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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 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Q]

PART 217—INTEREST ON DEPOSITS

Early Withdrawals

The Board of Governors has amended its rules on the payment of time deposits by member banks prior to maturity. Formerly, a time deposit could be paid before maturity only in an emergency where it was necessary to prevent great hardship to the depositor. Under the new rules, a member bank is permitted to pay a time deposit before maturity, but in such event the bank can pay interest on the amount withdrawn at a rate not to exceed the maximum rate prescribed for a savings deposit during the period the funds have remained on deposit, less three months.

Effective immediately, the Board has amended § 217.4(d) of its Regulation Q (12 CFR Part 217) to read as follows:

§ 217.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty for early withdrawals.* Where a time deposit, or any portion thereof, is paid before maturity, a member bank may pay interest on the amount withdrawn at a rate not to exceed that currently prescribed in § 217.7 for a savings deposit: *Provided,* That the depositor shall forfeit three months of interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited. Where necessary to comply with the requirements of this paragraph, any interest already paid to or for the account of the depositor shall be deducted from the amount requested to be withdrawn.

* * * * *

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e).

By order of the Board of Governors, July 5, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14328 Filed 7-12-73;8:45 am]

[REG. Q]

PART 217—INTEREST ON DEPOSITS

Maximum Rates of Interest

The Board of Governors has increased the maximum rates of interest that a member bank may pay on time and savings deposits. The Board also suspended, for the time being, the limitations on the rates of interest which may be paid by a member bank on a single maturity time deposit of $1,000 or more with a maturity of 4 years or more. Both actions were taken pursuant to the Board's authority under section 19 of the Federal Reserve Act to prescribe rules governing the payment of interest on deposits in member banks.

There was no notice, public participation, and deferred effective date with respect to this amendment because such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2 (e) of the Board's rules of procedure, 12 CFR 262.2(e).

Effective July 1, 1973, § 217.7 of the Board's Regulation Q is amended to read as follows.

§ 217.7 Maximum rates of interest payable by member banks on time and savings deposits.

Pursuant to the provisions of section 19 of the Federal Reserve Act and § 217.3, the Board of Governors of the Federal Reserve System hereby prescribes the following maximum rates [1] of interest per annum payable by member banks of the Federal Reserve System on time and savings deposits:

(a) *Single maturity time deposits.*—(1) *Deposits of $100,000 or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $100,000 or more.

(2) *Deposits of less than $100,000.* Except as provided in subparagraph (3) of this paragraph, no member bank shall pay interest on any single maturity time deposit of less than $100,000 at a rate in excess of the applicable rate under the following schedule:

Maturity	*Maximum per cent*
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(3) *Deposits of $1,000 or more with maturities of 4 years or more.* There is no maximum rate of interest presently prescribed on any single maturity time deposit of $1,000 or more with a maturity of 4 years or more.

(b) *Multiple maturity time deposits.* No member bank shall pay interest on a multiple maturity time deposit at a rate in excess of the applicable rate under the following schedule:

Maturity intervals	*Maximum per cent*
30 days or more but less than 90 days	5
90 days or more but less than 1 year	5½
1 year or more but less than 30 months	6
30 months or more	6½

(c) *Savings deposits.* No member bank shall pay interest at a rate in excess of 5 per cent on any savings deposit.

By order of the Board of Governors, July 5, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14329 Filed 7-12-73;8:45 am]

[1] The limitations on rates of interest payable by member banks of the Federal Reserve System on time and savings deposits, as prescribed herein, are not applicable to any deposit which is payable only at an office of a member bank located outside the States of the United States and the District of Columbia.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-NE-8; Amdt. 39-1687]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Model JT3D Engines

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the inspection of the turbine nozzle case on JT3D engines for missing lugs within 1,000 hours time in service and at 1,000 hour intervals thereafter was published on page 7812 of the FEDERAL REGISTER for March 26, 1973 (38 FR 7812).

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received which, while concurring with the initial 1,000 hour inspection, objected to the required repetitive inspection at 1,000 hour intervals on the basis that the one confirmed failure at 1,100 hours was insufficient justification for a repetitive inspection interval of less than 1,500 hours. The Federal Aviation Administration does not

agree. In addition to the data available to the agency at the time of the publishing of the Notice, there have been two additional confirmed lug failures with time in service of less than 1,500 hours. In view of the additional incidents as well as the other data previously relied on in formulating the Notice, the Federal Aviation Administration is of the opinion that the 1,000 hour repetitive inspection interval must be retained in the AD to assure continued airworthiness of the JT3D engines.

The same commentator also suggested that the AD provide for adjustment of repetitive inspection intervals based upon unique operating procedures, inspection procedures and other factors, subject to approval of the FAA. This suggestion is considered to have merit and an additional paragraph providing for such adjustment has been added to the AD. Finally, it was requested that the AD provide for ferry flights in accordance with § 21.197 of the Federal Aviation Regulations since adequate engine operating restrictions can be established to assure that such operation is not hazardous. The agency does not consider that a specific reference in the AD is a legal prerequisite for such ferry operation. Rather, all procedures and requirements are outlined in § 21.197 and the ferry flights referred in the comment may be legally conducted under the authority of that section provided there is compliance with all of its requirements.

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

PRATT & WHITNEY—Applies to all JT3D-1, JT3D-1-MC6, JT3D-1-MC7, JT3D-3 and JT3D-3B model engines containing turbine nozzle case Part Numbers 399065, 496859, 570618, 626669, 669047, 694937, 694938, 390197, 694935 and 691326 incorporating vented 2nd stage outer airseals.

Compliance required as follows:

To preclude possible turbine blade or disc failures resulting from turbine case lug failures, inspect the turbine nozzle case for missing lugs by performing Ultrasonic, Isotope or Visual inspection at the time intervals specified below.

First inspection, 1,000 hours time in service after the effective date of this AD unless already accomplished.

(a) If there are no missing lugs, repeat the inspection every 1,000 hours time in service thereafter.

(b) If one lug is found missing, repeat the inspection every 100 hours time in service.

(c) If two or three lugs are found missing, remove the engine within the next 50 hours time in service.

(d) If four or more lugs are missing, remove from service immediately.

Turbine cases may be repaired in accordance with the procedures outlined in the Overhaul Manual, Section 72-51-2, or replaced.

Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

NOTE: Pratt & Whitney Service Bulletin 3993, or later FAA approved revisions pertain to this same subject.

This amendment becomes effective August 18, 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 Burlington, Massachusetts, on July 6, 1973.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.73-14401 Filed 7-12-73;8:45 am]

[Airspace Docket No. 72-AL-17]

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

Alteration of Control Zone and Transition Area

On March 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 6831) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would amend the Dillingham, Alaska, control zone and transition area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Two comments were received, and both objected to the proposed enlargement of the control zone extensions.

As a result of these comments, a reevaluation of the applied instrument approach airspace criteria was conducted. It was determined that adjustments were possible to the proposed control zone and transition area extension widths as follows:

The width of the north and south control zone extensions can be reduced from the proposed 7 miles to 4 miles. The width of the north and south 700-foot transition areas can be reduced from the proposed 8 and 7 miles to 5 and 4 miles respectively.

Since these changes are minor in nature and will reduce the burden on the public, further notice and public procedure hereon are unnecessary. Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. September 13, 1973, as hereinafter set forth.

1. In § 71.171 (38 FR 351) the Dillingham, Alaska, control zone is amended to read:

DILLINGHAM, ALASKA

Within a 5-mile radius of the Dillingham Airport (latitude 59°02'30" N, longitude 158° 30'28"W); within 2 miles each side of the Dillingham VORTAC 025° radial extending from the 5-mile radius zone to 13.5 miles northeast of the Dillingham VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 5-mile radius zone to 9 miles southwest of the VORTAC. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435) the Dillingham transition area is amended to read:

DILLINGHAM, ALASKA

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Dillingham Airport (latitude 59°02'30"N, longitude 158°30'28"W); and that airspace within 2.5 miles each side of the Dillingham VORTAC 025° radial extending from the 8.5 mile radius zone to 15.5 miles northeast of the VORTAC and within 2 miles each side of the Dillingham VORTAC 205° radial extending from the 8.5 mile radius zone to 9 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within 4.5 miles northwest and 9.5 miles southeast of the Dillingham VORTAC 025° and 205° radials extending from 23 miles northeast to 18.5 miles southwest of the VORTAC and within an 18 mile radius of the Dillingham VORTAC extending clockwise from the 056° radial to the 173° radial of the VORTAC.

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

Issued in Anchorage, Alaska on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14278 Filed 7-12-73;8:45 am]

[Airspace Docket No. 73-AL-4]

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

Alteration of Control Zone and Transition Area

On March 2, 1973, a Notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 5657) stating that the Federal Aviation Administration proposed amendments to Part 71 of the Federal Aviation Regulations that would amend the Iliamna, Alaska, control zone and transition area.

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

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. September 13, 1973, as hereinafter set forth.

1. In § 71.171 (38 F.R. 351) the Iliamna, Alaska, control zone is amended to read:

ILIAMNA, ALASKA

Within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N, longitude 154°-54'54" W); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius zone to 9.5

miles southwest of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication, Supplement Alaska.

2. In § 71.181 (38 FR 435) the Iliamna transition area is amended to read:

ILIAMNA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Iliamna Airport (latitude 59°45'12" N, longitude 154°54'54" W); and within 2.5 miles each side of the 209° bearing from the Iliamna RBN, extending from the 5-mile radius area to 9.5 miles southwest of the RBN; and that airspace extending upward from 1,200 feet above the surface within 5.5 miles northwest and 9.5 miles southeast of the 029° and 209° bearings from the Iliamna RBN, extending from 7 miles northeast to 18.5 miles southwest of the RBN.

(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 Anchorage, Alaska, on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14280 Filed 7-12-73;8:45 am]

[Airspace Docket No. 73-AL-15]

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

Redesignation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Yakataga, Alaska, transition area.

This action is based on the need to convert the Yakataga low frequency range to a nondirectional radio beacon. The Yakataga RR is currently advertised as unreliable because of shifting courses and multiple course signals. Reliable repairs are impracticable since standard parts are no longer available.

Furthermore, on March 1, 1971, the Federal Aviation Administration issued a notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

For reasons stated above, the Yakataga low frequency range will be permanently converted to a nondirectional radio beacon effective August 16, 1973.

Since this amendment involves a change only in the type of navigational aid on which the airspace is described and makes no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

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

In § 71.181 (38 FR 435) the Yakataga transition area is redesignated as follows:

YAKATAGA, ALASKA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Yakataga airport (latitude 60°04' 57" N, longitude 142°29'30" W); within 2 miles each side of the 242° bearing from the Yakataga RBN, extending from the 5-mile radius area to the INT of the 242° bearing from Yakataga RBN and the east course of the Hinchinbrook, Alaska, RR; and that airspace extending upward from 1,200 feet above the surface within 5 miles northwest and 8 miles southeast of the Yakataga RBN 242° bearing, extending from 7 miles northeast to 13 miles southwest of the INT of the 242° bearing from the Yakataga RBN and east course of the Hinchinbrook, Alaska, RR; within 5 miles each side of the Yakataga RBN 152° bearing extending from the RBN to the INT of the 152° bearing from the Yakataga RBN and the west course of the Yakutat, Alaska, RR.

(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 Anchorage, Alaska, on July 6, 1973.

THOMAS J. CRESWELL,
Director, Alaskan Region.

[FR Doc.73-14279 Filed 7-12-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2413]

PART 13—PROHIBITED TRADE PRACTICES

Felco Sports Products, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.30 *Composition of goods:* 13.30-75 Textile Fiber Products Identification Act; 13.30-100 Wool Products Labeling Act; § 13.45 *Content;* § 13.73 *Formal regulatory and statutory requirements:* 13.73-70 Wool Products Labeling Act; 13.73-90 Textile Fiber Products Identification Act; § 13.130 *Manufacture or preparation;* 13.130-50 Textile Fiber Products Identification Act; 13.130-80 Wool Products Labeling Act; § 13.192 *Retraction advertisement.* Subpart—Failing to maintain record: §13.1051 *Failing to maintain records:* 13.1051-30 Formal regulatory and/or statutory requirements. Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-80 Textile Fiber Products Identification Act; 13.1185-90 Wool Products Labeling Act; § 13.1200 *Content;* § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-80 Textile Fiber Products Identification Act; 13.1212-90 Wool Products Labeling Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1590 *Composition:* 13.1590-70 Textile Fiber Products Identification Act; 13.1590-90 Wool Products Labeling Act; § 13.1605 *Content;* § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-80 Textile Fiber Products Labeling Act; 13.1623-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* 13.1845-70 Textile Fiber Products Identification Act; 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-70 Textile Fiber Products Identification Act; 13.1852-80 Wool Products Labeling Act; § 13.1865 Manufacture or preparation.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 72 Stat. 1717 secs. 2-5, 54 Stat. 1128-1130, 15 U.S.C. 45, 70, 68) [Cease and desist order, Felco Sports Products, Inc., et al., New York, N.Y., Docket No. C-2413, June 8, 1973]

In the Matter of Felco Sports Products, Inc., a corporation, Felco Athletic wear Company, Inc., a corporation and Hatillo Apparel Corporation, a corporation, and Nathan Katz, individually and as an officer of said corporation.

Consent order requiring three affiliated manufacturers of athletic and recreational apparel in New York City, and Hatillo, Puerto Rico, among other things to cease misrepresenting the fiber content of their prdoucts and to run a retraction in their catalogs concerning the garments that were deceptively advertised.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, and Hatillo Apparel Corporation, a corporation, that successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device, in connection with the introduction, delivery for introduction, manufacture for introduction, sale, advertising or offering for sale in commerce, or the transportation or causing to be transported in commerce, or the importation into the United States of any textile fiber product; or in connection with the sale, offering for sale, advertising, delivery, transportation or causing to be transported, of any textile product, which has been advertised or offered for sale in commerce; and in connection with the sale, offering for sale, advertising delivery, transportation or causing to be transported, after shipment in commerce of any textile fiber product, whether in its original state or contained in other textile fiber products, as the terms "commerce" and "textile fiber product" are defined in the Textile Fiber Products Identification Act, do forthwith cease and desist from:

A. Misbranding textile fiber products by:

1. Failing to affix labels to such textile fiber products showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(b) of the Textile Fiber Products Indentification Act.

2. Failing to affix labels showing the respective fiber content and other required information to samples, swatches or specimens of textile fiber products

subject to the aforementioned Act which are used to promote or effect sales of such textile fiber products.

3. Failing to set forth separately and distinctly the fiber content of any linings, interlinings, fillings or paddings if incorporated in the textile fiber products for warmth rather than for structural purposes, or if any express or implied representations are made as to their fiber content.

B. Failing to maintain and preserve proper records of fiber content of textile fiber products manufactured by respondents, as required by section 6(a) of the Textile Fiber Products Identification Act and Rule 39 of the regulations promulgated thereunder.

It Is Further Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, Hatillo Apparel Corporation, a corporation their successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary division or other device, in connection with the introduction, manufacture for introduction into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment or shipment in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It Is Further Ordered, That respondents Felco Sports Products, Inc., a corporation, Felco Athletic Wear Company, Inc., a corporation, Hatillo Apparel Corporation, a corporation, their successors and assigns, and their officers, and Nathan Katz, individually and as an officer of said corporations, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of coats, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from falsely and deceptively advertising or misrepresenting in any manner, or by any means the character or amount of constituent fibers contained in such products.

It is Further Ordered, That respondents shall publish in their catalogs distributed over the twelve month period from the effective date of this order a retraction on the same pages, or in the same portions of the catalogs as will appear the textile fiber products previously deceptively advertised in the catalogs, or if the previously deceptively advertised textile fiber products do not appear in said catalogs then the retraction shall appear on the same pages or in the same portions of the catalogs as are advertised similar products as that of the previously deceptively advertised textile fiber products, or if no similar products are advertised then in a part or portion of the catalogs of at least equal prominence to the part or section of the catalogs where the deceptively advertised textile fiber products had been previously deceptively advertised, in print of equal size and prominence as that of the original false, misleading and deceptive advertisements; and said retraction shall include a statement that identifies the deceptively advertised fiber products, sets forth that these fiber products were previously misleading and deceptively advertised by the respondents as all wool or as all wool melton, and accurately describes what the true fiber content of these products were at the time they were misleadingly and deceptively advertised.

It Is Further Ordered, That respondents shall send by registered mail a copy of this order to each of their customers who have purchased any of the above misleadingly and deceptively advertised fiber products during the three year period prior to the effective date of this order.

It Is Further Ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It Is Further Ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is Further Ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It Is Further Ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 8, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14294 Filed 7-12-73;8:45 am]

[Docket No. 8874o]

PART 13—PROHIBITED TRADE PRACTICES

Corning Glass Works

Subpart—Aiding, assisting and abetting unfair or unlawful act or practice: § 13.290 *Aiding, assisting and abettng unfair or unlawful act or practice;* Subpart—Combining or conspiring: § 13.425 *To enforce or bring about resale price maintenance;* Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments wrongfully;* Subpart—Maintaining resale prices: § 13.1115 *Black listing;* § 13.1125 *Combination;* § 13.1130 *Contracts and agreements;* § 13.1145 *Discrimination;* § 13.1145-20 Distributive channels and outlets generally; § 13.1155 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Corning Glass Works, Corning, New York, Docket 8874o, June 5, 1973]

In the Matter of Corning Glass Works, a corporation.

Order and opinion requiring a Corning, New York manufacturer, advertiser, seller and distributor of Pyrex, Corning Ware, and Corelle Livingware brands of glass household products for food preparation, serving, and storage, among other things, in connection with any fair trade programs of those products to cease illegal price-fixing and refusal-to-deal activities. The respondent is also required to abrogate Wholesaler Fair Trade Contracts where resale is in free trade jurisdictions, and to abrogate fair trade contracts with retailers in signer-only states which were obtained by wholesalers in free trade states subject to the illegal boycott provision.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That, except for Paragraph 1 (p. 3 of the Initial Decision) and that the last two sentences of Paragraph 16 (p. 14), the Findings of Fact contained in the Initial Decision up to and including Paragraph 17 are adopted as Findings of Fact of the Commission as supplemented by the findings and conclusions contained in the accompanying Opinion.

It is further ordered, That the remainder of the Initial Decision, except for Paragraph 1 of the Conclusions which is hereby adopted, be vacated and the appeal of complaint counsel be granted as to Count II of the complain. Counts III and V are dismissed for the reasons set forth in the accompanying Opinion.

In accordance with the stipulation of the parties filed October 17, 1972, Counts I and IV need not be litigated, but the relief proposed as to these counts, as well as Count II, shall be entered.

Accordingly, the following cease-and-desist order is hereby entered:

Order. I. *It is ordered,* That Respondent, Corning Glass Works, a corporation,

directly or indirectly, through its officers, agents, representatives, employees, subsidiaries, successors, licensees, or assigns, or through any reseller or any other corporate or other device, in connection with the manufacturer, advertising, offering for sale, sale, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of Pyrex, Corning Ware, and Corelle brand commodities, or of any other commodity which bears, or the label or container of which bears, any other trade-mark, brand, or name owned by Respondent, with respect to which commodity Respondent has now established, or in the future may establish, any fair trade program, shall forthwith cease and desist from:

1. Maintaining or enforcing any existing understanding, contract, or agreement, or entering into, maintaining, or enforcing any future understanding, contract, or agreement, with any reseller located within, or applicable to resales occurring within, any state which is, or henceforth shall become, a free trade state [1]—

(a) Which contains any provision which establishes, is intended to establish, or may be construed by the reseller to establish, any stipulated or minimum price at which resales shall be made; or which contains any circumstance or condition under which any such provision shall become applicable to any resale; or

(b) Which contains any provision which restricts, is intended to restrict, or may be construed by the reseller to restrict, the reseller's right to deal with any customer, whether for subsequent resale or otherwise, in any state; or which otherwise imposes, is intended to impose, or may be construed by the reseller to impose, any qualification, precondition, or other limitation or said right; or which contains any circumstance or condition under which any such provision shall become applicable to any resale.

2. Maintaining or enforcing any existing understanding, contract, or agreement, or entering into, maintaining, or enforcing any future understanding, contract or agreement, with any reseller located within any state which is, or henceforth shall become a free trade state, which requires, is intended to require, or may be construed by the reseller to require, as a precondition to any resale or as a qualification or other limitation on the right to resell, that said reseller—

(a) Obtain from any customer or potential customer in any state any understanding, contract, or agreement by which said customer or potential customer agrees with Respondent to maintain the fair trade price of the commodity to be resold; or

(b) Refuse to deal with any customer or potential customer in any state unless such customer or potential customer has agreed to maintain the fair trade price of the commodity to be resold.

3. (a) Circulating to any free trade state reseller any list ("blacklist") of retailers who have advertised, offered for sale, or sold any of Respondent's fair traded commodities at less than the fair trade prices established therefor, or who have not signed a fair trade contract, or whose retailer contracts have been terminated; or in any other manner communicating the names of such retailers to any free trade state resellers; or (b) taking any other action which is intended to, or which may in fact, prevent or have a tendency to prevent any retailer from obtaining any such commodity: *Provided, however*, That nothing in (b) of this subparagraph 3 shall apply to any action taken by virtue of the breach of a signed contract, lawfully obtained and entered into pursuant to a fair trade law which is valid as of the time of both the breach and the action taken; or to any action taken to enforce any right against a nonsigner created by a fair trade law or provision thereof which is enforceable as of the time of the action taken.

4. Imposing, by refusing to deal, termination, or any other unilateral action, or by contract, combination or conspiracy, any limitation, qualification, or precondition not expressly permitted by sections 5(a)(2) and 5(a)(3) of the Federal Trade Commission Act, on any reseller's right or ability to purchase or sell any fair traded commodity—

(a) Where the purpose or effect thereof is, or is likely to be, adherence to resale prices or any course of conduct established, required, or suggested by Respondent, by any reseller whose resale prices or conduct are not, or cannot be, lawfully controlled by Respondent; or

(b) Where the purpose or effect thereof is, or is likely to be, the unavailability, through normal channels of distribution, of Respondent's commodities to, or any discrimination with respect thereto against, any such reseller due to his failure or unwillingness to adhere to said resale prices or course of conduct.

5. Suggesting, for three (3) years from the date on which this order becomes final, or upon a showing by Respondent pursuant to a petition filed after two (2) years from said date, that price competition in the resale of its goods has been created, any resale price whatsoever, by price list, discount schedule, invoicing procedure, prepricing of commodities or their containers, or by any other means, to any reseller whose resale prices are not or cannot lawfully be controlled by Respondent in the manner prescribed by law and this order.

II. *It is further ordered*, That Respondent, directly or indirectly, through its officers, agents, representatives, employees, subsidiaries, successors, licensees, or assigns, or through any reseller or any other corporate or other device, in connection with the manufacture, advertising, offering for sale, sale, or distribution, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any commodity, shall forthwith cease and desist from entering into, maintaining, or enforcing any contract, combination or conspiracy which imposes any limitation, qualification, or precondition not expressly permitted by applicable state law and granted immunity by section 5(a)(2) of the Federal Trade Commission Act, on any reseller—

1. Where the purpose or effect thereof is, or is likely to be, adherence to resale prices or any course of conduct established, required, or suggested by Respondent, by any reseller whose resale prices or conduct are not, or cannot be lawfully controller by Respondent; or

2. Where the purpose or effect thereof is, or is likely to be, the unavailability through normal channels of distribution of Respondent's commodities to, or any discrimination with respect thereto against, any such reseller due to his failure or unwillingness to adhere to said resale prices or course of conduct.

III. *It is further ordered*, That Respondent shall:

1. Forthwith upon this order becoming final, mail or deliver, and obtain signed receipts for, copies of this order to—

(a) Every reseller who was either under fair trade contract on March 1, 1971 or who was placed under such contract thereafter, and to whom neither subparagraph 1(b) nor 1(c) of this Paragraph III applies;

(b) Every reseller whose fair trade contract has been terminated by Respondent since January 1, 1966; and

(c) Every reseller whose name has appeared on any blacklist since January 1, 1966.

