator; Loader operator, Abbey, Euclid, Hancock, Sierra or similar type; Motor patrol operator, (any type or size); Pneumatic concrete placing machine operator - Hackley-Presswell or similar type; Skiploader-wheeltype over 1-1/2 yds.; Surface heater and plaser operator; Tractor loader operator, crawler type - all types and sizes; Tractor operator, with boom attachment; Traveling pipe wrapping, cleaning, and bending machine operator; Trenching machine operator, (over 6 ft. depth capacity, manufacturer rating); Universal equipment operator, (shovel, backhoe, dragline, clamshell, derrick, derrick barge, crane, piledriver, and mucking machine); Fork lift operator, over 3 tons; Multiple engine-earth moving machinery operator

DRILLERS:  
Driller helper  
Motorman  
Derrickman  
Drill operator; Fishing tool engineer

Basic Hourly Rates	Fringe Benefits Payments			Other	
	M & V	Pensions	Vacation		App. Tc.
\$7.21	.75	1.20	.30	.02	
6.37	.75	.80	.30	.01	
6.61	.75	.80	.30	.01	
6.72	.75	.80	.30	.01	
7.01	.75	.80	.30	.01	

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TRUCK DRIVERS

LIGHT DUTY DRIVER; Warehouseman  
 BOOTMAN; Truck greaser; Light  
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 TIREMAN; Warehouse clerk  
 HEAVY DUTY DRIVER; Forklift driver;  
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 EXTRA HEAVY DUTY DRIVER

Basic Hourly Rates	Fringe Benefits Payments				Other
	H & W	Festivals	Vacation	App. T.	
\$6.705	26.75p/mo.	.50			
6.76	26.75p/mo.	.50			
6.81	26.75p/mo.	.50			
6.97	26.75p/mo.	.50			
7.155	26.75p/mo.	.50			

[FR Doc.73-12901 Filed 6-28-73;8:45 am]

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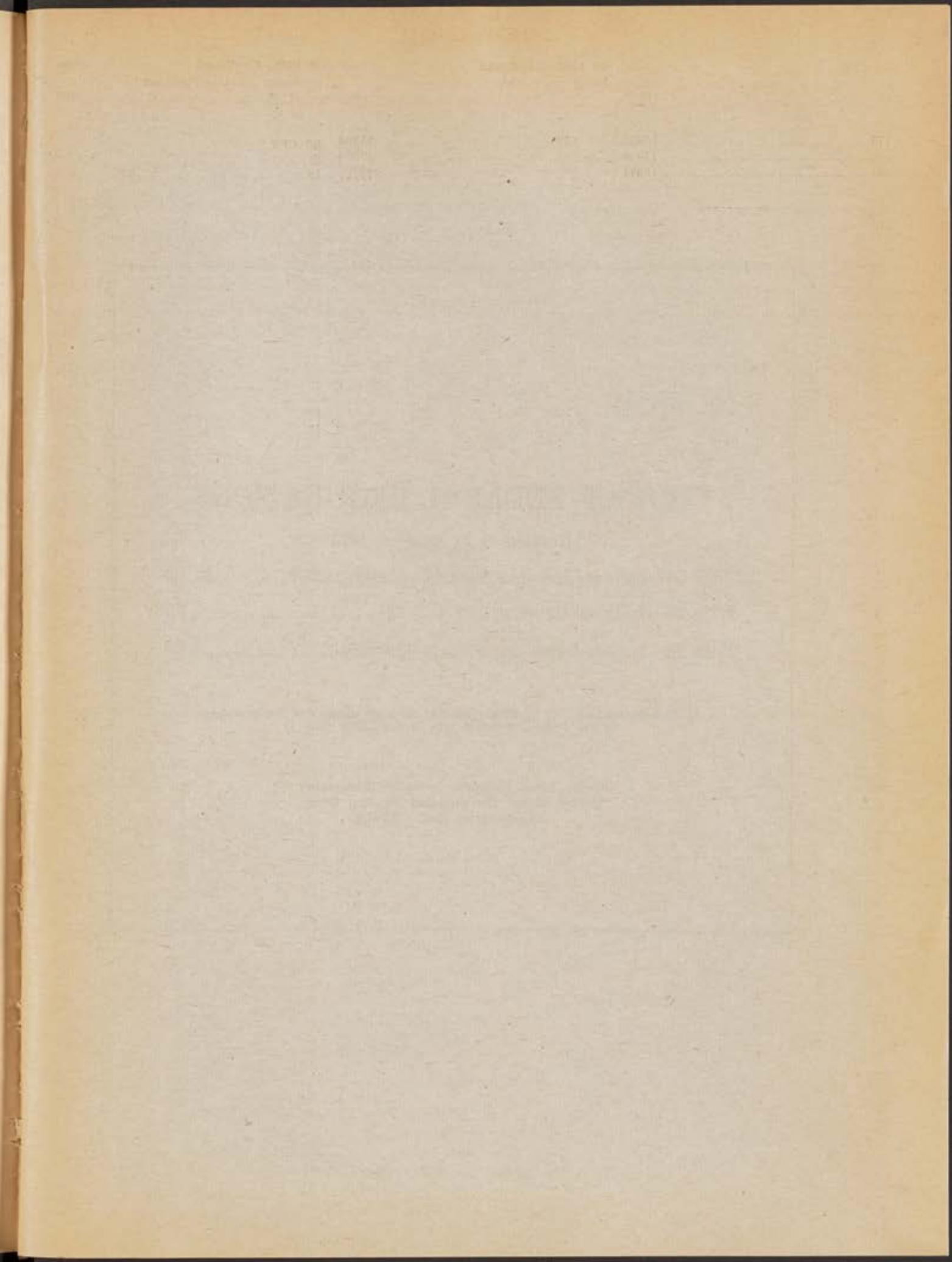
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(Revised as of April 1, 1973)

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Title 26—Internal Revenue (Parts 2–29).....	2. 75
Title 26—Internal Revenue (Parts 170–299).....	6. 75

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