2. Within sixty (60) days from the date on which this order becomes final, and every three (3) months for a period of two (2) years thereafter, mail or deliver, and obtain signed receipts for, notices, in forms submitted to and approved by the Commission prior to mailing or delivery, which clearly inform—

(a) All resellers in free trade states to whom subparagraph 1(a) of this Paragraph III applies—

(i) That all provisions of their contracts relating to fair trade are (or in the case of subsequent notices, have been) cancelled;

(ii) That such provisions cannot lawfully, nor will they therefore, be enforced;

(iii) That said free trade state resellers may and are encouraged to sell Respondent's goods to any customer at such price as may be individually determined by each such reseller;

(iv) That said free trade state resellers may and are encouraged to sell Respondent's goods to any customer, whether for subsequent resale or otherwise, without restriction or precondition, and irrespective of whether the customer is located within, or may resell the goods within, any fair trade state;

(v) That the exercise by said free trade state resellers of any of their rights previously subject to the fair trade provisions of Respondent's fair trade contracts shall in no way prejudice said resellers' ability

[1] The definitions of terms contained in Part I.A. of the Commission's Opinion in this matter shall apply to this order.

to obtain or to continue to obtain Respondent's merchandise; and

(vi) That any free trade state reseller who believes that Respondent is violating any provision of this order, either directly or indirectly (through its wholesalers or otherwise), should set forth the facts and circumstances believed relevant and submit them to

Assistant Director,
Division of Compliance,
Bureau of Competition,
Federal Trade Commission,
Washington, D.C. 20580

(b) All retailers in signer-only states to whom subparagraph 1(a) of this Paragraph III applies, and whose retailer contracts were submitted by any free trade state wholesaler at a time when the submitting wholesaler's contract with Respondent contained any provision which required said wholesaler to deal only with resellers who had agreed with Respondent to maintain Respondent's fair trade prices—

(i) That all provisions of their retailer contracts relating to fair trade are (or in the case of subsequent notices, have been) cancelled;

(ii) That with respect to all resales of Respondent's goods made since the date on which this order became final, said retailers have been deemed non-signers of Respondent's retailer contracts, and that unless and until any of said retailers re-execute retailer contracts they shall continue to be so deemed;

(iii) That said retailers are under no legal duty to re-enter into such agreements, and that their failure to do so will in no way prejudice said retailers' ability to obtain or to continue to obtain Respondent's merchandise;

(iv) That unless and until said retailers enter into new retailer contracts, said retailers may, and are encouraged to, sell Respondent's merchandise to any customer and at such prices as may be individually determined by each such non-signer retailer;

(v) That no resellers in any free trade state may be required to refuse to deal with any other reseller due to the other reseller's failure or unwillingness to sign any fair trade contract; and that no free trade state wholesaler or retailer is now directly or indirectly required to refuse to deal with any customer in any state; and

(vi) That any non-signer retailer in any signer-only state who places an order for Respondent's goods with any free trade state reseller which is not filled due to the retailer's failure or unwillingness to become a signer of a retailer contract, or due to the retailer's having advertised, offered for sale, or sold such goods at less than the stipulated or minimum fair trade price, should immediately notify Respondent in writing of the name and address of the free trade state reseller so refusing to deal;

(vii) Each of the notices required to be mailed or delivered by this subparagraph 2 shall be accompanied by a list of the names and addresses (arranged by state) of all free trade state wholesalers of Respondent's goods. Said list shall contain a clear and conspicuous statement that all wholesalers listed therein are free to sell to any retailer in any state without qualification, limitation or precondition;

(viii) Upon the voluntary re-execution of a retailer contract pursuant to Paragraph IV. 3. of this order by any retailer to whom this subparagraph 2(b), applies, the further mailing or delivery of notices to said retailer pursuant to this subparagraph shall not be required; and upon such re-execution, said retailer shall be given the notice required by Paragraph IV. 2. of this order.

3. Within sixty (60) days from the date on which, by virtue of any legislative or judicial action, any fair trade state (which is a fair trade state on the date this Order becomes final) becomes a free trade state, and every three (3) months for a period of two (2) years thereafter, mail or deliver, and obtain a signed receipt for, the notices required by subparagraph 2(a) of this Paragraph III.

4. Within sixty (60) days from the date on which this Order becomes final and every month for a period of six (6) months thereafter, mail or deliver, and obtain a signed receipt for, the wholesaler list described in subparagraph 2 (b) (vii) of this Paragraph III, and a notice, in a form submitted to and approved by the Commission prior to mailing or delivery, which clearly informs all retailers to whom either subparagraph 1 (b) or 1(c) of this Paragraph III applies that they are free to and are encouraged to submit their orders for Respondent's merchandise to any wholesaler of their choosing whose name appears on the accompanying list; that they need not sign any retailer contract in order to obtain such merchandise from any of said wholesalers; that none of Respondent's wholesalers appearing on said list lawfully may be required to refuse to deal with any of said retailers because of their failure or unwillingness to sign a retailer contract or because of any past or future advertising, offering for sale, or sale of Respondent's merchandise at less than the stipulated or minimum fair trade price; and that Respondent should be notified immediately in writing of any listed wholesaler so refusing to deal.

5. Within sixty (60) days from the date on which this order becomes final, mail or deliver, and obtain a signed receipt for, a written offer of reinstatement to—

(a) Any free trade state wholesaler who was terminated by Respondent since January 1, 1966 for failure to comply with the refusal-to-deal provision of his wholesaler contract, and

(b) Any free trade state wholesaler who was terminated by Respondent since January 1, 1966 for failure to comply with the resale price maintenance provision of his wholesaler contract;

and reinstate forthwith, any such wholesaler who within thirty (30) days thereafter requests reinstatement. Said offer of reinstatement shall be accompanied by a copy of this Order and any notice which would have been required to be sent to such wholesaler under subparagraph 2(a) of this Paragraph III had no termination occurred.

6. Immediately upon receipt, take such action as is necessary to ensure correction of all complaints received pursuant to any provision of this Paragraph III, and retain such complaints and records of all corrective action taken thereon for a period of five years from the date on which each complaint is received. Reports of said complaints and of corrective action shall be included in reports to the Commission required by Paragraph VI. 1. of this order.

IV. *It is further ordered*, That Respondent shall:

1. Fully acquaint all appropriate present and future personnel with the provisions and requirements of this Order.

2. Mail or deliver to all future resellers, and obtain a signed receipt for, a copy of this order, together with an appropriate notice in a form submitted to and approved by the Commission prior to its use explaining the limitations hereby imposed on Respondent's resale price maintenance programs and contracts.

3. Revise the fair trade provisions of its wholesaler and retailer contracts to conform with the requirements and intent of this order and submit said revised contracts to and obtain the approval of the Commission prior to their use; and neither execute nor obtain the execution of any new fair trade contract or provision thereof which is required to be cancelled by this order on any contract or form which has not been submitted to and approved by the Commission pursuant to this subparagraph. 3. In no event, however, shall any new fair trade agreement be obtained by or on behalf of Respondent from any signer-only state retailer to whom subparagraph 2(b) of Paragraph III applies, before thirty (30) days following the second mailing or delivery of notices required by said subparagraph.

V. *It is further ordered*, That except as may be required by Paragraph III.2 (b) and 3, this order shall not be construed to apply to any provision of any fair trade contract which Respondent now has or may enter into with resellers located in states which were or are at the time of the making of such contract fair trade states, which requires said resellers to refuse to deal with non-signer retailers in any fair trade state, or which requires said resellers to enter into or obtain resale price maintenance agreements with their vendee retailers in fair trade states as a precondition to resales to said retailers: *Provided, however*, That nothing in this order shall be construed to permit Respondent to engage in any conduct prohibited by, or otherwise relieve Respondent of any of its obligations under, any of the Antitrust Acts, the Federal Trade Commission Act, or any State law, now or hereafter in effect as such Acts and State laws have

been or may be enacted, amended, repealed or construed.

VI. *It is further ordered,* That Respondent shall:

1. Within sixty (60) days from the date on which this order becomes final, and annually each year for a period of five (5) years thereafter, submit to the Commission a written report setting forth in full detail the manner in which Respondent is complying with each requirement of this order, accompanied by such documents, forms, contracts, receipts, or other material as is necessary to constitute proof that Respondent is in full and faithful compliance herewith.

2. Notify the Commission at least ninety (90) days in advance of any proposed change in its method of sale or distribution of fair traded commodities or in its contracts or agreements relating thereto.

3. Notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

4. Retain all receipts required to be obtained by this order for a period of five (5) years from the date of each said receipt.

Issued: June 5, 1973.

By direction of the Commission.[3]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14286 Filed 7-12-73;8:45 am]

[Docket No. C-2412]

PART 13—PROHIBITED TRADE PRACTICES

Ladzin Novelty Co., Inc., and Seymour Ladzin

Subpart—Importing, manufacturing, selling or transporting flammable wear: § 13.1060 *Importing, manufacturing, selling or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Ladzin Novelty Co., Inc., et al., New York, N.Y., Docket No. C-2412, June 4, 1973]

In the matter of Ladzin Novelty Co., Inc., a Corporation, and Seymour Ladzin, Individually and as an Officer of said Corporation

Consent order prohibiting a New York City manufacturer and distributor of feather fabrics from marketing products which fail to conform to an applicable standard of flammability or regulation established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended.

[3] Statement filed as part of the original document.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Ladzin Novelty Co., Inc., a corporation, its successors and assigns and its officers, and Seymour Ladzin, individually and as an officer of said corporation, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, do forthwith cease and desist from the importation, manufacture for sale, sale, offering for sale, shipment, distribution, transportation, or causing to be transported of feather fabrics or any other similar feather products of a highly flammable nature, in commerce, as "commerce" is defined in the Federal Trade Commission Act, unless such feather fabrics or other similar feather products conform to the Commercial Standard promulgated by the Secretary of Commerce effective January 30, 1954, and identified as "Flammability of Clothing Textiles, Commercial Standard 191-53" when tested under the conditions and in the manner prescribed by such Standard except that the position of the stop cord described in Paragraph 4.2.7 of the Standard shall be modified by raising said stop cord 1.5 centimeters above the top of the thread guides used in tests under Commercial Standard 191-53. In the event, however, that respondents import, manufacture for sale, sell, offer for sale, ship, distribute, and transport or cause to be transported any product subject to an applicable standard of flammability established, amended, or continued in effect pursuant to the provisions of the Flammable Fabrics Act, as amended, said products must conform to the said applicable standard rather than Commercial Standard 191-53 as modified.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the first paragraph of this Order, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this Order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this Order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April, 1970 and (6) any action taken or proposed to be taken to bring said products into conformance with the first paragraph of this order, or to destroy said products, and the results of such action. Respondents will submit with their report samples of not less than six feet in length of each color and style of their current inventory of feather fabrics.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may effect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: June 4, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14287 Filed 7-12-73;8:45 am]

[Docket No. C-2409]

PART 13—PROHIBITED TRADE PRACTICES

Francis Ford, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or actions owed;* Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1685 *Nature;* § 13.1695 *Old, secondhand, reclaimed or reconstructed as new;* Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1855 *Neglecting, unfairly or deceptively, to make material disclosure;* § 13.880 *Old, used, or reclaimed as unused or new;* § 13.1895 *Scientific or other relevant facts;* § 13.1905 *Terms and conditions;* Subpart—Offering unfair, improper and

deceptive inducements, to purchase or deal: § 13.1980 *Guarantee, in general.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Francis Ford, Inc., et al., Portland, Oregon, Docket C-2409, May 29, 1973]

In the Matter of Francis Ford, Inc., a corporation, and William T. Murphree, and C. Edwin Francis, individually and as officers of said corporation.

Consent order requiring a Portland, Oregon automobile dealership, among other things to cease representing that its Lifetime Warranty is free; misrepresenting their guarantees; misrepresenting used motor vehicles as new; misrepresenting the particular accessories, equipment or features available on sale priced new motor vehicles; failing to refund deposits; and preparing final contracts in different terms than agreed to by the customer.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Francis Ford, Inc., a corporation, its successors and assigns, and its officers, and William T. Murphree and C. Edwin Francis, individually and as officers, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of automobiles, pickup trucks or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist, orally or in any other manner, directly or by implication, from:

1. Representing that respondents' Lifetime Warranty or any other new car warranty offered in addition to the manufacturer's warranty is free;

2. Representing that any of respondents' motor vehicles are guaranteed unless the nature and extent of the guarantee, the identity of the guarantor, and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; provided that this inhibition shall not apply to advertisements which merely advise the availability of a manufacturer's new car warranty;

3. Failing to clearly and conspicuously disclose that a used motor vehicle available for sale at a specified price is not new; representing that a used motor vehicle is new;

4. Representing that a new motor vehicle available for sale at a specified price possesses particular accessories, equipment, or features for the specified price when such motor vehicle is not so equipped for the specified price;

5. Failing to clearly and conspicuously disclose that a new motor vehicle of a particular type or description advertised for sale at a specified price is a one-of-a-kind item; failing to disclose respondents' inventory stock number for such motor vehicle;

It Is Further Ordered, That respondents forthwith cease and desist from:

1. Failing to return the prospective customer's deposit immediately upon his request, if requested prior to consummation of the sale;

2. Failing to provide a prospective customer with a receipt or written notice at the time he makes a deposit. The following statement shall be included on the face of said receipt or written notice in clear and conspicuous terms:

NOTICE

This deposit does not consummate a sale or obligate you to purchase an automobile from Francis Ford. In the event you decide not to purchase from Francis Ford, you are entitled to an immediate refund of your deposit.

It Is Further Ordered, That respondents forthwith cease and desist from preparing the final retail installment contract in terms different from those previously agreed to by the customer; or misrepresenting, in any manner, either before or after the consummation of the sale, the amount of the sale price or trade-in allowance or the amount of finance charge to be imposed in a related credit transaction.

It Is Further Ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or sale of any product, or in any aspect of preparation, creation, or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said order from each such person.

It Is Further Ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It Is Further Ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment, provided that with respect to C. Edwin Francis, notification shall only be required if he becomes affiliated with a new automobile dealership or other seller of automobiles. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It Is Further Ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: May 29, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14292 Filed 7-12-73;8:45 am]

[Docket Nos. C-1897, C-1898]

PART 13—PROHIBITED TRADE PRACTICES

McDonald's Corp., et al.

(Sec 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 15 U.S.C. 45) [Order reopening proceedings, McDonald's Corporation, et al., D'Arcy Advertising Company, et al., Docket C-1897, Docket C-1898, June 5, 1973] with separate concurring statement by Commissioners Dixon and Jones]

In the Matter of McDonald's Corporation and McDonald's System, Inc., corporations. In the Matter of D'Arcy Advertising Company, a corporation, et al.

Order reopening proceedings, vacating and setting side orders to cease and desist, 78 F.T.C. 606 and 616 (36 F.R. 11,289 and 11,284) and dismissing proceedings against a major chain of hamburger restaurants and its advertising agency which charged them with unfair methods of competition and unfair and deceptive acts and practices in their use of a "sweepstakes" sales promotion device.

The order reopening proceedings, setting aside cease and desist orders and ruling petition to stay, is as follows:

ORDER REOPENING PROCEEDINGS, SETTING ASIDE CEASE AND DESIST ORDERS AND RULING ON PETITION TO STAY

McDonald's Corporation and McDonald's System, Inc. by a petition filed on March 26, 1973, and D'Arcy-MacManus & Masius, Inc., successor to D'Arcy Advertising Company by a petition filed on March 29, 1973, request, pursuant to § 3.72(b)(2) of the Commission's rules of practice, that the Commission reopen these proceedings and set aside the orders to cease and desist against them which have become final.

Respondent D'Arcy-McManus & Masius, Inc., has also filed a petition to stay all further requests for compliance reports pending the Commission's consideration of its petition.

The Acting Director of the Bureau of Consumer Protection and complaint counsel have filed answers to the petitions to reopen. In the answers, it is stated that complaint counsel joins with respondents in urging that the orders to cease and desist be set aside by the Commission.

The two cases have been consolidated by the Commission for the purpose of ruling on the petitions. The basis for the requests to reopen the proceedings and set aside the cease and desist orders is

the Commission's action in D. L. Blair Corp., 3 Trade Reg. Rep. ¶ 20,223 (D. 8837, 1973). There, the Commission after the hearing and initial decision by the Administrative Law Judge, concluded that the facts did not demonstrate a violation of section 5 of the Federal Trade Commission Act. Respondents in the instant proceedings were participants in the same activities involved in the D. L. Blair Corp., matter and were initially named in the complaint. The respondents, however, instead of litigating the allegations in the complaint signed consent agreements which resulted in the cease and desist orders.

In view of the decision in the D. L. Blair Corp. matter and the identity of the facts as they relate to respondents, it is determined by the Commission that it is not in the public interest to continue the orders here. Accordingly,

It is ordered, That the proceedings be, and they hereby are, reopened and the orders to cease and desist heretofore entered in these matters be, and they hereby are, vacated and set aside and the proceedings be, and they hereby are, dismissed.

It Is Further Ordered, That the petition by respondent D'Arcy-MacManus & Masius, Inc., to stay any further requests to file compliance reports is dismissed as moot.

Issued: June 5, 1973.

By the Commission.[1]

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14289 Filed 7-12-73;8:45 am]

[Docket No. 8779]

PART 13—PROHIBITED TRADE PRACTICES

Papercraft Corp.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 18) [Modified order, The Papercraft Corporation, Pittsburgh, Penn., Docket 8779, June 6, 1973]

In the Matter of The Papercraft Corporation, a Corporation

Order modifying an earlier order dated June 30, 1971, 36 FR 15662, 78 F.T.C. 1352, as modified September 9, 1971, 70 F.T.C. 420, which required a major manufacturer and distributor of gift wrapping paper and ribbons with headquarters in Pittsburgh, Penn., to divest itself of an acquired gift wrapping firm, by deleting paragraph IX of the modified order which prohibited the divesting company from selling to any direct customers of the divested company for a three-year period.

The modified order to cease and desist, including further order requiring report of compliance, is as follows:

Respondent having filed in the United States Court of Appeals for the Seventh Circuit a petition to review the order to cease and desist issued herein on June 30, 1971, and modified by the Commission on September 9, 1971; and the Court on January 25, 1973, having rendered its decision, and on February 22, 1973, having entered its final order affirming and enforcing the Commission's order with modification by the deletion of paragraph IX; and the time in which to file a petition for certiorari having expired without either party having filed such a petition;

Now therefore, it is ordered, That the aforesaid order to cease and desist be modified, in accordance with said final order of the Court of Appeals, to read as follows:

I. *It Is Ordered*, That respondent, The Papercraft Corporation, a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, machinery, inventory, customer lists, trade names, trademarks and goodwill, acquired by The Papercraft Corporation as a result of its acquisition of CPS Industries, Inc., together with all additions and improvements thereto, of whatever description, made since the acquisition.

II. *It is further ordered*, That none of the assets, properties, rights or privileges described in paragraph I of this Order shall by such divestiture be transferred, directly or indirectly, to any person who is at the time of the divestiture an officer, director, employee, or agent of, or under the control or direction of, respondent or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of The Papercraft Corporation, or to anyone who is not approved in advance by the Federal Trade Commission.

III. If respondent divests the assets, properties, rights and privileges, described in paragraph I of this Order, to a new corporation or corporations, the stock of each of which is wholly owned by The Papercraft Corporation, and if respondent then distributes all of the stock in said corporation or corporations to the stockholders of The Papercraft Corporation, in proportion to their holdings of The Papercraft Corporation stock, then paragraph II of this order shall be inapplicable, and the following paragraphs IV and V shall take force and effect in its stead.

IV. No person who is an officer, director, or executive employee of The Papercraft Corporation, or who owns or controls, directly or indirectly, more than one (1) percent of the stock of The Papercraft Corporation, shall be an officer, director or executive employee of any new corporation or corporations described in paragraph III, or shall own or control, directly or indirectly, more than one (1) percent of the stock of any new corporation or corporations described in paragraph III.

V. Any person who must sell or dispose of a stock interest in The Papercraft Corporation or the new corporation or corporations, described in paragraph III, in order to comply with paragraph IV of this Order may do so within six (6) months after the date on which distribution of the stock of the said corporation or corporations is made to stockholders of The Papercraft Corporation.

VI. *It Is Further Ordered*, That no method, plan or agreement of divestiture to comply with this Order shall be adopted or implemented by respondent save upon such terms and conditions as shall first be approved by the Federal Trade Commission.

VII. *It Is Further Ordered*, That pending divestiture, respondent shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment or other property or assets of the company to be divested which may impair its present capacity or market value, unless such capacity or value is restored prior to divestiture.

VIII. *It Is Further Ordered*, That for a period of ten (10) years from the date of service of this Order upon it respondent shall not acquire, directly or indirectly, through subsidiaries, joint ventures or otherwise, without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital or assets of any concern engaged in the manufacture, production, sale or distribution of any decorative gift wrap product, nor shall respondent enter into any arrangement with any such concern by which respondent obtains the market share, in whole or in part, of such concern.

IX. As used in this Order, the acquisition of assets includes any arrangement by The Papercraft Corporation with any other party, pursuant to which such other party discontinues manufacturing any of the products described in paragraph VIII of this Order under a brand name or label owned by such other party and thereafter distributes any of said products under any of Papercraft's brand names or labels.

X. As used in this order, the word "person" shall include all members of the immediate family of the individual specified and shall include corporations, partnerships, associations and other legal entities as well as natural persons.

Issued: June 6, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14290 Filed 7-12-73;8:45 am]

[1] Commissioners Dixon and Jones concurring and issuing a statement, which is filed as part of the original document.

[Docket No. C-2410]

PART 13—PROHIBITED TRADE PRACTICES

Russ Vento Chevrolet, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act; Subpart—Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act; Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions;* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Russ Vento Chevrolet, Inc., Denver, Colorado, Docket C-2410, May 31, 1973]

In the Matter of Russ Vento Chevrolet, Inc., a corporation, and Russ Vento, individually and as an officer of said corporation, and Robert J. Hall, individually and as general sales manager of said corporation.

Consent order requiring a Denver, Colorado, new and used car and motor home vehicle dealer, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

The order to cease and desist, including further order requiring report of c mpliance therewith, is as follows:

It is ordered, That respondent Russ Vento Chevrolet, Inc., a corporation, and its officers, and Russ Vento, individually and as an officer of said corporation, and Robert J. Hall, individually and as general sales manager of said corporation, trading under said corporate name or under any trade name or names, their successors and assigns, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the arrangement, extension, or advertisement of consumer credit in connection with the sale of automobiles, motor homes, campers, travel trailers, or other products or services, as "advertisement" and "consumer credit" are defined in regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Representing, directly or by implication, in any advertisement, as "advertisement" is defined in regulation Z, the amount of the downpayment required or that no downpayment is required, the amount of any installment payment, the dollar amount of any finance charge, the number of installments or the period of repayment, or that there is no charge for credit, unless all of the following items are stated in terminology prescribed under § 226.8 of Regulation Z:

a. The cash price;

b. The amount of the downpayment required or that no downpayment is required, as applicable;

c. The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended;

d. The amount of the finance charge expressed as an annual percentage rate, and

e. The deferred payment price.

2. Failing to print the term "annual percentage rate" more conspicuously than other terminology required by Regulation Z, when that term is required to be used by Regulation Z.

3. Failing, in any consumer credit transaction or advertisement, to make all the disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8, 226.9 and 226.10 of Regulation Z.

4. Failing to deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in any aspect of preparation, creation, and placing of advertising, all persons engaged in reviewing the legal sufficiency of advertising, and all present and future agencies engaged in preparation, creation, and placing of advertising on behalf of respondents, and failing to secure from each such person or agency a signed statement acknowledging receipt of said order.

It Is Further Ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It Is Further Ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It Is Further Ordered, That respondents shall, within sixty (60) days after service upon them of this order, file, individually, with the Commission, a report in writing, setting forth in detail the manner and form in which each of them has complied with this order.

Issued: May 31, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14291 Filed 7-12-73;8:45 am]

[Docket No. C-2411]

PART 13—PROHIBITED TRADE PRACTICES

Sales Marketing Services, Inc., et al.

Subpart—Discriminating in price under Sec. 2, Clayton Act—payment or acceptance of commission, brokerage or other compensation: § 13.800 *Buyer's agents;* § 13.810 *Buyer's corporate or other agent;* § 13.820 *Direct buyers.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49, Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Sales Marketing Services, Inc., et al., New Orleans, La., Docket C-2411, May 31, 1973]

In the Matter of Sales Marketing Services, Inc., a corporation, Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Sales Marketing Services, Inc., Kitchenaides, Inc. a corporation, Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Kitchenaides, Inc.

Consent order prohibiting a broker of nonfood grocery products and a wholesaler of these items in New Orleans, La., from receiving unlawful brokerage payments.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It Is Ordered, That respondents Sales Marketing Services, Inc., a corporation, its successors and assigns, and its officers and Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Sales Marketing Services, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in or in connection with the purchase or sale of nonfood products in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of nonfood products for respondents' own account or where respondents are the agent, representative or intermediary acting for, or in behalf of, or subject to the direct or indirect control of, any buyer.

It Is Further Ordered, That Kitchenaides, Inc., a corporation, its successors and assigns, and its officers and Nat Friedler and Richard B. Kaufman, Sr., individually and as officers of Kitchenaides, Inc., and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in or in connection with the purchase or sale of nonfood products in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

1. Receiving or accepting, directly or indirectly, anything of value from Sales Marketing Services, Inc., or any other broker, in connection with the purchase

of nonfood products, when such broker, agent, representative or intermediary is receiving or accepting anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof from the seller while acting for or in behalf of or subject to the direct or indirect control of the respondents.

2. Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage or other compensation, or any allowance or discount in lieu thereof, upon or in connection with any purchase of nonfood products for respondents' own account.

It Is Further Ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It Is Further Ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It Is Further Ordered, That the respondents herein shall, within sixty (60) days after service upon them, of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: May 31, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.73-14293 Filed 7-12-73;8:45 am]

[Docket No. C-2414]

PART 13—PROHIBITED TRADE PRACTICES

Sonotone Corp.

Subpart—Dealing on exclusive and tying basis: § 13.670 *Dealing on exclusive and tying basis;* 13.670-20 Federal Trade Commission Act; Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods;* Subpart—Enforcing dealings or payments wrongfully; § 13.1045 *Enforcing dealings or payments wrongfully;* Subpart—Maintaining resale prices: § 13.1130 *Contracts and agreements;* § 13.1155 *Price schedules and announcements;* § 13.1160 *Refusal to sell.*

(Sec. 6, Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Sonotone Corporation, Elmsford, New York, Docket C-2414, June 19, 1973]

In the Matter of Sonotone Corporation, a corporation.

Consent order requiring an Elmsford, New York, manufacturer, distributor, and repairer of hearing aids, among other things to cease imposing customer and territorial restrictions and exclusive dealing requirements on its dealers; price-fixing activities; requiring its dealers to furnish names and addresses of customers; and failing to include and deliver any express product warranty.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered*, That respondent Sonotone Corporation, and its subsidiaries, divisions, affiliates, successors, assigns, officers, directors, agents, representatives and employees, directly or indirectly, or through any corporate or other device, in connection with the manufacturing, distribution, advertising, offering for sale, sale or repair of its own brand name or trademark hearing aids, or related products, in commerce as "commerce" is defined in the Federal Trade Commission Act, shall forthwith cease and desist from:

1. Entering into, maintaining, preserving, or enforcing by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, or in any other manner, any arrangement or method of doing business with a dealer of hearing aids and/or accessories which has the purpose or effect of precluding or preventing a dealer from selling the product of one or more other hearing aid manufacturers;

2. Refusing to make available promptly upon request

(a) A hearing aid, accessory or any written materials necessary to fit and sell such hearing aid or accessory, to any dealer engaged in the sale of hearing aids, if respondent makes such products available to any other dealer located within 100 miles of the requesting dealer, or

(b) A repair or replacement part or any written materials necessary to repair or replace such hearing aid, to any person engaged in the repair of hearing aids when requested for such purpose, if respondent makes repair or replacement parts available to any dealer for such purpose;

Provided, however, That if no other provision of this Order is violated thereby:

(1) Respondent may require as a condition to the availability directly from it of any of its products that the dealer or person referred to in 2(a) or (b) above has received instruction or met standards necessary for the fitting, servicing and/or repairing of respondent's hearing aids which are required at that time of all then existing dealers of respondent's products or all persons then engaged in the repair of respondent's products, so long as such instruction, if made available to any dealer or person, is made available by respondent on reasonable terms and conditions to all dealers or persons wanting to deal in or repair respondent's product,

(2) Respondent may refuse to make available directly from it any of its products to any dealer or person if such requesting dealer or person is able promptly to obtain the product from another dealer or distributor at respondent's price to dealers for a single unit plus a reasonable handling charge, and

(3) Respondent may refuse to make available directly from it any of its products to any dealer or person on other grounds related to that dealer's or person's professional competence or ethical conduct, so long as such refusals are uniformly made where such grounds exist;

3. Entering into, maintaining, preserving, or enforcing, by refusal to sell or repair, setting of sales quota or equivalent thereof, termination or threat thereof, communicated expectation or request, report of sale, warranty limitation, use of names or addresses of a dealer's customers, or in any other manner, any arrangement or method of doing business which has the purpose or effect of restricting or limiting

(a) The territory or area in which a dealer of respondent's hearing aids advertises, offers for sale, sells or repairs such products, or

(b) The persons with whom a dealer of respondent's hearing aids deals;

4. Failing to return any hearing aid submitted to respondent for repair directly to the person who submitted such product for repair, unless otherwise instructed in writing by such person;

5. Fixing, establishing, stabilizing, maintaining or suggesting the prices at which a dealer of respondent's hearing aids may or shall advertise, offer for sale, or sell to the public, or a person repairing respondent's hearing aid may repair, such products: *Provided, however*, That nothing in this Order shall prohibit respondent after ten years from the date of entry of this Order from exercising any lawful rights it may then have under the Miller-Tydings Act, 50 Stat. 693 (1937) and the McGuire Act, 66 Stat. 632 (1952) with respect to hearing aids;

6. Requiring that a dealer participating in respondent's cooperative advertising program must not state or imply, in such cooperative advertisements, that the dealer also deals in other brands of hearing aids: *Provided, however*, That respondent may continue to prohibit in such cooperative advertisement the stating of other brand names of hearing aids;

7. Requiring that a dealer of the respondent's hearing aids submit to respondent any name or address of any customer of such dealer, or maintaining, using, publishing or disseminating for any purpose any name or address of any customer of a dealer of the respondent's hearing aids obtained from such dealer after the date of this order without securing a prior written consent of such dealer for such purpose;

8. Preventing any dealer from using respondent's product (brand) name in connection with the advertising, offering for sale, sale or repair of any of respondent's products, except that respondent may protect its rights in such name recognized at law;

9. Failing to include and deliver with any of respondent's hearing aids sold by respondent any express product warranty for such product provided by respondent to the user.

II. *It Is Further Ordered,* That respondent shall:

(a) Forthwith distribute a copy of this order to each of its operating divisions, to its present corporate officers and to its present sales and repair personnel, and shall secure from each such officer, employee or other person, a signed statement acknowledging receipt of said order;

(b) Within thirty (30) days after service upon it of this Order, distribute a copy of the letter appended to this Order and made a part hereof as Appendix A to each of its existing hearing aid dealers and to every person known to be engaged in the repair of respondent's products;

(c) Within sixty (60) days after service upon it of this Order, place a full-page advertisement in a trade journal or publication with circulation among hearing aid dealers, which advertisement shall clearly and conspicuously disclose the provisions of Part I of this Order;

(d) Within one hundred and twenty (120) days after service upon it of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order, including a list of all dealers and other persons on whom it has served a copy of Appendix A, and a copy of the publication which includes respondent's advertisement required by this Order;

(e) For a period of ten (10) years from the date hereof establish and maintain a file of all records referring or relating to respondent's refusal to sell to any hearing aid dealer, or person engaged in the business of repairing hearing aids, which file must contain a record of a communication to such dealers or persons explaining respondent's refusal to sell, and which file will be made available for Commission inspection on reasonable notice and annually, for a period of five (5) years from the date hereof, submit a report to the Commission listing the names of all dealers or persons with whom respondent has refused to deal over the preceding year, a description of the reason for the refusal, and the date of the refusal;

(f) Notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this Order.

Issued: June 19, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

APPENDIX A

(LETTER TO HEARING AID DEALERS)

(Official Stationery of Sonotone Corporation)

Dear

Sonotone Corporation has entered into a consent order agreement with the Federal Trade Commission which obligates the company not to impose various restrictions upon dealers or to engage in certain other practices. This agreement is for settlement purposes only and does not constitute an admission by the company that it has engaged in any unlawful conduct.

A copy of the pertinent provisions of the consent order is enclosed for your careful examination. If in the future you believe that any of its terms have been violated, the details may be reported in writing to:

Federal Trade Commission,
Bureau of Competition,
Washington, D.C. 20580

Under the consent order Sonotone can, and expects to, continue to deal with you as the dealer in your area to whom we look for effective sales, service and promotion of our products. In addition, we invite you to serve as a distributor of Sonotone products to other hearing aid dealers. Under the consent order, Sonotone is obliged to sell directly to other qualified dealers only if they are unable to purchase Sonotone products from a dealer such as yourself promptly and at a price which does not exceed Sonotone's price to dealers for a single unit plus a reasonable handling charge.[1]

We look forward to continuing our association with you consistent with the letter and spirit of the consent order agreement.

Very truly yours,

(Name),
President,
Sonotone Corporation.

[1] The foregoing paragraph may be omitted at respondent's option.

[FR Doc.73-14288 Filed 7-12-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Louisiana Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specified exceptions, State plans for implementation of the national ambient air quality standards. That portion of the Louisiana State Implementation Plan that applies to the review of new sources and modifications was not approved. The plan did not contain legally enforceable procedures to prevent construction or modification of a source which would interfere with attainment or maintenance of the national standards as required by 40 CFR 51.18. Thus, Federal regulations were proposed on June 14, 1972 (37 FR 11826) and promulgated on October 28, 1972 (37 FR 23085) to correct this deficiency. On April 17, 1973, Louisiana held a public hearing and adopted a regulation to meet the requirements of 40 CFR 51.18. This information was submitted to EPA by Governor Edwards on April 25, 1973. The Administrator has determined that the supplemental submission meets the requirements of 40 CFR 51.18; thus, the previous disapproval is revoked below.

This approval action is effective on July 13, 1973. The agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

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

2. Immediate effectiveness of the actions enable the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

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

Dated: July 10, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Subpart T—Louisiana

1. In § 52.970, paragraph (c) is revised to read as follows:

§ 52.970 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) February 28, and May 8, 1972, by the Louisiana Air Control Commission, and

(2) July 17, 1972, April 25, 1973.

§ 52.976 [Revoked]

2. Section 52.976 is revoked.

[FR Doc.73-14393 Filed 7-12-73;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Carbaryl

Correction

In FR Doc. 73-13026 appearing at page 17003 in the issue of Thursday, June 28, 1973, in the second complete paragraph in the third column, the last five lines should read as follows: "5 parts per million in or on filberts (hazelnuts) * * *" and (2) by adding a new paragraph after the paragraph "5 parts per million in or on corn * * *" as follows:".

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-168]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New York	Broome	Union, Town of				July 11, 1973. Emerg.
Pennsylvania	Erie	Corry, City of				Do. Emerg.

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

Issued: July 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-14212 Filed 7-12-73;8:45 am]

[Docket No. FI-169]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Jo Daviess	Galena, City of	I 17 085 3250 01 through I 17 085 3250 02.	Dept. of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Dept., 525 W. Jefferson St., Springfield, Ill. 62702.	Public Works Office, City Hall, 312½ North Main St., Galena, Ill. 61036.	August 27, 1971. Emerg. July 20, 1973. Reg.
Minnesota	Houston	La Crescent, Village of.	I 27 055 3850 01 through I 27 055 3850 02.	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, 317 Main Street, La Crescent, Minn. 55947.	February 11, 1972. Emerg. July 20, 1973. Reg.
New York	Erie	East Aurora, Village of.	I 36 029 1630 01	New York State Dept. of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038, and, 324 State St., Albany, N.Y. 12210.	Village Hall, 571 Main Street, East Aurora, N.Y. 14052.	December 23, 1971. Emerg. July 20, 1973. Reg.
Pennsylvania	Luzerne	Leham, Township of.				July 10, 1973. Emerg.
Wisconsin	Lincoln	Merrill, City of	I 55 069 3010 01 through I 55 069 3010 02	Dept. of Natural Resources, P.O. Box 450, Madison, Wisc. 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City of Merrill, City Clerk's Office 717 E. 2nd. St., Merrill, Wisc. 54452.	April 9, 1973. Emerg. July 20, 1973. Reg.

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

Issued: July 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–14211 Filed 7–12–73;8:45 am]

[Docket No. FI–170]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on July 13, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Illinois	Jo Daviess	Galena, City of	H 17 085 3250 01 through H 17 085 3250 02.	Dept. of Local Government Affairs, 309 W. Washington St., Chicago, Ill. 60606. Illinois Insurance Dept., 525 W. Jefferson St., Springfield, Ill. 62702.	Public Works Office, City Hall, 312½ North Main St., Galena, Ill. 61036.	July 20, 1973.
Minnesota	Houston	La Crescent, Village of.	H 27 055 3850 01 through H 27 055 3850 02.	Division of Waters, Soils and Minerals, Dept. of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R–210 State Office Bldg., St. Paul, Minn. 55101.	Village Hall, 317 Main Street, La Crescent, Minn. 55947.	Do.
New Jersey	Monmouth	Manalapan, Township of.	H 34 025 1798 01 through H 34 025 1798 03.	Bureau of Water Control, Dept. of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Dept. of Insurance, State House Annex, Trenton, N.J. 08625.	Township of Manalapan, Box 15, Tennent, New Jersey 07763.	Do.
Do	Morris	Mendham, Township of.	H 34 027 0454 01 through H 34 027 0454 07.	do	Township of Mendham, Township Hall, Mendham, N.J. 07945.	Do.
New York	Erie	East Aurora	H 36 029 1630 01	New York State Dept. of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Dept., 123 William St., New York, N.Y. 10038 and 324 State St., Albany, N.Y. 12210.	Village Hall, 571 Main Street, East Aurora, N.Y. 14052.	Do.
Pennsylvania	Perry	Duncannon, Borough of.	H 42 099 2100 01	Dept. of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Dept., 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough of Duncannon, 115 Hickory Street, P.O. Box 9, Duncannon, Pa. 17020.	Do.
Do	Bucks	Bristol, Township of.	H 42 017 4408 01 through H 42 017 4408 05.	do	Bristol Borough Manager's Office, Pond & Mulberry Sts., Bristol, Pa. 19007.	Do.
Do	Adams	Hamilton, Township of.	H 42 001 2835 01 through H 42 001 2835 05.	do	Planning Commissioner, Hamilton Township, 637 A Frederick Street, Hanover, Pennsylvania 17331.	Do.
Do	Luzerne	Plains, Township of.	H 42 079 6615 01 through H 42 079 6615 05.	do	Plains Township, 126 N. Main Street, Plains, Pennsylvania 18705.	Do.
Do	Mifflin	Lewistown, Borough of.	H 42 087 4430 01 through H 42 087 4430 02.	do	Office of the Borough Manager, Municipal Building, Two East Third Street Lewistown, Pa. 17044.	Do.
Do	Westmoreland	Scottdale, Borough of.	H 42 129 7450 01	do	Borough of Scottdale, P.O. Box 67, Scottdale, Pa. 15683.	Do.
Wisconsin	Lincoln	Merrill, City of	H 55 069 3010 01 through H 55 069 3010 02	Dept. of Natural Resources, P.O. Box 450, Madison, Wisc. 53701. Wisconsin Insurance Dept., 212 N. Bassett St., Madison, Wisc. 53703.	City of Merrill, City Clerk's Office 717 E. 2nd. St., Merrill, Wisc. 54452.	Do.

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

Issued: July 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73–14213 Filed 7–12–73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 126—MAIL ADDRESSED TO MILITARY POST OFFICES OVERSEAS

Miscellaneous Amendments

Regulations as to mail addressed to military post offices overseas are amended to reflect increased weight limits for SAM (space available mail) and airlift service for certain second class publications mailed outside the 48 contiguous states. In addition, a roster of military post offices is amended to reflect openings and closings as well as changes in the conditions applicable to mail addressed thereto.

Accordingly, the following amendments are effective on July 13, 1973.

1. Paragraph (e)(2) and (4) of § 126.1 is amended to read as follows:

§ 126.1 Preparation and mailing.

* * * * *

(e) * * *

(2) Parcels of any class paid at surface postage rates not exceeding the weight and size limits in (e)(2)(i) and (ii) of this section are airlifted to, from or between overseas military post offices outside the 48 contiguous States. These parcels must be marked with the large letters SAM (space available mail) on the address side, preferably below the postage and above the name of the addressee. Postal employees will place these letters on all such parcels at the time of acceptance.

(i) When mailed from the 48 contiguous States, the weight and size limits are not more than 15 pounds in weight and not more than 60 inches in length and girth combined.

(ii) When mailed from an APO or FPO outside the 48 contiguous States, the weight and size limits are not more than 70 pounds in weight and not more than 100 inches in length and girth combined.

* * * * *

(4) Second class publications published once each week or more frequently and featuring principally current news of interest to members of the Armed Forces and the general public, which are mailed at or addressed to any Armed Forces post office outside the 48 contiguous States, will be given the airlift service provided in paragraph (e)(2) or this section.

3. Section 126.2 is amended to read as follows:

126.2 CONDITIONS PRESCRIBED BY THE DEFENSE DEPARTMENT APPLICABLE TO MAIL ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
09001	B-C-I [1]	09045	B-C-D	09075	A-B*-C
09002	B-C-I [1]	09046	B-C-D	09078	B-C-D
09007	B-C-D	09047	B-C-D	09079	B-C-D
09008	B-C-D	09048	B*-C	09080	B-C-D
09009	B-C-D	09050	B-C-D	09081	B-C-D
09011	B-C	09051	A-B-F-I	09082	B-C-D
09012	B-C-D	09052	B-C-D	09085	
09013	B-C-D	09053	B-C-D	09086	B-C-D
09019	B-C-I [1]	09054	B-C-D	09088	B*
09020	B	09055	B*	09090	B-C-D
09023		09056	B-C-D	09091	B-C-D
09025	B-C-D	09057	B-C-D	09093	B-C-D
09026	B-C-D	09058	B-C-D	09095	B-C-D
09028	B-C-D	09059	B-C-D	09098	B-C-D
09029	B-C-D	09060	B-C-D	09099	B-C-D
09031	B-C-D	09061	B-C-D	09101	B-C-D
09033	B-C-D	09062	B-C-D	09102	B-C-D
09034	B-C-D	09066	B-C-D	09107	B-C-D
09035	B-C-D	09067	B-C-D	09108	B-C-D
09036	B-C-D	09068	B-C-D	09109	B-C-D
09038	B-F-I-R	09069	B-C-D	09111	B-C-D
09039	B-C-D	09070	B-C-D	09114	B-C-D
09040	A-B-F-I	09074	B-C-D	09120	B*-C

See footnotes at end of table.

Military post office number	See footnotes
09121	
09123	B-C-D
09127	B*-C
09128	B-C-D
09130	B-C-D
09131	B-C-D
09132	B-C-D
09133	A-B-F-I
09137	B-C-D
09138	B-C-D
09139	B-C-D
09140	B-C-D
09141	B-C-D
09142	B-C-D
09144	B-C-D
09146	B-C-D
09150	B*-C
09154	B-C-D
09155	A-B
09159	B-C
09160	B-C-D
09161	B-C-I[1]
09162	B-C-D
09164	B-C-D
09165	B-C-D
09166	B-C-D
09168	B-C-I[1]
09169	B-C-D
09170	C-D-N
09171	B-C-D
09172	B-C-D
09173	B-C-D
09175	B-C-D
09176	B-C-D
09177	B-C-D
09178	B-C-D
09179	B*-C
09180	B-C-D
09184	B-C-D
09185	B-C-D
09189	B-C-D
09193	B*-C
09194	B*-C
09205	A-B
09210	B*-C
09218	B*-C
09220	B-C-D
09221	B-C-I[1]
09223	A
09224	A-B-F-I
09227	B-C-D
09238	B*-C
09240	B—C—I[1]
09245	B-C-D
09252	B-C-D
09253	A
09254	A-B-F-I
09277	B-C-D
09281	B-C-D
09282	
09283	
09284	
09285	
09286	
09289	A-B-F-I
09291	A
09292	B-C
09293	B-C-I[1]
09294	A-B-F-I

See footnotes at end of table.

Military post office number	See footnotes
09305	B-C-D
09319	B-C-D-I[1]
09320	A-B-F-I
09322	B-C-D
09324	A-B-F-I
09326	B-C-D
09330	B-C-D
09332	B-C-D
09333	B-C-D
09351	B-C-D
09352	B-C-D
09353	B-C-D
09360	B-C-D
09378	B*-C
09380	B-F-I
09401	
09403	B-C-D
09405	B*-C
09406	
09407	B-C-D
09411	B-C-D
09451	B-C-D
09452	
09454	B-C-D
09458	B-C-D
09501	
09502	
09505	O
09510	B*-C-J
09511	B*-C-J
09512	B*-C-J
09513	A-C-D
09514	A-C-D
09515	A-B*-C-J
09516	A-B*-C-I-J
09517	A-C-D
09518	A-B*-C-J
09520	A-C-I
09521	A-C-I[1]
09522	A-C-I[1]
09523	A-C-I[1]
09524	A-C-I[1]
09525	A
09526	
09527	A-N
09528	A
09529	A-C-I[1]
09530	
09531	A-B-C-F-M
09532	A
09540	
09544	A-B-C-E
09546	
09550	
09551	
09552	
09553	
09554	
09555	
09556	
09558	
09559	
09560	
09571	
09580	B
09584	B
09585	B
09593	
09597	

See footnotes at end of table.

Military post office number	See footnotes
09598	
09607	B*-C
09611	B-C-D
09616	B-F-I-R
09633	B-C-D
09659	B*-C
09662	
09664	N
09666	B-C-D
09667	B*
09670	B-C-I[1]
09672	
09676	B-C-M
09677	
09678	B-I-N
09684	B-C-D
09689	B-C-I[1]
09690	A
09692	B-C-D
09693	A
09696	B-C-D
09697	B-F-I-R
09701	B-C-D
09702	B-C-D
09710	B-C-D
09742	B-C-D
09743	B-C-D
09751	B-C-D
09755	B*-C
09757	B-C-D
09777	A-B-C-E
09794	B-C-I[1]
09801	B-C-D
09807	B-C-D
09825	B
09826	B
09827	B
09829	B
09832	B
09834	B
09837	B
09843	B-C-D-I[1]
09845	
09851	
09860	B-C-D
09862	N
09865	B-I-M
09867	M
09869	B-C-F-I-M-N
09870	C-D-N
09871	B-I-L-M-N
09872	B-C-D
09875	B-M
09879	H-I-M-N
09880	A-B-F-I-L
09881	I-M
09883	B-I-M-N
09885	M
09887	B-D-F-I-M-N
09889	B-I-M-N
09891	B-M-N
09892	A-B-F-I
09893	C-F-H-I-M-N
09895	B-I-M
09897	I-L
09899	B-I-M
96208	A-B
96209	A-B-H
96210	A-B-M
96212	A-B
96213	A-B
96217	A-F
96218	A-B

See footnotes at end of table.

Military post office number	See footnotes
96220	A-B
96224	A-B
96230	L
96231	A-B
96232	
96233	
96234	A-B-F
96235	A-B-M
96236	F[1]
96237	
96239	A-B-M
96243	A-B-F
96245	
96248	A-B-M
96251	A-B
96259	A-B
96261	
96263	F[1]
96264	A-B
96267	A-B-M
96271	A-B
96272	
96274	K
96276	A-B
96277	K
96280	F[1]
96281	A-B-M
96286	K-L
96287	A-B-H
96288	
96290	F[1]
96293	F[1]
96298	K
96299	A-B-M
96301	A-B
96302	A-B
96303	
96304	
96305	
96310	
96313	B-H-M
96315	
96319	F[1]
96322	P
96323	A-B-M
96324	A-B
96325	A-F
96327	L
96328	A-B-M
96330	
96331	A-B-M
96333	M
96334	
96335	A-B
96336	A-B-M
96338	A-B-M
96339	
96340	F[1]
96341	
96343	A-B-M
96346	
96347	A-F
96351	P
96352	
96356	
96358	A-B
96360	F[1]
96364	N-P
96365	

See footnotes at end of table.

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
96369	A-B-H-Q	96488	A-B	96615	
96376	A-F	96501		96617	
96381	A-F	96502	A-B-M	96620	A-B-F
96386		96503	A-B-M	96630	
96390	A-B-M	96504	A-B-M	96637	
96392	A-F	96515		96650	F-K
96393	A-B-F	96519	A-B-M	96651	F-K
96397	A-B	96525	A-B-M	96652	F-K
96401		96528	K	96654	F-K
96403	A-B-H	96545		96656	F-K
96404	A-B-H	96553		96658	F-K
96405	A-B-H	96555	M	96659	
96409	N	96556		96680	A-B-H-Q
96411	A-B-M	96557		96685	
96421		96558		96690	B-H
96430		96570	A-B	96692	
96431	K	96571	A-B	96699	A-F
96432	K	96594	A-B-M	98703	
96435	F[1]	96601		98704	
96436	A-B	96602		98706	
96437	A-B	96605	O	98709	
96438		96610		98710	
96455	A-B	96611		98711	
96460	B-C-D	96612		98713	
96668		96613		98715	
96483	A-B	96614			

See footnotes at end of table.

Military post office number	See footnotes	Military post office number	See footnotes	Military post office number	See footnotes
98716		98761	A-B-M	98777	
98723		98762	A-B-M	98781	A-B-M
98731		98764	A-B-M	98782	A-B-M
98732		98765	A-B-M	98790	
98733		98766	A-B-M	98791	
98736		98767	A-B-M	98792	
98737		98768	A-B-M	98793	
98742		98769	A-B	98794	
98745		98770	A-B-M	98795	
98746		98771		98796	
98747		98772	A-B-M	98798	
98748		98773	A-B-M	98799	
98749		98774			
98750		98775			
98760	A-B-M	98776			

FOOTNOTES

A. No mail of any class may contain securities or currency. Precious metals in their raw, unmanufactured state are also prohibited. Official shipments are exempt from these restrictions.

B. Customs Declaration form required, except that prepaid mail from a contractor, addressed to a military organization for official use, NEED NOT bear Customs Declaration but must be endorsed "Contents For Official Use—Exempt from Customs Requirement. Official mail from Government agencies DOES NOT require customs declaration or exemption endorsement."

*Articles will be liable for customs duty and/or purchase tax unless they are bona fide gifts, personal use intended for military personnel or their dependents. When the contents of a parcel meet these requirements, the mailer should place a certificate similar to the following on the customs form under the heading—"Description of Contents" "Certified to be a bona fide gift, personal effects or items for personal use of military personnel and dependents thereto."

C. Cigarettes and other tobacco products prohibited.

D. Coffee prohibited.

E. Mail may not contain: 1. Medicines or vaccines not conforming to French laws. 2. Nonauthorized publications, reprints, and publications prohibited on account of their political character or immoral contents.

F. Mail of all classes may not contain firearms of any type. See definition of firearms in 124.5.

F[1]. No mail of any class may contain privately-owned weapons addressed to an individual.

G. To be printed at a later date.

H. Meats, including preserved meats, whether hermetically sealed or not, are prohibited.

(Continued)

I. Mail of all classes may not exceed the following dimensions:

Length	
42"	72" length and girth combined.
Over 42" to 44"	24" girth.
Over 44" to 46"	20" girth.
Over 46" to 48"	16" girth.

Maximum length 48".

[1] Provisions of this footnote are not applicable to registered mail.
[2] Provisions of this footnote are not applicable to airmail nor to official Government mail marked MOM.

J. Weight for other than registered mail is restricted to 50 pounds.
K. Mail which includes in the address the words "Dependent Mail Section" may consist only of letter mail, newspapers, magazines and books. No parcel of any class containing any other matter may be mailed to Dependent Mail Section. This footnote is not applicable if the address does not include the words "Dependent Mail Section."
L. All official mail prohibited.
M. Fruits, animals, and living plants are prohibited.
N. No registered mail accepted.
O. Personal mail addressed to vessels using this number is limited to unregistered airmail, unregistered first-class mail, and certified mail. Other classes of mail may not be accepted.
P. APO will be used for the receipt and dispatch of official mail only.
Q. Mail may not exceed 66 pounds and size is limited to 42 inches maximum length and 72 inches maximum length and girth combined.
R. All alcoholic beverages, including those mailable under part 123.3 are prohibited.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.73-14226 Filed 7-12-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 2; Amdt. 7-7]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Document Inspection Facility

The purpose of this amendment to Part 7 is to indicate that records of the Office of the Secretary are available from the Director of Public Affairs (formerly, the Assistant Secretary for Public Affairs), and to describe in greater detail the document inspection facility for the Office of the Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure there on are unnecessary, and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective on July 13, 1973, Appendix A of Part 7 of Title 49, Code of Federal Regulations, is amended as follows:

1. Paragraph 2 is revised to read as follows:

2. *Document inspection facility.* The document inspection facility for the Office of the Secretary is maintained by the Director of Public Affairs, Room 10106, Nassif Building, 400 Seventh Street, SW., Washington, D.C. This facility is open to the public from 9:00 a.m. to 5:30 p.m. local time, Monday through Friday except Federal holidays.

2. The first clause of paragraph 3 is revised to read as follows:

3. *Records available at the document inspection facility.* The following records are available at the document inspection facility:

* * * * *

3. The first sentence of paragraph 4 is revised to read as follows:

4. *Requests for identifiable records under Subpart E of this part.* Each person desiring to inspect a record, or to obtain a copy thereof, must submit his request in writing to the Director of Public Affairs, Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590.

* * * * *

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e); sec. 1.59(m) of the regulations, Office of the Secretary of Transportation, 49 CFR 1.59(m))

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

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-14285 Filed 7-12-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Fifth Rev. S. O. 1043]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 3d day of July, 1973.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of hopper cars required for loading coal, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that coal stockpiles of several utility companies are being depleted; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owners; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1043 Service Order No. 1043.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, either via the reverse of the service route or direct, as agreed to by the owner, all hopper cars owned by the following railroads:

The Baltimore and Ohio Railroad Company Reporting marks: B&O
Bessemer and Lake Erie Railroad Company Reporting marks: B&LE.
The Chesapeake and Ohio Railway Company Reporting marks: C&O
Louisville and Nashville Railroad Company Reporting marks: L&N, NC, and MON
Norfolk and Western Railway Company Reporting marks: N&W, NKP, P&WV, VGN, and WAB
Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees Reporting marks: PRR, PC, NYC, NH, B&A, BWC, P&E, and TOC
The Pittsburgh and Lake Erie Railroad Company Reporting marks: P&LE[1]

(2) Carriers named in paragraph (1) above are prohibited from loading all hopper cars foreign to their lines and must return such cars to the owner, either via the reverse of the service route or direct, as agreed to by the owner.

(3) The following companies will be considered as one railroad in the application of paragraphs (a)(1) and (b) of this section:[1]

Penn Central Transportation Company George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees
The Pittsburgh and Lake Erie Railroad Company

(b) For the purpose of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner, or by R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission. Modifications authorized by the car owner must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to, and approval by, R. D. Pfahler.

(c) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car, described in this order, contrary to the provisions of the order.

(d) The term hopper cars, as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT" in the Official Railway Equipment Register, I.C.C. R.E.R. No. 387 issued by W. J. Trezise, or reissues thereof.

(e) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

[1] Addition.

(f) Effective date: This order shall become effective at 12:01 a.m., July 3, 1973.

(g) Expiration date: The provisions of this order shall expire at 11:59 p.m., December 31, 1973, unless otherwise modified, changed or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT S. OSWALD, *Secretary*.

[FR Doc.73-14358 Filed 7-12-73;8:45 am]

[Corrected Third Rev. Se. O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of June 1973.

It appearing, that an acute shortage of covered hopper cars, gondola cars, and boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars, gondola cars, and boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

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

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 387, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

Class "X"—Box Car Type—All Class "X" except "XT."
Class "G"—Gondola Car Type—All Class "G" except "GW."
Class "L"—Special Car Type—"LC", "LO", "LU", only.

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates designated as export or as rail-water, or moved on rates also applicable to other traffic.

(iv) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of rail cars and the loading and unloading of vessels.

(v) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(vi) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vii) The terms "loading", "unloading", and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-J, I.C.C. H-59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) Exception: Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) Exception: This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(xi) Exception: This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the United States Government.

(2) *Free Time.* (i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in paragraph (a)(1)(ii) of this section at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or though port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in paragraph (a)(1)(ii) of this section are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in paragraph (a)(2)(i) of this section, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.*[1] (i) After the expiration of the free-time period described in paragraph (a)(2) of this section, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in Demurrage Rule 6, Section B of General Car Demurrage Tariff 4-J, I.C.C. H-59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m. or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars Subject to Average Demurrage Basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of the free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied

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[1] Correction.

in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, $30.00 per car per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "set-back service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable cerdits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying paragraph (a)(4)(iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Records of detention and computation of demurrage charges on cars subject to this order shall be separate from records of detention and computation of demurrage charges on cars not subject to this order.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundred-weight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, the giving of arrival or constructive placement notice on freight destined for unloading or trans-shipment at the ports shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7:00 a.m., July 1, 1973.

(d) *Expiration date.* This order shall expire at 6:59 a.m., October 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–14359 Filed 7–12–73;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

1969 and Succeeding Years

APPENDIX; DISCONTINUATION OF INSURANCE IN COUNTIES PREVIOUSLY DESIGNATED FOR WHEAT CROP INSURANCE

Correction

In FR Doc. 73–13314 appearing on page 17437 in the issue for Monday, July 2, 1973, in the list of counties in Mississippi, insert "De Soto".

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

[Lemon Reg. 594]

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 15–21, 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.

§ 910.894 Lemon Regulation 594.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated

in the order. The committee further reports the demand for lemons is strong for first grade fruit and is somewhat weaker for second grade fruit. Demand for 165's and smaller continues strong while being steady on 140's. Markets and auctions are generally adequately supplied for both this week and next, and hot, humid weather in the East is helping clear auction markets of considerable poor condition fruit. Average f.o.b. price was $5.04 per carton the week ended July 7, 1973, compared to $5.29 per carton the previous week. Track and rolling supplies at 215 cars were down 57 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication 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 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 section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 10, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 15, 1973, through July 21, 1973, is hereby fixed at 300,000 cartons.

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

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

Dated: July 12, 1973.

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

[FR Doc.73-14512 Filed 7-12-73;11:24 am]

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 regulation period July 15–July 21, 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.

§ 911.404 Lime Regulation 4.

(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 appears to be stabilizing following two weeks of decline in prices. Prices currently range $1.35 to $1.55 per 10 pound container. Fresh shipments for the weeks ended July 7, 1973, and June 30, 1973, were 15,815 bushels and 35,113 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 insufficent, 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 July 10, 1973.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 15, 1973, through July 21, 1973, is hereby fixed at 24,600 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: July 12, 1973.

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

[FR Doc.73-14513 Filed 7-12-73;11:25 am]

PART 921—FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment for Fiscal 1973–74

This document fixes the expenses of the Washington Fresh Peach Marketing

Committee for the 1973–74 season at $7,790 and prescribes that handlers pay $0.80 per ton to defray such expenses.

Notice was published in the June 19, 1973, issue of the FEDERAL REGISTER (38 FR 15969) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the fiscal period ending March 31, 1974, under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR Part 921), regulating the handling of fresh peaches grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Fresh Peach Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 921.213 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the fiscal period beginning April 1, 1973, and ending March 31, 1974, will amount to $7,790;

(b) *Rate of assessment.* The rate of assessment, payable by each handler in accordance with § 921.41 is fixed at eighty cents ($0.80) per ton of fresh peaches; and

(c) 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 marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of peaches grown in the designated counties of Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment fixed shall be applicable to all assessable fresh peaches from the beginning of such period; and (3) such period began on April 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable fresh peaches beginning with such date.

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

Dated: July 10, 1973.

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

[FR Doc.73–14384 Filed 7–12–73;8:45 am]

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Expenses and Rate of Assessment

On June 27, 1973, notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 16878) regarding proposed expenses and the related rate of assessment for the period April 1, 1973, through March 31, 1974, 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. This notice allowed interested persons 9 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Washington Cherry Marketing Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 923.213 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Washington Cherry Marketing Committee during the period April 1, 1973, through March 31, 1974, will amount to $17,681.

(b) *Rate of Assessment.* The rate of assessment for said period, payable by each handler in accordance with § 923.41, is fixed at $0.90 per ton of sweet cherries.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of sweet cherries grown in the designated counties in Washington are now being made; (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cherries handled during the aforesaid period; and (3) such period began on April 1, 1973, and said rate of assessment will automatically apply to all such cherries beginning with such date.

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

Dated: July 10, 1973.

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

[FR Doc.73–14385 Filed 7–12–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, 1973 Crop Soybean Supp.]

PART 1421—GRAIN AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Crop Soybean Loan and Purchase Program

Correction

In FR Doc. 73–11985 appearing at page 15826 of the issue for Monday, June 18, 1973, the following changes should be made in § 1421.393:

1. In § 1421.393(a) under "Wisconsin", "Ozaukei" should read "Ozaukee".

2. In § 1421.393(b), "12.3 through 13.0" should read "12.8 through 13.0".

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1973 CROP—FLUE-CURED TOBACCO, ADVANCE SCHEDULE

On June 8, 1973, there was published in the FEDERAL REGISTER (38 FR 15081) a notice of proposed rule making setting forth the proposed price support advance rates for 1973-crop flue-cured tobacco. Interested parties were given the opportunity to submit, not later than July 8, 1973, data, views and recommendations regarding the advance rates.

No unfavorable comments have been received, and the proposed advance rates are hereby adopted without change and are set forth below. The material previously appearing under § 1464.16 remains applicable to the crop to which it refers.

Effective date: July 13, 1973.

Signed at Washington, D.C., on July 9, 1973.

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

§ 1464.16 1973 crop—flue-cured tobacco, types 11–14, advance schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance Rate	Grade	Advance Rate
A1F	99.25	B3FR	84.25
A2F	97.25	B4FR	81.25
B1L	93.25	B5FR	78.25
B2L	88.25	B6FR	74.25
B3L	85.25	B3R	73.25
B4L	83.25	B4R	69.25
B5L	81.25	B5R	64.25
B6L	77.25	B6R	60.25
B1F	93.25	B3K	80.25
B2F	88.25	B4K	77.25
B3F	85.25	B5K	74.25
B4F	83.25	B6K	70.25
B5F	81.25	B3LV	83.25
B6F	77.25	B4LV	79.25
B1FR	92.25	B5LV	76.25
B2FR	87.25	B3FV	83.25

[1] The advance rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support". Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the advance rates listed plus 12½ cents per hundred pounds. Tobacco is eligible for advance only if consigned by the original producer and only if produced by a cooperator.

Grade	Advance Rate	Grade	Advance Rate
B4FV	79.25	C1L	94.25
B5FV	76.25	C2L	92.25
B3LS	79.25	C3L	90.25
B4LS	76.25	C4L	88.25
B5LS	73.25	C5L	86.25
B6LS	67.25	C1F	94.25
B3FS	77.25	C2F	92.25
B4FS	75.25	C3F	90.25
B5FS	72.25	C4F	88.25
B6FS	66.25	C5F	86.25
B3KL	73.25	C4LV	85.25
B4KL	71.25	C4FV	85.25
B5KL	68.25	C4LS	83.25
B6KL	63.25	C5LS	80.25
B3KF	72.25	C4KL	83.25
B4KF	70.25	C4KF	83.25
B5KF	67.25	C4KM	83.25
B6KF	62.25	C4KR	85.25
B3KM	76.25	X1L	90.25
B4KM	74.25	X2L	88.25
B5KM	71.25	X3L	86.25
B6KM	66.25	X4L	84.25
K3KR	79.25	X5L	80.25
B4KR	76.25	X1F	90.25
B5KR	73.25	X2F	88.25
B4KV	73.25	X3F	86.25
B5KV	68.25	X4F	84.25
B6KV	64.25	X5F	80.25
B5RR	61.25	X3LV	83.25
B4GL	75.25	X4LV	80.25
B5GL	72.25	X3FV	83.25
B6GL	67.25	X4FV	80.25
B4GF	74.25	X3LS	82.25
B5GF	70.25	X4LS	78.25
B6GF	66.25	X3FS	80.25
B4GR	68.25	X4FS	77.25
B5GR	62.25	X4KL	79.25
B6GR	57.25	X4KF	79.25
B4GK	70.25	X4KV	76.25
B5GK	65.25	X3KM	82.25
B6GK	61.25	X4KM	78.25
B5RG	58.25	X4KR	82.25
B4GG	60.25	X4G	75.25
B5GG	57.25	X5G	70.25
H1L	93.25	X4GK	74.25
H2L	90.25	P2L	85.25
H3L	88.25	P3L	82.25
H4L	86.25	P4L	80.25
H5L	83.25	P5L	76.25
H6L	79.25	P2F	85.25
H1F	93.25	P3F	82.25
H2F	90.25	P4F	80.25
H3F	88.25	P5F	76.25
H4F	86.25	P4G	72.25
H5F	83.25	P5G	66.25
H6F	79.25	N1L	69.25
H3FR	86.25	N1XL	73.25
H4FR	83.25	N1K	68.25
H5FR	80.25	N1R	58.25
H6FR	77.25	N1GL	62.25
H4K	82.25	N1GF	61.25
H5K	79.25	N1GR	54.25
H6K	75.25	N1GG	50.25

Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2," "No-G" or "scrap" will not be accepted. The cooperative association through which advances are made available is authorized to deduct 25 cents per hundred pounds to apply against overhead costs.

[FR Doc.73-14312 Filed 7-12-73;8:45 am]

Title 23—Highways

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-29; Notice 3]

PART 1230—HIGHWAY SAFETY PROGRAM STANDARDS—APPLICABILITY TO FEDERALLY ADMINISTERED AREAS

In a notice of proposed rulemaking published on October 26, 1972 (37 FR 22876), the National Highway Traffic Safety Administration and the Federal Highway Administration requested public comment on a proposal to apply the highway safety program standards published in 23 CFR Ch. II to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations. The purpose of this notice is to issue a new 23 CFR Part 1230, Highway Safety Program Standards—Applicability to Federally Administered Areas.

Comments were received from most of the land-holding Federal agencies, generally indicating that compliance with the highway safety program standards presents only budgetary problems. There were, however, several comments from agencies discussing particular program difficulties relating to their activities, which, taken together, highlight the need for flexibility in implementation of this aspect of the national highway safety program. For example, the Forest Service, Department of Agriculture, pointed out legislative restrictions established in its 1897 Act, providing that administration of and jurisdiction over persons within the National Forests remain with the States. The Department of Defense also raised questions relating to the applicability of Standard No. 7, Traffic Courts, to unit commanders' on base authority under the Uniform Code of Military Justice.

Several private organizations and States also commented on the proposal, generally expressing support. These comments, too, pointed out particular problems relating to the specific program efforts of the agencies. Logging and paper companies, for example, raised questions about the applicability of the proposal to private roads and existing property rights. Concern was also expressed about the possible impact of applying the highway safety program standards on environmental and recreational needs in the park system, the National Forest System and the National Wildlife Refuge System.

There are 141 Federal agencies, each of which has statutory responsibilities and substantive programs that interface with the Highway Safety Act in a large variety of ways. It is not the intent of the proposal to interfere with the statutory responsibilities of the various Federal agencies, or to cause unnecessarily detrimental impacts on the environment in natural and historic areas. However, the legislative history of the Highway Safety Act clearly establishes the mandate of the Act to attack highway safety problems on all of the Nation's highways. The stated purposes and requirements of this Act should be read in conjunction with the other statutory proscriptions.

It is believed, therefore, that the best way to ensure a meaningful implementation of the highway safety program standards in federally administered areas is to review the standards on a program-by-program basis with each agency. For this reason the new part will establish the basic principle that the standards apply to federally administered areas, and impose reporting and program planning requirements. Details of the interaction of specific programs with specific standards will be covered in the planning and review process. Clarification of standard requirements and technical assistance will be available through the staff offices of the FHWA and NHTSA. It is expected that guidelines for submission and review of planning documents will be issued within 180 days of the effective date of this part. The guidelines will include requirements for review of the environmental impact in preparing programs. In view of this intention to clarify the program specifics at a later date, it is the judgment of the FHWA and the NHTSA that no significant environmental impact will directly result from issuance of this notice.

A few agencies have raised a question as to the meaning given to the phrase "open to public travel." This language is based on the indication in the legislative history that the Act is designed to develop programs for protecting the traveling public from the hazards of traffic crashes on the Nation's highways. "Open to public travel" is therefore intended to cover highways and road systems that are open to travel by the general public. It is not intended to apply to roads where access to the general public is restricted, although a requirement for identification to gain access to a road would not necessarily exclude it from the public road category. For example, on military bases, roads on firing ranges where members of the public are not permitted would not be included, but roads on the base where dependents, visitors and other members of the public are permitted access would be included. The process of submission and review of plans required by the new part is designed to resolve the question of what roads are open to public travel as it relates to specific programs.

Some agencies also raised questions about the need for various reports, arguing that a Comprehensive Plan and Annual Report would be sufficient to provide the Department with information to review compliance of the agencies with the standards. The FHWA and NHTSA recognize the need to keep reports and paperwork to a minimum. It has been determined, therefore, that a Comprehensive Plan should be submitted by each agency, detailing its planned efforts for implementing the highway safety program standards in their jurisdictions. An Annual Report reviewing the year's accomplishments would also be submitted. The requirement for submission of an Annual Work Program has been deleted.

In consideration of the foregoing, 23 CFR Ch. II is amended by adding a new Part 1230—Highway Safety Program Standards—Applicability to Federally

Administered Areas, in Subchapter B, to read as set forth below.

Effective date: August 15, 1973.

Issued on: July 6, 1973.

NORBERT T. TIEMANN,
Administrator, Federal Highway Administration.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs, National Highway Traffic Safety Administration.

Sec.
1230.1 Scope.
1230.2 Purpose.
1230.3 Applicability.
1230.4 Requirements.

AUTHORITY: 23 U.S.C. 402, 38 FR 12147, 49 CFR 1.48.

§ 1230.1 Scope.

This part establishes requirements for implementation by Federal departments or agencies of highway safety program standards set out in this chapter, in federally administered areas where a Federal department or agency controls highways open to public travel or supervises traffic operations.

§ 1230.2 Purpose.

The purpose of this part is to ensure that uniform standards established to regulate highway safety activities apply uniformly throughout the United States to those highways and activities administered by a Federal agency.

§ 1230.3 Applicability.

Pursuant to 23 U.S.C. 402, the highway safety program standards set forth in this chapter are applicable to Federal departments and agencies that control highways open to public travel within federally administered areas or supervise traffic operations on such highways, to the extent that they engage in activities covered by the highway safety program standards set out in this chapter.

§ 1230.4 Requirements.

(a) Each department or agency shall implement the highway safety program standards, to the extent that they are relevant to the activities of the department or agency. Implementation activities shall include but not be limited to:

(1) In cooperation with the FHWA and NHTSA, review of the department's or agency's activities to determine which are covered by the highway safety program standards.

(2) Review of the current status of those activities with regard to the relevant requirements of the standards.

(3) Development, submission to the FHWA and NHTSA, and periodic updating and implementation of a multiyear Comprehensive Plan for highway safety in accordance with the highway safety program standards.

(b) Each department or agency shall submit annually to the Secretary of Transportation a comprehensive report on the administration of its highway safety program for the preceding calendar year. The report shall be suitable for inclusion in the report to the President for transmittal to the Congress as required by section 202(a) of the Highway Safety Act of 1966 (P.L. 89-564), and shall include but not be limited to:

(1) Thorough statistical data on fatal, injury and property damage accidents which occurred within its federally administered area.

(2) The scope of observance of applicable Federal standards.

(3) The effectiveness of its highway safety programs.

[FR Doc.73-14335 Filed 7-12-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 314—HANDLING AND DISPOSAL OF CONDEMNED OR OTHER INEDIBLE PRODUCTS AT OFFICIAL ESTABLISHMENTS

Issuance of Permits To Obtain Scientific and Research Specimens

Pursuant to the authority contained in the Federal Meat Inspection Act (21 U.S.C. 601 *et seq.*), the references to the name "area supervisor" in § 314.9 are changed to "inspector in charge."

(Sec. 21, 34 Stat. 1264, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

This docket will amend the regulations to place the issuance of the permit for removal of biological and scientific specimens at the plant level. Prior to the reorganization, this permit (MP-403-10) was issued by the officer in charge who, in most cases, was located in close proximity to the plant. Following the reorganization, the regulations were amended en masse to require the area supervisor to issue the permit. Since this permit is valid only for a specified establishment, good cause is found for authorizing the inspector in charge at each plant to issue this permit. Such permits that are issued would be reviewed by the circuit supervisor.

These amendments are organizational in nature. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective July 13, 1973.

Done at Washington, D.C., on: July 6, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14260 Filed 7-12-73;8:45 am]

Title 30—Mineral Resources

CHAPTER I—BUREAU OF MINES, DEPARTMENT OF THE INTERIOR

SUBCHAPTER N—METAL AND NONMETALLIC MINE HEALTH AND SAFETY

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740 (1970)). Order No. 2953 transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration the functions of mine health and safety, assessment and compliance, and education and training. The functions of energy, metallurgical and mining research and development, mine health and safety research, and mineral supply are retained in the Bureau of Mines. In order to provide for necessary changes in nomenclature to conform to the foregoing Secretarial Order, Subchapters N and O of Chapter I, Title 30, Code of Federal Regulations, are hereby amended, as set forth below.

As the amendments relate to matters of internal Department organization and practice, the prior notice and public procedure provisions of 5 U.S.C. section 553 are inapplicable.

The amendments shall be effective on July 16, 1973.

JULY 10, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

(Federal Metal and Nonmetallic Mine Safety Act (P.L. 89-577, 30 U.S.C. 721-740) and Sec. 508, Federal Coal Mine Health and Safety Act of 1969 (P.L. 91-173, 30 U.S.C. 957))

PART 55—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC OPEN PIT MINES

Part 55 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 55.2, 55.3-13, 55.4-4, 55.4-24, 55.5-5, 55.6-94, 55.6-94, 55.6-100, 55.12-47, 55.13-32, 55.24-1, 55.24-2, 55.24-5, 55.24-6, 55.24-7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
55.3-13
55.4-4
55.4-24(e)
55.5-5
55.6-94
55.6-100
55.12-47

Sec.
55.13–32
55.24–2
55.24–5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
55.24–1
55.24–2
55.24–5
55.24–6
55.24–7

3. In § 55.24–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 55.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 56—HEALTH AND SAFETY STANDARDS—SAND, GRAVEL, AND CRUSHED STONE OPERATIONS

Part 56 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 56.2, 56.3–13, 56.4–4, 56.4–24, 56.5–5, 56.6–94, 56.6–100, 56.12–47, 56.13–32, 56.24–1, 56.24–2, 56.24–5, 56.24–6, 56.24–7 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
56.3–13
56.4–4
56.4–24(e)
56.5–5
56.6–94
56.6–100
56.12–47
56.13–32
56.24–2
56.24–5

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor:

Secs.
56.24–1
56.24–2
56.24–5
56.24–6
56.24–7

3. In § 56.24–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 56.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

PART 57—HEALTH AND SAFETY STANDARDS—METAL AND NONMETALLIC UNDERGROUND MINES

Part 57 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 57.2, 57.3–13, 57.4–4, 57.4–24, 57.5–5, 57.6–94, 57.6–100, 57.12–47, 57.13–32, 57.21–95, 57.21–96, 57.21–100, 57.24–1, 57.24–2, 57.24–5, 57.24–6, 57.24–7, 57.25–1, 57.25–2, 57.25–3, 57.25–7, 57.25–8, 57.25–9 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor:

Secs.
57.3–13
57.4–4
57.4–24(e)
57.5–5
57.6–94
57.6–100
57.12–47
57.13–32
57.21–96
57.24–2
57.24–5
57.25–3
57.25–7(a)

2. In the sections specified below, the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the word "Director" is deleted where it appears and the word "Administrator" is substituted therefor:

Secs.
57.24–1
57.24–2
57.24–5
57.24–6
57.24–7
57.25–1
57.25–2(c)
57.25–3
57.25–7
57.25–8
57.25–9

3. In §§ 57.24–1 and 57.25–1 the words "Deputy Director—Health and Safety" are deleted and the words "Deputy Administrator, Mining Enforcement and Safety Administration" are substituted therefor, and the words "Assistant Director" are deleted and the words "Assistant Administrator" are substituted therefor.

4. In the definition of the word "permissible" in § 57.2 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

5. In § 57.21–95 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines" where such words first appear, and where the words "Bureau of Mines" last appear in that section those words are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

6. In § 57.21–100 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "Bureau of Mines."

PART 58—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS, INJURIES AND OCCUPATIONAL ILLNESSES IN METAL AND NONMETAL MINES

Part 58 of Chapter I of Title 30 of the Code of Federal Regulations is amended as follows:

§§ 58.1, 58.2, 58.10, 58.12, 58.20, 58.21, 58.22, 58.30, 58.31, 58.32, 58.33 [Amended]

1. In the heading of Subpart D and the sections specified below the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor, and the word "Bureau" is deleted wherever it appears and the word "Administration" substituted therefor:

Secs.
58.1
58.2(k)
58.10
58.12
58.20
58.21
58.22(a)(1)
58.30
58.31
58.32
58.33

PART 70—MANDATORY HEALTH STANDARDS—UNDERGROUND COAL MINES

Part 70 of Chapter I of Title 30, Code of Federal Regulations is amended as follows:

§ 70.204 [Deleted]

1. Section 70.204 is deleted in its entirety.

§§ 70.223, 70.261, 70.271, 70.504–2, 70.510 [Amended]

2. In §§ 70.223, 70.261, 70.271, 70.504–2 and 70.510(b)(2) the term "Bureau of Mines" is deleted and the term "Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.260 [Amended]

3. In § 70.260(a), the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

4. Section 70.272 is revised to read as follows:

§ 70.272 Report and certification of conditions in active mine workings.

Each operator of a coal mine shall, on or before June 30, 1970, and annually thereafter on the anniversary date of each initial report and certification, report and certify to the Secretary the conditions relative to dust control which exist in the active workings of all mines operated. Such reports shall be submitted on Mining Enforcement and Safety Administration Form No. 6–1497. Report forms may be obtained from any Coal Mine Health and Safety District Office of the Mining Enforcement and Safety Administration. Reports shall be submitted to the District Manager of the Coal Health and Safety District in which the mine is located.

§§ 70.305–1, 70.400–1, 70.505 [Amended]

5. In §§ 70.305–1, 70.400–1, 70.505, the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "approved by the Bureau of Mines."

§ 70.504 [Amended]

6. In § 70.504 the term "Director, Bureau of Mines" is deleted and the term "Administrator, Mining Enforcement and Safety Administration" is substituted therefor.

§ 70.504–1 [Amended]

7. In § 70.504–1 the terms "Bureau of Mines" and "Bureau" are deleted and the terms "Mining Enforcement and Safety Administration" and "Administration" are respectively substituted therefor.

§§ 70.507, 70.508, 70.509 [Amended]

8. In §§ 70.507, 70.508, and 70.509, the address "Assistant Director, Coal Mine Health and Safety, Bureau of Mines, Department of the Interior, Washington, D.C. 20240" is deleted and the address "Division of Automatic Data Processing, Mining Enforcement and Safety Administration, Building 53, Denver Federal Center, Denver, Colo. 80225" is substituted therefor, and the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" substituted therefor.

§ 70.510 [Amended]

9. In § 70.510(b)(3) the words "Assistant Director, Coal Mine Health and Safety, Bureau of Mines" are deleted and the words "Assistant Administrator, Coal Mine Health and Safety, Mining Enforcement and Safety Administration" are substituted therefor.

PART 71—MANDATORY HEALTH STANDARDS—SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Part 71 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 71.200, 71.402, 71.500 [Amended]

1. In §§ 71.200, 71.402, and 71.500 the words "Bureau of Mines" are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

§ 71.111 [Amended]

2. In § 71.111 the words "Pittsburgh Field Health Group, Bureau of Mines" are deleted and the words "Pittsburgh Health and Safety Technical Support Center, Mining Enforcement and Safety Administration" are substituted therefor.

PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

Part 75 of Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 75.100, 75.150, 75.155, 75.301–7, 75.301–8, 75.303–2, 75.503–1, 75.517–2, 75.1103–2, 75.1712–6, 75.1721, 75.1800, 75.1801, 75.1802, 75.1803, 75.1804, 75.1805, 75.1807 [Amended]

1. In the sections specified below, the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

Secs.
75.100(c)(1)
75.150(b)(2)
75.155(c)
75.301–7(c)(2)
75.301–8(c)(1)
75.303–2(c)
75.503–1
75.517–2(d)
75.1103–2(b)
75.1712–6
75.1721(b)(1)
75.1800
75.1801
75.1802
75.1803
75.1804
75.1805
75.1806
75.1807

§§ 75.151, 75.1703–1, 75.1714–1 [Amended]

2. In §§ 75.151, 75.1703–1, and 75.1714–1 the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

§ 75.153 [Amended]

3. In § 75.153(e) the word "Bureau" is deleted and replaced by the word "Administration."

§ 75.506 [Amended]

4. In § 75.506(a) the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 7 thereof.

§§ 75.523–1, 75.1710–1 [Amended]

5. In §§ 75.523–1(c) and 75.1710–1(f) the words "Assistant Director—Technical Support, Bureau of Mines" are deleted and the words "Assistant Administrator—Technical Support, Mining Enforcement and Safety Administration" are substituted therefor.

§§ 75.803–3, 75.902–3 [Amended]

6. Sections 75.803–3 and 75.902–3 are deleted entirely.

§ 75.1107–17 [Amended]

7. In § 75.1107–17 the words "or the Mining Enforcement and Safety Administration" are inserted immediately after the words "Bureau of Mines" in line 6 thereof; and the words "Bureau of Mines" in line 11 thereof are deleted and the words "Mining Enforcement and Safety Administration" are substituted therefor.

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Part 77, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§§ 77.100, 77.101, 77.102, 77.103, 77.105, 77.413, 77.1000–1, 77.1108–1, 77.1303, 77.1900, 77.1902–1, 77.1914 [Amended]

1. In the sections specified below, the term "Bureau of Mines" is deleted wherever it appears and the term "Mining Enforcement and Safety Administration" is substituted therefor.

Secs.
77.101(b)(2)
77.102
77.105(b)
77.413
77.1000–1
77.1108–1(b)(4)
77.1303(m)
77.1900

2. In §§ 77.100(b)(2), 77.1902–1, and 77.1914(c) the words "or the Mining Enforcement and Safety Administration" are inserted after the words "approved by the Bureau of Mines."

3. In § 77.103(e) the word "Bureau" is deleted and the word "Administration" is substituted therefor.

PART 80—NOTIFICATION, INVESTIGATION, REPORTS AND RECORDS OF ACCIDENTS

§§ 80.10, 80.11, 80.12, 80.23, 80.24, 80.31, 80.32, 80.33 [Amended]

Part 80, Chapter I of Title 30, Code of Federal Regulations is amended by deleting the word "Bureau" in § 80.10 and inserting in lieu thereof the word "Administration"; and by deleting the words "Bureau of Mines" in the heading of Subpart D and in the sections specified below, and inserting in lieu thereof the words "Mining Enforcement and Safety Administration."

Secs.
80.10
80.11
80.12
80.23
80.24
80.31
80.32
80.33

PART 81—PROCEDURES FOR IDENTIFICATION OF REPRESENTATIVES OF MINERS AT MINES

Part 81, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Director, Bureau of Mines", "Bureau of Mines", and "Bureau" wherever they appear and by substituting respectively therefor the words "Administrator, Mining Enforcement and Safety Administration", "Mining Enforcement and Safety Administration", and "Administration."

PART 82—NOTIFICATION OF LEGAL IDENTITY

Part 82, Chapter I, Title 30, Code of Federal Regulations is amended by deleting the words "Bureau of Mines" wherever they appear and substituting therefor the words "Mining Enforcement and Safety Administration."

PART 90—PROCEDURES FOR TRANSFER OF MINERS WITH EVIDENCE OF PNEUMOCONIOSIS

Part 90, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

§ 90.1 [Amended]

1. In § 90.1 the words "Director, Bureau of Mines" are deleted wherever they appear and the words "Administrator, Mining Enforcement and Safety Administration" are substituted therefor.

2. In § 90.2, paragraph (b) is revised as follows:

§ 90.2 Definitions.

* * * * *

(b) "Administrator" means the Administrator, Mining Enforcement and Safety Administration, U.S. Department of the Interior.

* * * * *

§§ 90.10, 90.20, 90.30, 90.31, 90.32, 90.35 [Amended]

3. In §§ 90.10, 90.20, 90.30, 90.31(a), 90.32, 90.33(b), the heading of Subpart E, and Figure 1 the word "Director" is deleted wherever it appears and the word "Administrator" is substituted therefor; and the words "Bureau of Mines" are deleted wherever they appear and the words "Mining Enforcement and Safety Administration" are substituted therefor.

[FR Doc.73-14475 Filed 7-12-73;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Miscellaneous Amendments

Pursuant to the authority vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512), approved October 20, 1972, the Department of the Treasury hereby amends the regulations in Part 51 of Subtitle B of Title 31, Code of Federal Regulations, effective April 5, 1973 (38 FR 9132) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto.

These amendments are intended primarily to clarify the language of certain provisions of the regulations. Because the purpose of these amendments is to provide immediate guidance to the states and local units of governments as to procedures applicable after December 31, 1972, in order that the requirements of the Act be complied with, it is hereby found impracticable to issue these amendments with notice and public procedure thereon under 5 U.S.C. 553(b), or subject to the effective date limitation of 5 U.S.C. 553(d).

The foregoing amendments are issued under authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512) and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342). These amendments shall become effective when filed with the Federal Register and are applicable to entitlement periods beginning on or after January 1, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved July 11, 1973.

EDWARD C. SCHMULTS,
General Counsel.

Section 51.3 is amended to read as follows:

§ 51.3 Procedure for effecting compliance.

(a) *In general.* If the Secretary determines that a recipient government has failed to comply substantially with any provision of this part, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government pursuant to Subpart F of this part, the Secretary shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

(b) *Determination to delay payment.* Whenever the Secretary determines that a recipient government has failed to comply with the communication requirement period until such time as the ment of entitlement funds to such recipient. A determination to delay payment of entitlement funds shall not be subject to the procedure set forth in paragraph (a) of this section and shall be in effect only for such time as is necessary to effect compliance.

The first sentence of § 51.5 is amended to read as follows:

§ 51.5 Transfer of funds to secondary recipients.

Those prohibitions and restrictions set forth in subpart D of this part which are applicable to a recipient government's entitlement funds continue to be applicable to such funds if they are transferred to another governmental unit or private organization. * * *

§ 51.11 [Amended]

The second sentence of § 51.11(b) is amended by deleting the words "and the balance of the trust fund as of the date of the report's submission" and inserting a period after the word "period". As amended, the second sentence of § 51.11 (b) reads: "Such report also shall state any interest earned on entitlement funds during the period."

The third sentence of § 51.11(b) is amended by adding the phrase "including its balance" after the word "fund". As amended, the third sentence of § 51.11 (b) reads: "Such reports shall show the status of the trust fund including its balance as of June 30 and shall be filed with the Secretary on or before September 1 of each calendar year."

Section 51.24(a) is amended to read as follows:

§ 51.24 Waiver of entitlement; nondelivery of checks; insufficient data.

(a) *Waiver.* Any unit of local government may waive its entitlement for any entitlement period: *Provided,* The chief executive officer with the consent of the governing body of such unit notifies the Secretary that the entitlement payments for a past, current, or the next beginning entitlement period are being waived. In the event that an entitlement payment is returned or a notice of waiver is executed which is not in accordance with this procedure, the chief executive officer will be so notified by the Secretary and, unless the attempted waiver is rescinded within 30 days of the date of such notice, it shall be given effect. However, in no event will a notice of waiver be given effect for an entitlement period which is subsequent to the next beginning entitlement period. The entitlement waived shall be added to and shall become a part of the entitlement of the next highest unit of government eligible to receive entitlement funds in that State in which the unit of government waiving entitlement is located. However, if the governing body of an Indian tribe or Alaskan native village waives its entitlement for any period, the rules relating to distributions within county areas (pursuant to section 108(b)(4) of the Act) are to apply to the distribution within a county area as if such tribe or village were not in existence for that period. A waiver of entitlement by a unit of local government or Indian tribe or Alaskan native village shall be deemed irrevocable for the entitlement period or periods to which it relates.

* * * * *

Paragraph (a) of § 51.25 is amended by deleting the second sentence and inserting a new sentence, and the second

sentence of paragraph (b) is revised, all to read as set forth below.

§ 51.25 Reservation of funds and adjustment of entitlement.

(a) * * * Such reserve shall be known as the Obligated Adjustment Reserve and amounts remaining in that reserve will accumulate until the liabilities of the Trust Fund are discharged or sufficiently diminished to permit an allocation to recipient governments. * * *

(b) * * * In such case the Secretary may demand that the funds received by the recipient government in excess of its entitlement be immediately repaid to the Trust Fund of the Department of the Treasury.

The final sentence of § 51.26(a) is amended by inserting the phrase "debt proceeds and" after the word "including." As amended, the final sentence of § 51.26(a) reads:

§ 51.26 State must maintain transfers to local government.

(a) * * *

* * * The phrase "own sources" means all sources of State revenue (including debt proceeds and the State's revenue sharing entitlement funds) but excluding intergovernmental revenues received from the Federal government.

[FR Doc.73-14469 Filed 7-12-73;8:45 am]

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 THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Notice of Proposed Rule Making

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208), it was proposed to revise and restructure subchapter B of Chapter One of this title.

It is determined that § 20.21(i)(2), as previously proposed should be further revised. The revision of § 20.21(i)(2) which is being proposed at this time would change the language of the baiting regulation with respect to hunting doves.

Enforcement of the baiting regulation for doves has been a recurring problem for years. The wording of the regulation contributes to the problem. The difficulty seems to arise from the phrase "valid agricultural operations or procedures" in the regulation. The validity of agricultural operations varies by time and geography presenting a very difficult problem of definition. The situation at present is very difficult for both the hunter and enforcement personnel.

It is desirable to make the definition of illegal baiting as clear as possible. Accordingly, it is proposed to revise subpart C, § 20.21(i)(2) as proposed in the FEDERAL REGISTER of April 25, 1973, as follows:

Subpart C—Taking

§ 20.21 Hunting methods.

* * * * * *

(i) * * *

(2) The taking of all migratory game birds, except waterfowl, on or over any lands where shelled, shucked, or unshucked corn, wheat or other grain, salt, or other feed has been distributed or scattered as the result of *bona fide* agricultural operations or procedures, or as a result of manipulation of a crop or other feed on the land where grown for wildlife management purposes: Provided, that manipulation for wildlife management purposes does not include the distributing or scattering of grain or other feed once it has been removed from or stored on the field where grown.

Interested persons are invited to submit written comments, suggestions, or objections, concerning the proposed amendments, to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received by August 10, 1973, will be considered.

(Migratory Bird Treaty Act, Section 3, 40 Stat. 755 (16 U.S.C. 704))

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

JULY 10, 1973.

[FR Doc.73-14391 Filed 7-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 925]

FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN IDAHO AND IN MALHEUR COUNTY, OREGON

Proposed Expenses and Rate of Assessment for Fiscal 1973–74 and Carryover of Unexpended Funds

This notice states that the anticipated expenses of the Idaho-Malheur County, Oregon, Fresh Prune Marketing committee for the 1973–74 season will amount to $5,180. The proposed rate of assessment is ½ cent per 30-pound carton or equivalent quantity of prunes.

Consideration is being given to the following proposals submitted by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, established under the marketing agreement and Order No. 925 (7 CFR Part 925), regulating the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

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

(a) Expenses that are reasonable and likely to be incurred by the Idaho-Malheur County, Oregon, Fresh Prune Marketing Committee, during the period July 1, 1973, through June 30, 1974, will amount to $5,180.

(b) That there be fixed, at $0.005 per one-half bushel 30-pound container or equivalent quantity of fresh prunes when in other containers or in bulk, the rate of assessment payable by each handler in accordance with § 925.41 of the aforesaid marketing agreement and order.

(c) That unexpanded assessment funds, in excess of expenses incurred during the fiscal period ended June 30, 1973, be carried over as a reserve in accordance with the applicable provisions of §§ 925.42 and 925.203 of said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 23, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: July 10, 1973.

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

[FR Doc.73-14386 Filed 7-12-73;8:45 am]

[7 CFR Part 946]

IRISH POTATOES GROWN IN WASHINGTON

Limitation of Handling

Consideration is being given to the issuance of the handling regulation, hereinafter set forth, which was recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This marketing order program regulates the handling of Irish potatoes grown in the State of Washington and 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 Washington potatoes and of the marketing prospects for this season. The grade, size, cleanliness and maturity requirements provided herein, which are the same as those currently in effect (37 FR 13699) through July 31, 1973, are necessary to prevent potatoes of lesser maturities, low quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments may be made to certain special purpose outlets without regard to minimum grade, size, cleanliness, and maturity requirements provided that safeguards are used to prevent such

potatoes from reaching unauthorized outlets. Seed is so exempted because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed are likewise exempt. Potatoes grown in the production area may be shipped without regard to the aforesaid requirements to specified locations in Morrow and Umatilla Counties, Oregon, for grading and storing. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are exempt. Exemption of potatoes for most processing uses is mandatory under the legislative authority for this part and therefore shipments to processing outlets are unregulated.

Export requirements differ materially, on occasion, from domestic market requirements. In commercial prepeeling, operators remove the surface defects from potatoes which would be undesirable for the tablestock market, and smaller sizes are acceptable. For these reasons potatoes for export and prepeeling are provided with different requirements.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same, in quadruplicate, with the Hearing Clerk, Room 112–A, not later than July 18, 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:

§ 946.328 **Handling regulation.**

During the period August 1, 1973, through July 31, 1974, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a), (b), (c) and (g) of this section or unless such potatoes are handled in accordance with paragraphs (d) through (f) of this section.

(a) *Minimum quality requirements.*—(1) *Grade—All varieties*—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round varieties.* 1⅞ inches minimum diameter.

(ii) *Long varieties.* 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness.* All varieties—at least "fairly clean."

(b) *Minimum maturity requirements*—(1) *Round and White Rose varieties.* Not more than "moderately skinned."

(2) *Other Long varieties (including but not limited to Russet Burbank and Norgold).* Not more than "slightly skinned."

(c) *Pack.* Potatoes packed in 50 pound cartons shall be U.S. No. 1, or better grade.

(d) *Special purpose shipments.* The minimum grade, size, cleanliness, maturity, and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

(1) Livestock feed;

(2) Charity;

(3) Export;

(4) Seed;

(5) Prepeeling;

(6) Canning, freezing, and "other processing" as hereinafter defined; or

(7) Grading or storing at any specific location in Morrow and Umatilla Counties in the State of Oregon.

Shipments of potatoes for the purposes specified in paragraph (d) (1), (2), (4), (5), (6), and (7) of this section shall be exempt from inspection requirements specified in paragraph (g) of this section and shipments specified in paragraph (d) (1), (2), (4), and (6) of this section shall be exempt from assessment requirements specified in § 946.41. *Provided:* That shipments pursuant to paragraph (d) (7) of this section shall comply with inspection requirements of (e) (2) of this section.

(e) *Safeguards.* (1) Handlers desiring to make shipments of potatoes for export or prepeeling shall:

(i) Notify the committee of intent to ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipments;

(ii) Prepare on forms furnished by the committee a special purpose shipment report on each such shipment. The handler shall forward copies of each such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for cancellation of such handler's certificate applicable to such special purpose shipments and/or the receiver's eligibility to receive further shipments pursuant to such certificate. Upon cancellation of such certificate, the handler may appeal to the committee for reconsideration. Such appeal shall be in writing.

(iii) Before diverting any such special purpose shipment from the receiver of record as previously furnished to the committee by the handler such handler shall submit to the committee a revised special purpose shipment report.

(2) Handlers desiring to make shipments for grading or storing at any specified location in Morrow and Umatilla Counties in the State of Oregon shall:

(i) Notify the committee of intent to so ship potatoes by applying on forms furnished by the committee for a certificate applicable to such special purpose shipment. Upon receiving such application, the committee shall supply to the handler the appropriate certificate after it has determined that adequate facilities exist to accommodate such shipments and that such potatoes will be used only for authorized purposes;

(ii) If reshipment is for any purpose other than as specified in paragraph (d) of this section, each handler desiring to make reshipment of potatoes which have been graded or stored shall, prior to reshipment, cause each such shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Such shipments must comply with the minimum grade, size, cleanliness, maturity, and pack requirements specified in paragraphs (a), (b), and (c) of this section.

(iii) If reshipment is for any of the purposes specified in paragraph (d) of this section, each handler making reshipment of potatoes which have been graded or stored shall do so in accordance with the applicable safeguard requirements specified in paragraph (e) of this section.

(3) Each person desiring to transport potatoes for grading or storing to points in District No. 5 or to Spokane County in District No. 1 shall apply to the committee for and obtain a special purpose certificate authorizing such movement.

(4) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (d) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(5) Each receiver of potatoes for processing pursuant to paragraph (d) of this section shall:

(i) Complete and return an application form for consideration of approval as a manufacturer of potato products.

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purpose and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(f) *Minimum quantity exception.* Each handler may ship up to, but not to exceed 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment over 5 hundredweight of potatoes.

(g) *Inspection.* Except when relieved by paragraphs (d) or (f) of this section, no handler may handle any potatoes regulated hereunder unless an appropriate inspection certificate has been issued by an authorized representative of the Federal-State Inspection Service with respect thereto and the certificate is valid at the time of shipment.

(h) *Definitions.* The terms "U.S. No. 2," "fairly clean," "slightly skinned" and "moderately skinned" shall have the same meaning as when used in the United States Standards for Grades of

Potatoes (§§ 51.1540–51.1566 of this title (37 FR 2745)), including the tolerances set forth therin. The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in the prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421–52.2433 of this title). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch and flour. It includes the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a susbtantial change. The act of peeling, cooling, slicing, or dicing or the application of material to prevent oxidation does not constitute "other processing." Other terms used in this section have the same meaning as when used in the marketing agreement, as amended and this part.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the red skinned round type imported during the months of July and August in the effective period of this section shall meet the minimum grade, size, quality and maturity requirements for round varieties specified in paragraphs (a) and (b) of this section.

Dated: July 9, 1973.

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

[FR Doc.73–14315 Filed 7–12–73;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Proposed Expenses, Rate of Assessment and Late Payment Charges

Consideration is being given to the approval of proposed expenses and a proposed rate of assessment as hereinafter set forth which were recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 947, as amended (7 CFR Part 947).

This marketing order program regulates the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon, except Malheur County, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than July 30, 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 proposals are as follows:

§ 947.326 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending June 30, 1974, by the Oregon-California Potato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $37,181.

(b) The rate of assessment to be paid by each handler in accordance with the Marketing Agreement and this part shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period: *Provided*, That seed potatoes and potatoes for canning, freezing and "other processing" as defined in the amendment to the act (P.L. 91–196) shall be exempt.

(c) In accordance with the provisions of § 947.41, late payment charges of $1.00 per month or one percent per month, whichever is greater, shall be charged on the unpaid balance for each past-due account. An account is past-due 60 days after the billing date.

(d) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(e) Terms used in this section have the same meaning as when used in said marketing agreement and this part.

Dated: July 10, 1973.

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

[FR Doc.73–14388 Filed 7–12–73;8:45 am]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO

Proposed Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were recommended by the Area Committee for Area No. 3 established pursuant to Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR Part 948).

This marketing order program regulates the handling of Irish potatoes grown in the State of Colorado and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals may file the same in quadruplicate with the Hearing Clerk, Room 112–A, United States Department of Agriculture, Washington, D.C. 20250, before August 13, 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 proposals are as follows:

§ 948.270 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Area Committee for Area No. 3 to enable such committee to perform its functions, pursuant to the provisions of Marketing Agreement No. 97, as amended, and this part, during the fiscal period ending June 30, 1974, will amount to $3,625.00.

(b) The rate of assessment to be paid by each handler pursuant to Marketing Agreement No. 97, as amended, and this part, shall be $0.007 per hundredweight of potatoes grown in Area No. 3 handled by him as the first handler thereof during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period ending June 30, 1974, may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

Dated: July 10, 1973.

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

[FR Doc.73–14387 Filed 7–12–73;8:45 am]

[7 CFR Part 1030]

[Docket No. AO 361–A8]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held, 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 (7 CFR Part 900), at Madison, Wisconsin, April 11–12, 1973, pursuant to notice thereof issued on March 29, (38 F.R. 8518).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 12, 1973 (38 FR 15730) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Under Issue 1(b), "Pool plant performance requirements for supply

plants", paragraph six is revised, and one new paragraph is added following paragraph six.

2. Issue 4(a), "Limits on diversion of producer milk", is revised in its entirety.

3. Issue 6, "Emergency action", is revised in its entirety.

The material issues on the record relate to:

1. Pool plant performance requirements for supply plants.
2. Dairy farmer for other markets.
3. Receipt of producer milk at a reload facility.
4. Limits on diversion of producer milk.
5. Location adjustments to producers.
6. 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. *Pool plant performance requirements for supply plants.*—The provisions of the order pertaining to supply plant performance requirements should be modified as follows:

(i) The minimum amount of Grade A milk receipts from dairy farmers that a supply plant must ship to pool distributing plants to qualify as a pool plant should be not less than 40 percent during the months of September, October, and November and 30 percent in all other months. However, any plant that is a pool plant during each of the months of August through December, need ship only 20 percent during each of the following months of January, February, and March and such plant shall retain its pool plant status for each of the following months of April through July irrespective of whether any shipments are made during such months.

(ii) Each supply plant in a unit must ship at least 20 percent of its Grade A receipts to distributing plants during each of the months of September, October, and November, 15 percent of such receipts during each of the months of August and December, and 10 percent of such receipts during each of the months of January, February, and March. If for any month a plant does not meet the individual shipping percentage, that plant shall be excluded from the unit and shall not be pooled. The unit as a whole must meet the shipping requirements established for individual plants not in a unit.

(iii) For the purpose of measuring a supply plant's shipping performance, milk or skim milk that is transferred during the month from a distributing plant to a pool supply plant or to a nonpool plant as Class II milk (except transfers of receipts of producer milk from the distributing plant on Saturdays and holidays), shall be deducted from the qualifying shipments to such distributing plant.

A supply plant presently qualifies for pooling by shipping 35 percent of its Grade A receipts to pool distributing plants during September, October, and November, 25 percent in August, and 30 percent in all other months. A supply plant that demonstrates its association with the market during the period of seasonally low production by qualifying during each of the months of August through December, may retain pool plant status during the following 7 months of January through July regardless of shipments.

Individual plants in a unit under the current order are not required to ship any specific volume of milk as long as the unit as a whole meets the shipping requirements established for individual plants not in a unit.

The current order also provides that only that volume of milk transferred from a distributing plant back to a pool supply plant or nonpool plant on the same day of receipt from a supply plant will be "netted out" in determining such supply plant's shipping performance.

The recommended changes set forth above were proposed by a group of operating cooperatives serving the Federal order 30 market. Witnesses for these associations testified that they were experiencing difficulty in obtaining needed milk supplies from supply plants for fluid use in the Chicago metropolitan segment of the market. Sufficient quantities of milk are being produced in the milkshed, but such milk is not all being made available for fluid uses. Witnesses contended that production decreases last fall and the increased demand for milk going into cheese has made the operators of supply plants reluctant to give up milk for fluid use, since they find it more profitable to put milk into cheese at the Class II price, and draw from the pool the difference between the blend and the Class II price, than to ship milk for fluid uses.

Proponents stated that this has been a problem for many months but has become particularly acute beginning with the month of January when supply plants that had been pool plants since the prior August are not required by the order to ship any milk for pooling purposes through the month of July.

While other plants and units have shipped very little milk or none at all, their plants have shipped 100 percent of their supplies on certain days of each week for several months. Many orders for milk by distributing plant operators have not been adequately or timely fulfilled because of proponents' inability to obtain needed additional supplies of milk from other supply plants.

Proponents contended that in order to correct the problem and make the milk available for fluid uses not only should the shipping percentages be increased and the performance period required for gaining automatic pool plant status be extended through January, February, and March, but also each plant participating in a unit should be required to ship some milk to the market if it is to be identified with the market and share in the marketwide proceeds.

(a) If a supply plant shares in the market's Class I proceeds, it should be required to perform to the needs of the market. If it does not ship milk when it is needed, it is not fulfilling a true supply plant function even though it may be meeting the minimum requirements specified in the order. In such case the performance requirements of the order should be set so as to induce delivery of sufficient milk to meet the needs of the market. It is reasonable that the burden of supplying the fluid market be borne equitably by all supply plants that are entitled to share in the proceeds resulting from Class I sales.

Few markets rely on shipments from supply plants to the extent that distributing plants in the Chicago metropolitan area do. While distributing plants in the Wisconsin segment of this marketing area receive only about 35–40 percent of their milk from supply plants, distributors in the densely populated Chicago metropolitan segment of the marketing area depend on supply plants for 70–80 percent of their fluid milk requirements. During the months of August through December 1972, distributing plants in the Chicago metropolitan area received about 739 million pounds of milk from supply plants, while all other distributing plants in the market received only about 292 million pounds through supply plants.

Consequently, the primary purpose of a supply plant in this market is to stand ready to ship qualified milk to handlers in the Chicago metropolitan segment of the marketing area when needed. If it cannot or does not wish to supply such milk, then it should not share in the Class I proceeds of this market. To share in the returns of this market without making milk available to handlers for fluid use when needed dissipates the returns from the Class I sales in the market to the point that the resultant price to producers is not competitive with alternative market outlet prices, thus inhibiting the function of the Class I price to attract an adequate supply of milk for fluid use.

Supply plant shipping requirements are necessary to insure that sufficient volumes of supply plant milk will be made available to handlers for fluid (Class I) use and serve as a means of identifying those plants (producers) that are actually serving the market. If these percentage requirements are set too high, some plants (and producers) that have been regular suppliers of the market will not be able to meet the requirements and thus not be pooled. Dairy farmers delivering milk to such plants would not be assured of a share in the proceeds of the market on the same basis as producers delivering milk to pool plants. Consequently, such milk supplies might not be available in the next low production season when such supplies may be needed.

If the percentage requirements are too low, as in the present case, milk can be easily attached to the pool and share in the proceeds of such, but insufficient, quantities of milk will be made available for fluid use since very little will be required to be shipped for pooling purposes. This is particularly true when the alter-

native market, cheese, is demanding more milk as it is at the present time.

Shipping percentages must be changed as conditions in the marketing area change. On the basis of a May 31, 1972 hearing record the supply plant shipping percentages applicable during August through November were decreased 5 percentage points to maintain pool status for the increasing volume of receipts at pool supply plants at that time that was expected to prevail also for the ensuing fall and winter months. However, as a result of bad weather and crop conditions, the production level declined in the fall of 1972 and the actual percentage of supply plant milk shipped by proponents to handlers for fluid use each month was from 4 to 10 percentage points higher than projected. For the months of August 1972 through March 1973, proponent cooperative supply plants shipped the following respective percentages of their receipts to distributing plants: 35.7, 43.1, 47, 51, 44.5, 44.7, 41.3, and 36.8. With the new lower shipping requirements, however, other plants needed to ship only the minimum and many supply plants actually put most of their milk (100 percent in January, February, and March) through their manufacturing facilities while still sharing in the returns of the marketwide pool.

In conjunction with the above is the added factor of a definite decrease in shipments of milk direct from farms to distributing plants in the Chicago metropolitan area. From August 1972 through February 1973, direct shipments from farms to plants located within 70 miles of Chicago decreased in amounts ranging from 10 to 17 million pounds per month as compared to the same months a year earlier. With a fairly steady demand, Chicago metropolitan area distributing plants had to draw more of their supplies from supply plants.

For the market as a whole the proportion of pool supply plant milk shipped to pool distributing plants during the months of August through December 1972, averaged as follows: August, 37.7 percent; September, 43.4 percent; October, 45.7 percent; November, 47.9 percent; and December, 42.2 percent. While the shipping percentages adopted herein are somewhat less than those that prevailed for the corresponding months of last year, these percentages along with the additional shipping requirements placed on individual plants in units as discussed below should bring forth an adequate supply of milk for fluid uses.

In addition to increasing the supply plant shipping percentages during the months of shortest production, the performance period for obtaining automatic pool plant status should be extended from the current August to December period to include January, February, and March. Distributing plants in the Chicago metropolitan segment of the market continue to rely heavily on shipments from supply plants during these months. Shipments from supply plants during January, February, and March of this year to distributing plants serving Chicago decreased less than 5 percent from the immediately preceding October, November, and December. In contrast, such shipments to all other distributing plants under the order decreased 59 percent during the same period.

The proportion of pool supply plant receipts shipped to all distributing plants during January, February, and March 1972, and January and February of this year averaged almost 33 percent. In this circumstance, a shipping requirement of as much as 30 percent would provide little flexibility in the level of shipping percentages as among supply plants, since all such plants would have to ship at about such minimum level in order for all of them to be able to pool.

During the months of January through March average daily production of milk increases seasonally from the lowest level in November to the peak level in May or June. In such circumstance, those supply plants serving Chicago metropolitan area distributing plants will likely begin to have more milk receipts than are needed to serve the fluid milk requirements of such distributing pants. Some such supply plants are located closer to Chicago than others. Thus, it would be possible to realize some savings in milk transfer costs if the needed milk shipments were obtained first from the closer-in supply plants. To accommodate this, the minimum supply plant shipping requirements would need to be somewhat below 30 percent, yet the unit pooling provision tends to accommodate this situation for those handlers operating two or more supply plants. Not all supply plants in the distant zones are included in units. Accordingly, it is appropriate to set the minimum shipping requirement significantly below the 33-percent average level of shipments from all supply plants during these months in the past 2 years.

It is concluded that a shipping requirement of 20 percent, as proposed, in each of the months of January, February, and March should be a reasonable standard since it would tend to allow for some flexibility in the shipping percentage among supply plants, yet still insure that milk is being made available to distributing plants serving the city of Chicago.

(b) Two or more supply plants can form a unit under order 30 and, as such, no specific shipping requirements need apply to any individual plant within the unit. The only shipping requirement is that the unit as a whole meet the percentages prescribed in the order for individual plants not in a unit. This provision was adopted in the order basically to accommodate efficiency in the assembly and processing of milk supplies associated with the market.

It is now clear that this provision allows excessive volumes of milk that are never intended for shipment to the fluid market to attach to the pool and share in pool proceeds. For example, in October 1972, one of the low production months, 37 plants having over 48 million pounds of milk shipped only 500,000 pounds to distributing plants not serving the city of Chicago, and made no shipments to plants serving Chicago. With respect to supply plants serving distributing plants with distribution in the city of Chicago, seven other supply plants shipped only 6.5 million of the 48 million pounds at these plants in October 1972. This is only token performance and is not fulfilling the role of supplying milk when the milk is needed. While many of these plants were qualifying in a unit by shipping as little as 1 percent, or even none, of their receipts, other plants were taking up the slack by shipping 40–70 percent of their receipts.

If plants in a unit are to be considered as serving the needs of the fluid market and thereby eligible to associate milk with the pool, they should be required individually to meet some minimum performance standard. Once again, setting such standard too low would serve no useful purpose and would continue, to an extent, the free-ride aspect of the current provisions. Yet, too high a shipping percentage would tend to require all plants in a unit to perform at the same level and would completely negate the purpose of the unit pooling provisions.

Consequently, it is reasonable to require each plant in a unit to ship each month at least half of the amount required of plants not in a unit provided the unit as a whole meets the minimum shipping requirements established for individual plants outside units.

There is a provision currently in the order, sometimes referred to as the "call" provision, under which the Director of the Dairy Division may increase or decrease the August through December supply plant shipping percentage figures up to 10 percent. Conforming changes should be made to this provision to include the January through March period and to specify that the shipping requirements of individual plants within a unit shall not exceed 50 percent of the requirements for plants not in a unit.

In their exceptions to the recommended decision, a group of proprietary operators of manufacturing plants objected to the shipping requirements adopted for individual plants within a unit on the basis that such requirements were unnecessary and would cause uneconomic movements of milk. On demonstration that milk shipped pursuant to these requirements is excessive and unnecessary, the Director of the Dairy Division, by use of the call provision mentioned above, is authorized to decrease the minimum shipping percentage by up to 10 points, including that for plants in a unit, during the months of January, February and March as well as for other months. This should provide sufficient flexibility in the requirements to avoid uneconomic movements.

The provisions relating to unit pooling should be further amended to provide that a plant must be a pool plant before it may be included in a unit. Under the current provision a handler or cooperative establishing a unit must notify the market administrator prior to August 1 each year of the plants to be included in the unit. In practice some plants have been included in units even

though they were not put in operation until some later date during the month of August. In such circumstance, the plant did not perform a supply plant function for the complete August through December qualifying period. Moreover, such practice creates an administrative problem for the market administrator in checking on whether the plant actually is functioning as such in the month of August.

Certain cooperatives proposed that a plant be required to be a pool plant before it is included in a unit. Such proposal should be adopted to assure that a newly added plant performs for the entire August–March period. If it so performs, it will be accorded automatic pool plant status for the following months of April–July.

A proposal to permit two or more proprietary handlers to form a unit on the basis of a written contractual agreement between them should not be adopted.

Under the current order provisions plants operated by proprietary handlers may be formed into a unit only if such plants are owned or fully leased by the operator establishing the unit. Cooperative associations, however, nave the additional option of forming a unit on the basis of a written contractual agreement obligating each plant of the unit to ship milk as directed by the agreement.

An association of cheesemakers proposed that two or more proprietary handlers be permitted to form a unit on the basis of a contractual agreement in order that they may pool supply plants on the same basis as cooperatives.

The establishment of a supply plant unit system by contractual arrangement was purposely limited to cooperatives when the unit pooling system was promulgated. Cooperative associations as a group have incentive to make their milk supplies available for Class I use since it is this market outlet that enhances the blend price to be paid to producers. On the other hand, proprietary operators have their primary interest in using milk in those products that return them the greatest net margin irrespective of the class of use.

Currently, certain Class II uses obviously provide a greater net margin than Class I use since many supply plant operators are reluctant to make milk available for Class I use. Because of this it is found necessary to tighten up the unit pooling option in an effort to assure that sufficient milk supplies will be made available for fluid use. Proponents offered no testimony to indicate that the proposal was designed to, or would, facilitate their making more milk available for fluid use. In these circumstances it is concluded that the proposal would not contribute to orderly marketing and therefore is denied.

(c) For the purpose of measuring actual shipping performance by a supply plant, only "net" receipts at a distributing plant from a supply plant (i.e., receipts less any Class II transfers from the distribution plant) should be counted.

Exception should be made, however, for a distributing plant that has direct receipts of producer milk to transfer such producer milk as necessary to manufacturing outlets on Saturdays and holidays, without such transfers being subtracted from shipments by supply plants during other days of the month.

On evidence that some supply plants were shipping only for the purpose of pool plant qualification and in so doing were "back-hauling" milk for Class II disposition, the order was amended in 1971 to "net out" receipts at a distributing plant from supply plants any shipments back from the distributing plant to supply plants (or to nonpool plants) on the same day. The purpose of the amendment was to discourage such back-hauling practices.

In practice the amendment is being circumvented, however. Milk may be brought into a distributing plant shortly before midnight on one day and be shipped back to the supply plant or to a nonpool plant for Class II use shortly after midnight. While the provisions of the order may not be violated by such practice, the intent of the provisions is circumvented.

Milk moved in this manner obviously is not intended to be used by the operator of the distributing plant to meet his Class I needs. Milk is so moved only for the purpose of qualifying the supply plant as a pool plant. The operator of such supply (manufacturing) plant thus is enabled to obtain supplies of milk for strictly manufacturing purposes at the Class II price and draw the blend price from the pool for payment to producers. The blend price to all producers is thereby lowered by the presence of milk in the pool that is, in effect, predestined for manufacturing use.

The order should be amended as set forth herein to provide that basically all milk shipped to a distributing plant must remain there to count towards pool qualification of the shipping supply plant. To accommodate handlers who must transfer direct receipts of producer milk to manufacturing outlets on Saturdays and holidays, however, it was proposed that this provision should not be effective on any Saturday or on Labor Day, Thanksgiving Day, Christmas, and New Year's Day during the 8-month performance period adopted herein. This will facilitate disposition of the inevitable weekend excesses over fluid requirements due to daily bottling schedules.

Regular supply plants do not have any need or incentive to backhaul milk during the automatic qualifying months April-July. The "net receipts" provision, however, should remain in effect in the event new supply plants qualify during the months of April through July. In this event during April through July transfers from the distributing plant of receipts of milk directly from producers on any Saturday or on Memorial Day and the Fourth of July should not be offset against receipts from supply plants during the month.

Some distributing plants follow a practice of clearing all bulk milk supplies out of their plants on Saturdays and holidays. In addition to the receipt of producer milk on those days, such plants may have some bulk milk supplies on hand at the end of the previous day that are transferred to manufacturing plants on a Saturday or holiday. It is intended that transfers to be excepted from the computation of "net receipts" at a distributing plant shall not exceed the volume of milk received directly from producers on such Saturday or holiday plus supplies left in the plant on the preceding day.

It would not be appropriate in determining net shipments simply to except the volume of producer receipts at the distributing plant on Saturdays and holidays. Otherwise a distributing plant that processes milk on such days could increase its direct receipts of producer milk on such days only for the purpose of enabling it to pool an equivalent quantity of supply plant milk that would be brought into the plant and backhauled to a manufacturing plant. Accordingly, this exception should not apply on Saturdays or holidays when the distributing plant is also receiving milk on the same day from a supply plant.

Also, if a distributing plant were to divert its producer milk on a Saturday or holiday, the volume of milk diverted from the plant on such day similarly would not be counted for offset purposes.

In light of the above considerations, it is concluded that the transfers of direct receipts of producer milk to be excluded from the computation of "net receipts" should not exceed an amount during the month computed as follows: Multiply the average daily receipts of producer milk at the plant during the previous month by the number of Saturdays and holidays in the current month; add 20 percent of such amount (to accommodate (1) transfers of any milk remaining in the plant at the end of the previous day, and (2) variations in the level of producer receipts at the plant); and subtract the quantity of producer milk diverted from the plant on such Saturdays and holidays. The average daily producer receipts during the previous month is employed in the computation in order that a distributing plant operator may know the amount of his excepted transfers at the time he transfers milk for manufacturing use. If a plant did not have receipts of producer milk during the previous month, average daily receipts during the current month should be used in lieu of the previous month.

Witnesses in opposition to the above proposals contended that sufficient supply-plant milk would be provided if the operators of distributing plants in Chicago were willing to pay supply-plant operators a higher handling fee for the milk. They claimed that supply plants should not be expected to give up milk for fluid use, with the plant realizing a

lower return than if the milk were manufactured into cheese. In effect, such witnesses were contending that if fluid handlers want the milk they should pay more for it to attract it away from the cheese plants.

No doubt more milk would be forthcoming from supply plants if fluid handlers were to pay supply-plant operators a handling fee in an amount that exceeds the return they realize from processing milk into cheese. The order Class I price, however, is substantially above the prices being paid for milk being put to cheese at unregulated plants in the milkshed. By drawing moneys from the pool, and sharing in the class I proceeds of the market, such milk enjoys the same return as that milk actually serving the fluid market.

The primary purpose of the Federal order is to insure an adequate and orderly supply of milk to the fluid market. The overall Class I utilization in this market has been about 42–43 percent in the past 2 years. This means that some 57–58 percent of the pooled milk supplies have been surplus to the needs of the fluid market in total. The problem at present is not an inadequate supply of milk for the market as a whole but the unavailability of sufficient supplies to meet the needs of that segment of the market, the Chicago metropolitan area, which must depend so greatly on supply-plant milk to meet its needs. It is not unreasonable, therefore, to fix shipping performance standards in a manner to induce the needed shipments from supply plants.

2. *Dairy farmer for other markets.*—The order should be amended to provide that a dairy farmer who was a producer during any "payback" month under another Federal order having provisions for a seasonal incentive "takeout-payback" (Louisville) plan shall not be a producer under this order during the following months of January through July.

Currently, any dairy farmer producing Grade A milk may be a producer under this order during any month by delivering to a pool plant.

A proprietary handler proposed that the milk of a producer that is received at a handler's pool plant under this order during the months of January through July not be pooled if milk of the same producer was received at another order plant operated by the same handler during any of the preceding months of August through December. Proponent stated that the purpose of this proposal was to prevent producers from transferring during the fall months to other Federal orders having Louisville plans, and then shifting back to this market during the flush production months.

Under orders having this type of seasonal incentive production plan, the otherwise applicable uniform price is reduced variously by 20–30 cents per hundredweight during the flush production season, usually April, May, June, and July.

In the fall months when production is seasonally at its lowest level, usually August through December, the money that was deducted during the previous spring is added to the uniform price. Such price may be increased by 25–35 cents per hundredweight as a result of the payback. The plan is designed to encourage a more even production pattern throughout the year, thus inducing more milk to be delivered in the fall when most needed. The Chicago Regional order does not contain provisions of this type, but the Chicago supply area and the supply areas of such other markets (Indiana, Central Illinois, Southern Illinois) overlap in Wisconsin.

There have been cases in which producers on the Chicago market became pooled under nearby orders that have the Louisville plan during the fall payback months, thus sharing in the payback moneys generated by that plan. The same producers then shifted back to the Chicago market after the payback months to avoid the period when deductions are made in the computation of the uniform price pursuant to the Louisville plan under the nearby orders. Producers should not be able to shift to other markets in the fall merely to take advantage of the payback period, then pool their milk on the Chicago order during the flush production months.

If another market is to have the availability of such supplies during the fall when milk is needed there, the Chicago market should not have the burden of such milk as surplus during the flush production months when there is no need for it in the other market. Producers participating in the moneys paid back pursuant to the Louisville plan under other orders should not be afforded an easy opportunity to shift back to the Chicago Regional order merely to avoid payment into the pool of the other order pursuant to the Louisville plan. This practice takes supplies of milk away from the Chicago market at a time when they are needed and then reassociates such supplies at a time when they are not needed, thereby depressing the uniform price and the returns to all producers. This is not conducive to orderly marketing.

Under the provisions adopted herein, the milk from such producers would be identified as other source milk and allocated to Class II. As such, this milk would be classified and priced in a manner similar to receipts of milk from producer-handlers, exempt distributing plants, and fluid milk products from a Government agency that has elected nonproducer status for the month. While not prohibiting or limiting the marketing of milk in this market by such producers, these provisions should discourage the disruptive pooling of neighboring markets' reserve milk supplies to avoid contributing to the seasonal incentive plans in such markets.

It was proposed that a producer not be pooled under this order if his milk were pooled at a plant operated by the same handler under any other order during the previous August–December period. To limit the application of these provisions to producers who delivered to plants operated by the same handler under the other order would not correct the problem described herein. Under these circumstances, Chicago order producers could arrange to deliver to the plant of any other handler in a neighboring market in the fall, then shift back to this market in the spring and be pooled. To correct the problem fully, the milk of producers who delivered during the payback months to a plant of any handler under another order containing provisions for a Louisville plan should not be pooled under this order during the following January through July.

These provisions should not apply to producers who may have shipped to an other Federal order market during the previous low production season where no seasonal incentive payment plan is employed. The problem is between the Chicago Regional order and those markets having Louisville plans. Accordingly, these provisions should be applied only to the milk of those producers pooled previously under orders having the Louisville-type seasonal incentive payment plan.

3. *Receipt of producer milk at a reload facility.*—The "plant" and "supply plant" definitions should be modified to further delineate what constitutes a receipt of milk at a bulk tank truck reload facility.

A cooperative association proposed to discontinue the current requirement that milk be commingled in a second tank truck with other milk at a reload facility to be deemed a receipt at such a plant. As proposed by the cooperative, any milk moved from the farm in a tank truck and transferred at a plant to an empty tank truck (without adding other milk to the load) would be deemed a receipt of producer milk at the plant.

Proponent stated that the purpose of the proposal was to avoid the need to continue a milk commingling practice it engages in at a reload facility to qualify producer milk for pooling. Presently, the cooperative often brings two tank trucks partially filled with milk picked up at farms into a reload facility. The milk in one tank truck is pumped into the other tank truck; then all of the milk is pumped back into the first tank truck. Thus, the milk on each truck is commingled and transferred to another tank truck to meet the letter of the present definition of a receipt of milk at a reload operation.

The requirement that milk be commingled with other milk in another tank truck at a reload facility is for the purpose of determining that such plant performed a supply function with respect to such milk.

The normal function of a bulk tank truck reload operation is to assemble milk from farm bulk tank truck routes into a larger over-the-road tank truck for transshipment to a distant distributing plant. Generally, such practice is a more economic means of assembling distant supplies of milk for distributing plants than for the smaller farm tank trucks to deliver milk directly to distributing plants. Reload facilities are located throughout the supply area in Wisconsin,

which extends some 300 miles from distributing plants in the Chicago metropolitan area.

When a reload facility performs a supply plant function of assembling milk into larger loads for transshipment, the milk transshipped through such a plant would be commingled with other milk in another tank truck.

If a partially loaded tank truck stops at a reload facility to take on additional milk (from another tank truck), only that quantity of milk added should be considered a receipt and transshipment of milk from such plant. The milk already on the tank truck should be treated as a receipt at the plant at which it is actually unloaded. No supply function is performed by the reload facility with respect to the milk already in the truck on arrival there.

Similarly, if milk leaves a reload facility on the same tank truck that it arrived there in, it should not be considered a receipt at or transshipment from the facility since no true supply plant function is performed with respect to such milk. Accordingly, if milk is simply pumped into another tank truck and then pumped back into the original tank truck and moved to another plant, it should not be considered as received at or transshipped from the reload facility, since no supply plant function takes place with respect to such milk.

Definitiveness of what constitutes a receipt of milk at a reload facility, and a transshipment from the facility, is necessary to insure that a supply function takes place as opposed to operation of such a facility only for the purpose of transferring milk from truck to truck so that it will be considered a receipt at a pool plant for pooling when it is destined for a nonpool manufacturing plant. The latter operation only serves to circumvent the intent of the limits on diversion of milk to nonpool plants.

Milk handling at a reload station should serve a useful supply plant function as a condition of such a facility being deemed a pool supply plant with respect to the milk received and transshipped from the plant. Accordingly, the proposed amendment should be denied. Moreover, to fully effect the intent of the present order language describing a receipt and transshipment from a reload facility, it should further be specified that milk be transshipped in a tank truck other than the one it arrived there in to be considered a receipt at the plant.

4. *Diversions.*—The provisions relating to diverted milk should be modified as follows:

(a) Each producer should be required to deliver at least 30 percent of his milk to pool plants during the months of January, February, and March to qualify such producer's milk for pooling under the order.

Currently, a producer pooled under the order during the previous August–December period by delivering at least 50 percent of his milk to pool plants may divert all of his milk to nonpool plants during the following January–July.

It was proposed at the hearing that if the shipping performance period for supply plants were extended from the current August–December period to include the months of January, February, and March, the limitations on diverted milk applicable during August–December likewise should be extended. It was contended that if supply plants are to be required to make milk available for the fluid market during these additional months, individual producers also should be required to perform additionally during this period.

Elsewhere in this decision it is provided that the shipping performance period for regular supply plants be extended from the current August–December period to include the months of January, February, and March. In view of this extension of the performance period for supply plants desiring to participate in this market, it is concluded that producers individually as well as supply plants should be required to perform additionally during these months. As stated earlier, distributing plants rely heavily on supply plant milk during these months. Producers, therefore, should be required to make the milk available to pool plants instead of diverting the major portion of it to nonpool manufacturing plants.

The recommended decision provided that not more than 50 percent of a producer's milk could be diverted to nonpool plants in such months. In the exceptions to be recommended decision representatives of a farmers' organization and a group of proprietary handlers operating manufacturing plants excepted to a 50 percent delivery requirement by the individual producer in January, February, and March on the basis that this would be excessive when supply plants were being required to ship only 20 percent of their milk to distributing plants during this period. After consideration of the exceptions, it is concluded that while some additional delivery requirement is appropriate, it need not be as high as 50 percent of deliveries. Accordingly, the volume of milk required to be delivered to pool plants by the individual producer during any month January through March is lowered from the 50 percent level to 30 percent of his milk deliveries. This will be more closely in line with the aggregate delivery requirement on the plant.

(b) The provision limiting the quantity of a new producer's milk that may be diverted to the quantity of such producer's milk received in pool plants during the first full month of his association should be made to apply in the months of April, May, June, and July. Only those producers who are on the market during the low production months of August–December should be accorded unlimited diversion privilege during the subsequent April–July period.

Currently under the order, the quantity of milk of a new producer that may be diverted is limited to an amount equal to the quantity of such producer's milk received in a pool plant only until after the "first full month" of association with the market. This provision only applies to a producer whose first full month of delivery is during any of the months of January through July. After the first full month of association during such 7-month period the milk of such producer may be diverted to nonpool plants on an unlimited basis as for any other producer.

Two proposals were made to amend the current order language so as to use the terms "30 days" rather than "full month" when limiting the diversions of a new producer. The witness for one of the proponents testified that under the current wording of the order a new producer coming on the market any time after the first day of a month cannot attain unlimited diversion privileges (during January–July) as a regular producer until after the end of the following month (i.e., in some instances almost 2 full months). The witness contended that 30 days of association by a producer would adequately qualify his milk for pooling under the order.

The other proponent of this change, as contained in the hearing notice, modified his proposal at the hearing so as to provide that a new producer coming on the market during the months of January through July would have to make only one delivery to a pool plant to be eligible for full diversion thereafter. The only reason given by the witness in support of this proposed order change was that it would treat new producers on the market the same as producers who change from a pool plant of one handler to a pool plant of another handler.

The diversion privilege is intended primarily to obtain efficiency in the disposition of that milk temporarily not needed at a pool plant. The operators of distributing plants typically associate a sufficient supply of milk with their operations by receipts from dairy farmers and supply plants to cover their requirements on peak bottling days during the period of seasonally low production. Consequently, there are substantial quantities of milk produced on the other days of the week during the low production season, as well as throughout the period of seasonally high production, that must be moved to plants where it can be utilized in manufacturer dairy products. The diversion provisions allow this temporary surplus production to be moved directly from the farm to nonpool manufacturing plants and still remain pooled under the order.

During the fall and winter months, the low production season, diversions of producer milk are limited in an effort to assure that the milk associated with the market is available to pool plants. Then, during the spring and summer months, the heavy production season, these limitations are removed to enable the milk of producers regularly supplying the market to be efficiently marketed to nonpool manufacturing plants when it is not needed at pool plants.

The diversion privilege, however, is not a concept designed to aid in the qualification of new producers on the market,

particularly when such limits are lifted during the flush production season and additional supplies are not needed on the market.

The utilization of milk in the Chicago Regional market during the short production months has been about 50 percent Class I. During the flush production months the Class I utilization has ranged from about 34 to 40 percent. Clearly, during the flush production months there is no need to induce additional supplies of milk to be pooled on this market.

Deletion of the provisions limiting the diversions for new producers would make it very easy to associate new supplies of milk with the market. As proposed, the milk of new producers would have to be delivered only once to pool plants during the months of January through July to qualify for pooling and diversion. Thus, substantial additional quantities of milk could be essential with the pool, share in the uniform price, and never be made available to the fluid market. This would not be in the interest of orderly marketing.

The effects of a depressed uniform price are particularly acute in the more distant zones of the Chicago milkshed where such price competes with the prevailing prices being paid for manufacturing grade milk. Prices being paid for milk used to produce cheese at certain unregulated plants during March 1973 ranged from $5.75 to over $6 per hundredweight. In March 1973, the uniform price in Zone 18 was $5.73. One distributing plant operator testified at the hearing that in the recent past his company has lost over 2 million pounds of milk a month to cheese plants that are sharing in the pool but not making the milk available for fluid use. The witness claimed the only way they could have kept this milk was to pay above the order uniform price to these producers.

The association of additional supplies of milk with the pool, thus depressing the uniform price further, would aggravate a milk procurement situation that is already difficult for fluid milk handlers.

As stated previously, the milk of producers regularly supplying the market may be diverted currently during the months of January through July. (This period is being shortened to April to July as adopted hereinbefore.) These producers have demonstrated their association with, and desire to serve, the market when their milk is needed most. New producers coming on this market other than during the August to December period when milk is most needed, therefore, should do so only in response to a need for the milk and should be required to demonstrate their intent to truly serve the needs of the market. Only by making significant shipments to pool plants can new producers demonstrate their association with and intention of serving the fluid market. If new producer wish to come on during this period, however, and the plants through which they will be pooled want the milk, such plants should receive at least 50 percent of the milk from these producers in each month. The order provisions should be written to reflect this purpose.

Since the diversion provisions are tightened as set forth above, the proposal to change the words "full month" to read "30 days", which would relax diversion limits for new producers, is denied.

(c) A producer who supplies the market during any of the months of August through December and who subsequently fails to maintain continuous producer status should not be required to requalify as a new producer for diversion purposes during the following months April to July, unless he is off the market more than 30 consecutive days.

It was proposed at the hearing that in situations where, for example, a producer is off the market for less than 30 days as a result of his farm being degraded that, upon reinstatement of his health permit, such producer not be required to requalify as a new producer. Proponents contended that in most cases such problems are corrected in a few days and the producer resumes his delivery to a pool plant. They claimed that additional transportation costs are incurred in having to requalify as a new producer, unnecessarily reducing returns to such producer.

This particular diversion provision would only have applicability to diversion limits during April to July. During other months of the year there would be no differentiation for diversion as between new and regular producers.

There have been cases where producers' farms have been degraded and they could not deliver to the Grade A market for a few days. After reinstatement of their health permits such producers were in the category of a new producer and thus were required under the order to deliver at least 50 percent of their producer milk to pool plants during the first full month of delivery commencing with their return to the market. This situation has occurred during the months when diversion limits are relaxed with respect to regular producers and has resulted in additional transportation and handling costs to requalify a producer who had demonstrated his association with the market.

As is provided for elsewhere, all producers are required to demonstrate their association with the market by shipping their producer milk to pool plants during each of the months of August through March. To require additional shipments of milk to pool plants during the flush production months by producers who have demonstrated their association during the previous period of low production, but for one reason or another were unable to deliver their milk for a limited number of days, is an undue hardship and serves no useful purpose.

This noncancellation of regular producer status should not be limited to cases where a producer loses his health approval. It is intended to apply equally in any reasonable circumstances whereby a producer is unable to deliver his milk for a few days as a result of events or actions not of his own choosing. This will allow for other eventualities such as severe storms, accidents, or other situations that might hamper a producer's ability to deliver milk as producer milk for a limited number of days.

5. *Location adjustments to producers.* The proposal to adjust the uniform price applicable to producers according to the county in which the producer's farm is located should not be adopted on the basis of this record.

As association of cheesemakers located in Wisconsin proposed that the uniform price to producers be adjusted according to the location of the farm, by counties, as opposed to the current adjustment procedure; i.e., according to the location of the plant to which the milk is delivered. Proponent stated, however, that its proposal be limited only to the uniform price for milk delivered to supply plants. The current location adjustments apply at all types of plants and to both class I and uniform prices.

Proponent witness stated that its proposed amendment would encourage each producer to deliver his milk to the supply plant located closest to his farm. He contended that this would result in a lesser transportation allowance credited under the order for assembling milk through supply plants. To demonstrate the impact of the proposal, proponent witness cited the case of producers located near his plant in Zone 18 who are delivering milk to a supply plant located in Zone 12 (a 12-cent higher price zone). Under the proposal, the plant in Zone 12 would not be credited at any higher uniform price than the plant in Zone 18 for milk received from such producers.

Under the current order provisions Class I and uniform prices are adjusted to reflect the added transportation cost of delivering milk to the market center (Chicago) compared to plants nearer the production area in Wisconsin.

The adjustments apply uniformly at any given plant location. For milk moved to the market center through a pool plant the handler operating the transferee plant receives a transfer credit in the amount of the location adjustment applicable at the transferor plant location. If milk is moved directly to the market center from the farm rather than through a plant closer to his farm a higher uniform price is applicable at the market center.

The monetary inducement to move milk to the market center is virtually the same for a producer to ship the milk directly from the farm as it is for a handler to first assemble the milk at a plant in the production area. Moreover, the monetary incentive to move milk to the market center under the current Class I and uniform price location adjustment provisions is the same when milk is moved to the market center through a supply plant located near a producer's farm as it is through a supply plant located closer to the market center.

In the case cited by proponent the transfer credit for milk assembled at a supply plant in Zone 18 exceeds the transfer credit applicable to milk assembled at a supply plant in Zone 12 by the same amount that the uniform price at the plant in Zone 12 exceeds the uniform price at a plant in Zone 18.

With respect to milk produced near proponent witness' plant in Zone 18 but assembled at a supply plant in Zone 12, the proposal would reduce the uniform price for such milk by 12 cents (to the Zone 18 price rather than the Zone 12 price). Since producers pay for hauling their milk from farm to plant, such producers could be expected to seek a pool plant outlet closer to their farms in Zone 18. But for milk assembled at Zone 18 rather than Zone 12 the transfer credit would be 12 cents higher. Thus, if such producer milk is moved to the market center through a Zone 18 supply plant rather than a Zone 12 supply plant, there would not be any savings in milk assembly costs resulting from the location adjustment provisions.

Such proposal may in certain circumstances result in increased milk assembly costs. For example, producers whose farms are located in Zone 15 equidistant from a supply plant in Zone 12 and proponent witness' plant in Zone 18 would receive the same price irrespective of the plant to which they deliver. Such producers' farm-to-plant hauling cost would tend to be the same for delivery to the Zone 12 plant and the Zone 18 plant. However, if the milk were assembled at the Zone 18 plant, the transfer credit for moving the milk to the market center would be 12 cents greater than if it were assembled at the Zone 12 plant.

Since proponent limited the application of its proposal to only milk delivered to pool supply plants, the current location adjustment provisions would continue to apply to milk delivered to other types of plants. This would tend to result in different uniform prices for milk delivered to plants similarly located, since many supply plants in the market are located near pool distributing plants.

The type of plant-milk is received at does not have a bearing on the cost of moving milk to such plant from the farm. Consequently, type of plant does not provide an appropriate basis for adjusting prices for location, since it would not provide uniformity of prices among producers delivering milk to all plants at similar location relative to the market center.

In view of the above considerations, it is concluded that the proposed amendment to the location adjustment provisions should not be adopted.

6. *Emergency action.* The decision by the Deputy Administrator to deny the request for emergency action and/or suspension of the automatic and unit pooling provisions, with the reasons therefor, is affirmed herein.

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.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Chicago Regional marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

Determination of Producer Approval and Representative Period

February 1973 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chicago Regional marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 9, 1973.

Clayton Yeutter,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Chicago Regional marketing area.

Findings and Determinations

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

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

The hearing was held 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 (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

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

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

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

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 12, 1973, and published in the FEDERAL REGISTER on June 15, 1973 (38 FR 15730) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to modifications in §§ 1030.11(b)(6) and 1030.16(e)(1).

1. In § 1030.10 paragraphs (a) and (c) are revised to read as follows:

§ 1030.10 Plant.

(a) "Plant" means a building together with its facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment: (1) that has facilities adequate for cleansing tank trucks, is approved by an appropriate health authority, and at which milk moved from the farm is transferred and commingled in another tank truck with other milk and is transshipped in such other tank truck to another plant, (2) at which milk is received from dairy farmers, or (3) at which milk is processed and packaged or manufactured. If a portion of the building is not approved by any health authority for the receiving, processing, or packaging of any fluid milk product for Grade A disposition and is physically separated from the approved portion, such unapproved portion shall not be considered as meeting the terms of this definition.

* * * * *

(c) "Supply plant" means a plant from which a Grade A fluid milk product is shipped or transshipped during the month to another plant. Such supply plant shall be equipped with storage capacity sufficient to hold the largest quantity of fluid milk product either received in the plant or shipped from the plant as a single load during the month, except that no storage capacity shall be maintained in a plant described in paragraph (a)(1) of this section. Any plant located on the premises of a pool distributing plant pursuant to § 1030.11(a) shall not be considered a supply plant unless it is located in a building that is entirely separate from the distributing plant.

2. In paragraph (b) of § 1030.11 subparagraphs (4), (5), (6), and (7) are revised to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(4) Such percentage shall be not less than 40 for each of the months of September, October, and November, and 30 for all other months, except that a plant that was a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 for each of the following months of January, February, and March. A plant meeting such requirements for August through March shall be a pool plant for each of the following months of April through July, unless:

(i) The milk received at the plant does not continue to meet the Grade A milk requirements for use in fluid milk products distributed in the marketing area; or

(ii) Written application is filed with the market administrator by the plant operator on or before the first day of any such month (April–July) requesting the plant be designated a nonpool plant for such month and any subsequent month through July, provided it does not otherwise qualify as a pool plant.

(5) For the purpose of determining the percentages specified in subparagraphs (4) and (7) of this paragraph, the quantity of fluid milk products moved from a supply plant pursuant to subparagraph (1)(i) of this paragraph shall be a net quantity assignable at pool distributing plants computed by subtracting from the quantity of fluid milk products received from a supply plant(s), but not to exceed such quantity, the amounts described in subdivisions (i) and (ii) of this subparagraph (if fluid milk products are received from more than one supply plant, such net quantity assignable shall be prorated among supply plants in accordance with the total receipts from such plants).

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the pool distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than:

(*a*) Transfers classified pursuant to § 1030.41(b)(4); and

(*b*) Transfers on any Saturday or on New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving, or Christmas, that no milk is received at the pool distributing plant from a supply plant, in an amount not in excess of 120 percent of the average daily receipts of producer milk pursuant to § 1030.16(a) at the plant during the prior month, less the quantity of producer milk diverted pursuant to § 1030.16(d) on such day. If no producer milk was received in the distributing plant during the prior month, the average daily receipts during the current month shall be used in lieu of the prior month for computing the transfers to be excepted by this subdivision; and

(ii) If milk is diverted from the pool distributing plant on the date of the receipt from the supply plant, the quantity so diverted, except any diversion of milk (not to exceed 3 days' production of any individual producer) made because of an emergency situation such as a breakdown of trucking equipment or hazardous road conditions shall not be subtracted if such emergency is reported to the market administrator.

(6) The percentages specified in subparagraph (4) and/or in subparagraph (7)(iii) of this paragraph applicable during the months August–March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments, except that the percentages specified in subparagraph (7)(iii) shall not exceed 50 percent of those specified in subparagraph (4). Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to subparagraph (4) or subparagraph (7)(iii) of this paragraph would qualify as a pool plant as a result of this subparagraph, such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator.

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit and such plants shall have been pool plants the month prior to being included in a unit. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit ships or transships to plants specified in subparagraph (1) of this paragraph the following percentages of its producer milk: 20 in each of the months of September, October, and November; 15 in each of the months of August and December;

and 10 in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to subdivision (ii) of this subparagraph shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

* * * * *

3. In § 1030.15 delete the "and" at the end of paragraph (b), delete the period at the end of paragraph (c) and add "; and," and add a new paragraph (d) to read as follows:

§ 1030.15 Producer.

* * * * *

(d) A dairy farmer with respect to milk produced by him that is received at a handler's pool plant during the months of January through July if any milk from the same farm was a receipt of producer milk in any "payback" month during the preceding year under an other order that provided for a seasonal incentive payment plan whereby funds previously withheld in the computation of the uniform price to producers were paid back to producers through the uniform price computation in subsequent months of the year.

4. In § 1030.16 paragraph (e) is revised to read as follows:

§ 1030.16 Producer milk.

* * * * *

(e) Diverted from a pool plant to a nonpool plant, subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditions specified in this paragraph; and if the tank truck contains milk from more than one producer, the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. In calculating the percentages specified in § 1030.11, milk so diverted shall be considered as received in the pool plant from which diverted. The location price differentials pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except that in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

(1) Milk of a producer diverted for the account of the operator of a pool plant or a cooperative association pursuant to § 1030.13(d) that during the months of April through December does not exceed the quantity of such producer's milk received in the pool plant from which diverted, and during the months of January, February and March does not exceed 70 percent of such producer's milk received in or diverted from such pool plant: *Provided*, That during the months of April through July such limits shall not apply for a producer who delivered to a pool plant any time during the prior August-December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

(2) To the extent that milk diverted by a cooperative as a handler during any month would result in the plant failing to qualify as a pool plant under § 1030.11 such diverted milk shall not be producer milk;

(3) Milk diverted to an other order plant shall be producer milk pursuant to this section only if it is not producer milk under such other order; and

(4) Milk of a producer diverted by a handler who fails to report the information required pursuant to § 1030.31 (b)(4) shall not be considered producer milk pursuant to this paragraph.

5. In § 1030.30 subparagraph (3) of paragraph (a) is revised to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except that during the months of April through July no such separate statement need be made if receipts from supply plants are only from plants that were pool plants during the prior months of August through March;

* * * * *

6. In paragraph (b) of § 1030.31 delete the term "and" at the end of subparagraph (4), add the term "and" at the end of subparagraph (5), and add a new subparagraph (6) to read as follows:

§ 1030.31 Other reports.

* * * * *

(b) * * *

(6) Each handler who, during the month, received milk from a dairy farmer from whom he had not received milk for at least 30 consecutive days, shall report the name and address of the dairy farmer and the plant to which each such person previously delivered milk. Each handler who discontinues receiving milk from a producer during the month shall report each such producer's name, address, and the plant to which such person transferred.

* * * * *

7. In § 1030.46(a)(3) delete the term "and" at the end of subdivision (iv), change the period at the end of subdivision (v) to a semicolon, add the term "and" at the end of subdivision (vi), and add a new subdivision (vii) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) * * *

(vii) Receipts of fluid milk products from persons described in § 1030.15(d);

* * * * *

[FR Doc.73-14311 Filed 7-12-73;8:45 am]

[7 CFR Part 1140]

[Docket No. AO 376]

MILK IN THE FRONTIER MARKETING AREA

Notice of Rescheduling of Hearing on Proposed Marketing Agreement and Order

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

A second notice was issued on June 18, 1973 (38 FR 16363) postponing the hearing until a date to be announced at a later time.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that said hearing is rescheduled to be held at the U.S. Courthouse, Old Federal Building, (Courtroom 1), 111 South Wolcott Street, Casper, Wyoming, beginning at 10 a.m. local time, on August 7, 1973.

Copies of this notice of rescheduling of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 10, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-14383 Filed 7-12-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 381]

4-D POULTRY PRODUCT

Transportation and Handling

Pursuant to the authority in the Poultry Products Inspection Act (71 Stat. 441, as amended; 21 U.S.C. 451 et seq.), the Animal and Plant Health Inspection

Service is proposing an amendment to Part 381, Subpart S, of the poultry products inspection regulations (9 CFR 381.94, 381.224) to set forth requirements and restrictions on the handling and movement of 4–D poultry.

Statement of considerations. Section 11(d) of the Poultry Products Inspection Act authorizes the Secretary to regulate the transactions, transportation in commerce, or importation of any dead, dying, disabled, or diseased (otherwise known as 4–D) poultry or any parts of any carcass of poultry that died otherwise than by slaughter. To administer the provisions of said section of the Act, the poultry products inspection regulations would be amended by adding a new § 381.194 in Subpart S. This new section spells out the requirements and restrictions on the handling and movement of so-called 4–D poultry to insure it is not diverted into food channels. Generally, the requirements would prohibit the movement of 4–D poultry to destinations other than animal food manufacturers, renderers, or Federal or State inspected establishments; it prohibits unloading of such poultry en route except for emergencies; and prohibits hauling such poultry in vehicles with healthy poultry or wholesome poultry product.

The language of this proposal is very similar to that in § 325.20 of the meat inspection regulations.

Part 381, Subpart S, of the poultry products inspection regulations would be amended as follows:

1. The Table of Contents would be amended by adding a new § 381.194 as follows:

Sec.
381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

2. The proposed new § 381.194 would read as follows:

§ 381.194 Transportation and other transactions concerning dead, dying, disabled, or diseased poultry, and parts of carcasses of poultry that died otherwise than by slaughter.

No person engaged in the business of buying, selling, or transporting in commerce, or importing any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter shall:

(a) Sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, unless such poultry and parts are consigned and delivered, without avoidable delay, to establishments of animal food manufacturers, renderers, or collection stations that are registered as required by § 381.179, or to official establishments that operate under Federal inspection, or to establishments that operate under a State or Territorial inspection system approved by the Secretary as one that imposes requirements at least equal to the Federal requirements for purposes of section 5(c) of the Act.

(b) Buy in commerce or import any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, unless he is an animal food manufacturer or renderer and is registered as required by § 381.179, or is the operator of an establishment inspected as required by paragraph (a) of this section and such poultry or parts of carcasses are to be delivered to establishments eligible to receive them under paragraph (a) of this section.

(c) Unload en route to any establishment eligible to receive them under paragraph (b) of this section, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter, which are transported in commerce or imported by any such person: *Provided*, That any such dead, dying, disabled, or diseased poultry, or parts of carcasses may be unloaded from a means of conveyance en route where necessary in case of a wreck or otherwise extraordinary emergency, and may be reloaded into another means of conveyance; but in all such cases, the carrier shall immediately report the facts by telegraph or telephone to the Director, Compliance Staff, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(d) Load into any means of conveyance containing any dead, dying, disabled, or diseased poultry, or parts of the carcasses of any poultry that died otherwise than by slaughter, while in the course of importation or other transportation in commerce any poultry or parts of carcasses not within the foregoing description or any other products or other commodities.

3. Section 381.224 would be amended by adding a regulation reference to § 381.194 along with "Act, 11(d)" in the table as follows:

§ 381.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

* * * * *

Paragraphs of act and regulations	Classes of operators	State	Effective date
*	*	*	*
Act, 11(d); § 381.194.			

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 21, 1973.

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

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

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

Done at Washington, D.C., on: July 10, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14389 Filed 7-12-73;8:45 am]

[9 CFR Parts 318, 325]

TREATMENT OF PORK AND PORK PRODUCTS

Additional Product Sealing Methods

Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Animal and Plant Health Inspection Service proposes to amend the meat inspection regulations (9 CFR Parts 318 and 325) to permit additional sealing methods for transportation of certain restricted meat products.

Statement of considerations. The current regulations specify that certain restricted meat products may be transferred in vehicles sealed with official program seals, or in closed containers sealed by cording and affixing thereto official program wing seals or sealing with wax impressed by an official program metal brand.

The two methods of closing containers approved by the regulations are no longer applicable since the program has discontinued issuing wing seals and wax

seals are seldom used. Other control methods have not been permitted. However, this proposal does specify a sealing method for boxed products and proposes to give the Administrator authority to approve additional sealing measures.

Therefore, § 318.10(c)(2)(vi) would be amended to read as follows:

§ 318.10 Prescribed treatment of pork and products containing pork to destroy trichinae.

* * * * *

(c) * * *

(2) * * *

(vi) Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another location, for use in the preparation of product covered by paragraph (b) of this section. Such vehicles and containers shall be sealed and transported between official establishments in accordance with § 325.7 of this subchapter.

* * * * *

Further, § 325.7(b) would be amended as follows:

§ 325.7 Shipment of products requiring special supervision between official establishments under official seal; certificate.

* * * * *

(b) When such restricted product is shipped from one official establishment to another official establishment in the same railroad car or other means of conveyance with other product, such restricted product shall be packed in individual closed containers as hereinafter provided. Containers shall be sealed by firmly applying a pressure sensitive tape around each container in two directions and stamping the intersection of the tape with the marking device described in § 312.2(a) of this subchapter for use on burlap, muslin, etc. (2½-inch rubber brand). Such tape must possess the adhesive property to actually remove a portion of the container surface when the tape is removed. Such restricted product shall be marked "U.S. passed for cooking" or "pork product ____°F.____days refrigeration" or "beef passed for refrigeration," as the case may be. In addition, a "U.S. retained" tag shall be securely affixed to each container of product passed for cooking and of beef passed for refrigeration. The means of conveyance shall not be sealed unless at least 25 percent of the other product in the vehicle is unmarked. For each consignment there shall be promptly issued and forwarded by the inspector to the inspector in charge at destination, a report on the form entitled "Notice of Unmarked Meats Shipped in Sealed Cars," appropriately modified to show the character of the containers, and that the contents are restricted. A duplicate copy shall be retained in the program files.

* * * * *

Any person wishing to submit written data, views, or arguments concerning the proposed amendments may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 14, 1973.

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

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

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

Done at Washington, D.C., on July 9, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14313 Filed 7-12-73;8:45 am]

[9 CFR Part 319]

MEATBALLS AND SIMILAR PRODUCTS

Proposed Standard of Composition

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (21 U.S.C. 601 *et seq.*), proposes to amend Part 319 of the meat inspection regulations (9 CFR Part 319) to provide for standards of composition for meatballs and similar products.

Statement of considerations. The proposed amendment identifies minimum formula requirements for meatballs and similar products. Standards of composition or identity promulgated on the basis of the Federal Meat Inspection Act usually specify the ingredients and/or other distinctive characteristics or details that have been customarily associated with the products designated with common or usual names.

Information of principal importance to this proposed amendment was derived from observations by USDA employees of industry practices, product formula information submitted to USDA together with label approval applications, and recommendations from members of the meat industry and State government officials. The proposed standard is consistent with the current regulation of the Department in the matter of farinaceous materials as ingredients of "Meatballs." (See 9 CFR 319.306).

Subpart M of Part 319 would be amended by adding the following:

§ 319.314 Meatballs and similar products.

(a) "Meatballs" are the raw or cooked meat food products which are spherical in form and prepared from meat or meat and any of the optional ingredients listed in paragraph (b) of this section.

(1) "Meat" shall constitute not less than 65 percent of the total weight of the product formula.

(2) The term "Meat" used in this paragraph shall apply to boneless and skinless skeletal muscle that otherwise conforms to the definitions in § 301.2(tt) of this subchapter and which does not contain more than 30 percent fat.

(b) Meatballs may contain any of the following optional ingredients:

(1) Water, meat broth, milk, reconstituted skim milk, or tomato juice, singly or collectively, in an amount not to exceed 8 percent of the total weight of the product formula.

(2) One or more of the following which, singly or collectively, does not exceed 12 percent of the total weight of the product formula.

(i) Bread or bread crumbs, crackers, cracker crumbs or cracker meal.

(ii) Calcium reduced dried skim milk, dried milk, dried whey or nonfat dry milk.

(iii) Cereal, wheat flour or corn flour.

(iv) Soy flour, soy protein concentrate, isolated soy protein or textured vegetable product.

(3) Spices and flavorings.

(4) Salt.

(5) Eggs.

(6) Cheese.

(7) Tomatoes or tomato products.

(8) Peppers.

(9) Onions.

(10) Mushrooms.

(11) Water chestnuts.

(12) Sugar, dextrose, corn syrup, corn syrup solids, glucose syrup.

(c) If the products are cooked or partially cooked, the composition of the raw mix from which they are prepared shall be used in determining whether they meet the requirements of paragraph (a) and (b) of this section.

(d) Products labeled "Swedish Style Meatballs" shall consist of beef or beef combined with pork or veal, or both pork and veal, and one or more of the following: chopped onions, eggs, milk, bread crumbs, nutmeg, allspice; and shall comply with paragraphs (a) and (b) of this section.

(e) Products labeled "Meat and Cheese Balls" must contain not less than 15 percent cheese of the total weight of the product formula and comply with all other provisions of this section.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by September 14, 1973.

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

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

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

Done at Washington, D.C., on July 9, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-14314 Filed 7-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

PRIOR-SANCTIONED POLYVINYL CHLORIDE RESIN

Extension of Time for Filing Comments

In the FEDERAL REGISTER of May 17, 1973 (38 FR 12931) the Commissioner of Food and Drugs published a proposal recognizing a prior sanction for polyvinyl chloride resin and proposing that such resin meeting certain criteria not be used as a component of food packaging material for use in contact with alcoholic foods.

The preamble to the notice of proposed rule making set forth the basis for the Commissioner's conclusion that the use of polyvinyl chloride for packaging alcoholic foods may cause such foods to be adulterated.

Interested persons were given 60 days to file written comments regarding this proposal.

The Commissioner has received a request that a 90-day extension of the comment period be granted so that the plastic industry can complete work on data which they believe will be of significance to the Food and Drug Administration in the final consideration of this matter. By virtue of the fact that the Bureau of Alcohol, Tobacco, and Firearms of the Treasury Department has stopped the use of PVC containers for alcoholic beverages until there is final action by the Food and Drug Administration on the proposal, the Commissioner finds that there are reasonable grounds for granting the request for extension of time for filing comments. Therefore, the time for filing of such comments is extended to October 15, 1973.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1042, 1046-1047 as amended, 1049, 1055; 21 U.S.C. 321(s), 342, 348, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14275 Filed 7-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 72-CE-34-AD]

BEECH MODELS 50, 65, 65-80 AND 70 SERIES AIRPLANES

Proposed Airworthiness Directives

On December 29, 1972, an Advance Notice of Proposed Rule Making was published in the FEDERAL REGISTER (37 FR 28763, 28764) soliciting comments regarding Proposed Rule Making action to detect and control inflight fires in Beech Model 65 and 65-80 series airplanes by the installation of fire containment provisions and fire detection systems on these aircraft.

The Advance Notice stated consideration would be given all comments received on or before February 27, 1973. Approximately 42 comments were received. These comments did not establish a definite field consensus on the action which should be taken. Approximately 40 percent of those commenting agreed to a mandatory requirement for installation of the fire detection systems. Approximately 38 percent of the commentators concurred with mandatory installation of the fire seal kit. About 50 percent were opposed to both proposals with the remaining commentators expressing no strong opinion. A substantial portion of those commenting felt that good maintenance practices would prevent fires and thus obviate the necessity for further fire containment or detection provisions in these aircraft. Also numerous commentators stated that the cost of the proposed modifications was not justified on the basis of the airworthiness risk involved. Unreliability and resulting operational incidents were also cited as reasons for opposing the installation of the fire detection systems.

Of particular interest was the suggestion by some commentators that Beech Model 50 series airplanes should also be included in any rule making action involving this problem. The owners of aircraft having engine installations per STC SA444SW (Excaliber modification) and the STC holder also expressed the opinion that this configuration should be exempted from the AD, if adopted.

The FAA agrees that good maintenance practices will reduce the possibility of inflight fires, but service experience indicates that it cannot completely eliminate the problem. Accordingly, this argument cannot be accepted as a valid basis for negating regulatory action. Agency recognition of the modifications cost burden contributed appreciably to the decision to issue the Advance Notice of Proposed Rule Making soliciting comments rather than proceeding directly with rule making action. The cost-benefit ratio of both proposed installations in the Advance Notice has been considered and the FAA believes the action to be proposed in this Notice has the most favorable possible ratio when considered in light of the safety objectives which must be achieved. It is noteworthy that commentators who had experienced an inflight or ground incident of the type contemplated by the proposal did not express significant concern as to the costs involved.

Further analysis of the fire detection systems indicates that its advantages can be partially offset by false indications and increased maintenance problems. One inflight fire incident preceded by an

explosion in the cowl was described by the pilot as so sudden that by the time he scanned the instrument panel once after the explosion the fire was burning fiercely. In cases such as this, which are a major area of concern, a fire detection system would have provided the pilot no additional advanced warning. Also, one aircraft involved in an inflight fire and wing separation had a fire detection system and one-shot fire extinguisher system installed which did not preclude an uncontrolled disastrous fire. Therefore, the agency believes that installation of the fire detection systems should remain on a voluntary basis and not be made the subject of rule making action at this time.

Analysis of the comments received and comparison of the design features on Beech Model 50 and 65 series aircraft confirms that the Model 50 series aircraft should be included in proposed rule making action. In addition, the Beech Model 70 aircraft is of similar design and should be included.

The FAA also believes there may be merit to the proposal that aircraft modified by STC SA444SW (Excaliber modification) should be exempted from this AD action and the agency is conducting further investigation to justify exemption of this modification. Any adopted rule making will include the results of this investigation.

One commentator's account of an inflight explosion within the cowl and structural and fire damage observed on the aircraft after it was landed indicates similarities between this incident and occurrences during the inflight fires resulting in wing separations and accidents. In the aircraft which was safely landed, the severest fire damage was on the nacelle aft of an area of the cowl which was ruptured and failed outward by the explosion. Similar evidence of cowl rupture was present in the wreckage of the airplanes involved in the wing separation accidents. Installation of fireproof neoprene cloth per Beech Kit 65-9008-01 will provide additional fire protection for the critical area of the nacelle behind the portion of the cowl vulnerable to explosive rupture.

After careful analysis the FAA concludes that installation of the fire seal kit should be made mandatory in the interest of safety. If a fire occurs on one of the aircraft involved in this proposal, this kit will contain the fire and provide desirable additional time for the pilot to detect the fire, evaluate the situation and take appropriate action. Accordingly, an AD is being proposed requiring within 100 hours' time in service after the effective date thereof, installation of Beech Nacelle Interior Fire Seal Kit No. 65-9008-1 on Beech Model 50, 65, 65-80 and 70 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before August 13, 1973, will be considered before action is taken 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 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

BEECH: Applies to Model 65 (Serials L-1, L-2, L-6, LF-7 and up, and LC-1 through LC-239); Model A-65 and A65-8200 (Serials LC-240 through LC-335); Model 65-80 (Serials LD-1 through LD-150 [except LD-34 and LD-46]; Model 65-A80 and 65-A80-8800 (Serials LD-34, LD-46, LD-151 through LD-269); Model 65-B80 (Serials LD-270 and up); Model 65-88 (Serials LP-1 and up [except LP-27 and LP-29]; Model 70 (Serials LB-1 and up); Model E50 (Serials EH-1 through EH-70); Model F50 (Serials FH-71 through FH-96 [except FH-94]); Model G50 (Serials GH-94; GH-97 through GH-119); Model H50 (Serials HH-120 through HH-149); Model J50 (Serials JH-150 and up) airplanes.

Compliance: Required within the next 100 hours' time in service after the effective date of this AD, unless already accomplished.

To reduce the possibility of an inflight fire penetrating critical areas of the aircraft wing and nacelle, accomplish the following or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

Install Beech nacelle interior fire seal kit no. 65-9008-1, or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Issued in Kansas City, Missouri, on July 5, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-14283 Filed 7-12-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-43]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Brownfield, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before August 13, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arranagements 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 the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

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

BROWNFIELD, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Brownfield, Tex., Terry County Airport (latitude 33°10'29" N, longitude 102°11'29" W) and within 3.5 miles each side of a 200°T (190°M) bearing from the Brownfield nondirectional beacon (latitude 33°10'45" N, longitude 102°11'30" W) extending from the 5-mile radius area to 8 miles south of the radio beacon.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Terry County Airport, Brownfield, Tex.

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

Issued in Fort Worth, TX., on July 3, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14281 Filed 7-12-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-44]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Pleasanton, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort

Worth, Texas 76101. All communications received on or before August 13, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the 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 the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 F.R. 435), the following transition area is added.

PLEASANTON, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Pleasanton Municipal Airport (latitude 28°57'00" N., longitude 98°31'20" W.) and within 3 miles each side of the 175°T (166° M) bearing from the Pleasanton NDB extending from the 5-mile radius to 8 miles south of the NDB.

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB-A (original) approach procedure.

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

Issued in Fort Worth, TX., on July 3, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-14282 Filed 7-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Low Emission Vehicles

Section 212 of the Clean Air Act (42 U.S.C. 1857f-6e) established a process under which the Federal Government will pay premium prices for motor vehicles whose emissions control performance is significantly better than that required by the Federal standards in effect at the time of their procurement. To be eligible for these premium prices, a motor vehicle must first be classified as a "low emission vehicle" by EPA, and then approved by the inter-Agency Low Emission Vehicle Classification Board as a suitable replacement for some class or model of vehicles that the Federal Government is then purchasing.

As presently defined in the regulations, a "low emission vehicle" is one that meets statutory 1975/1976 emissions standards before their effective date. This definition is now obsolete since it is clear that the 1975 model year will have arrived before any low emission vehicle (other than the vehicle for which an application has already been received), as defined by the current regulations, could be tested, certified, and purchased. Accordingly, it is proposed to revise subpart Q of 40 CFR Part 85 to define "low emission vehicle", in terms of attainment of standards significantly below statutory 1975 and 1976 Federal emission standards.

The proposed regulations would also set emission standards which must be met by heavy duty vehicles in order to qualify as "low emission vehicles". The Agency had delayed proposal of these standards until the corresponding basic standards under Section 202 of the Clean Air Act were in effect. The Agency will propose low emission vehicle standards for light duty trucks after Federal emission standards are promulgated for this class of vehicle. In the interim, applications will be accepted for light duty trucks to meet light duty low emission vehicle standards.

Finally, the proposed regulations would revise the details of the low emission vehicle determination procedure to make that procedure parallel more closely the process of certification testing of vehicles under Section 206 of the Act. If significant portions of the established test procedures are to be considered irrelevant or impractical for the testing of the vehicle, the publication of the notice of intent will discuss these procedures and invite comments as to their applicability to the testing of the vehicle.

The revised subpart Q would become effective 30 days after promulgation and would be applicable to "low emission vehicles" purchased in 1975 and subsequent model years. The current regulations which appear in 40 CFR Part 85 have expired, except for the vehicle for which an application has already been received, as of December 31, 1972.

Interested persons may participate in this rule making by submitting written data, views, or arguments (in quadruplicate) to the Administrator, Environmental Protection Agency, Attention: Mobile Source Air Pollution Control Program, Office of Air and Water Programs, Washington, D.C. 20460. All relevant material received not later than September 11, 1973, will be considered.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 4th and M Streets, SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of Section 212 of the Clean Air Act, as amended (42 U.S.C. 1857f-6e), 84 Stat. 1676.

Dated: July 10, 1973.

ROBERT W. FRI,
Acting Administrator.

Subpart Q of Part 85 of Title 40 is proposed to be as follows:

Subpart Q—Low Emission Vehicles

§ 85.1601 Definitions.

(a) As used in this subpart, the term:

(1) "Motor vehicle" means any self-propelled vehicle designed for use in the United States on the highways, other than a vehicle designed or used for military field training, combat or tactical purposes.

(2) "Inherently low-polluting propulsion system" means a propulsion system that does not require control devices for exhaust emissions that are external to the energy releasing activities of the propulsion system.

(3) "Light duty vehicle" means both any light duty vehicle as defined in §§ 85.002(a)(5) and 85.102(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a light duty vehicle used by agencies of the Federal Government.

(4) "Heavy duty vehicle" means both any heavy duty vehicle as defined in §§ 85.702(a)(5), 85.802(a)(5), and 85.902(a)(5), and any vehicle which may, in the judgment of the Administrator, be a suitable substitute for a heavy duty vehicle used by agencies of the Federal Government.

(5) "Board" means the Low Emission Vehicle Certification Board established by Section 212 of the Act.

(6) "Federal Government" includes the legislative, executive, and judicial branches of the Government of the United States, and the Government of the District of Columbia.

(7) "Low emission vehicle" means either a low emission light duty vehicle or a low emission heavy duty vehicle.

(b) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in this part.

§ 85.1602 Low emission vehicles.

(a) A "low emission light duty vehicle" is a light duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA and indicating that such a vehicle

(1) Meets all emission standards then in effect under Section 202 of the Act for light duty vehicles, and

(2) Meets the requirements of paragraph (c) of this section, and

(3) For vehicles purchased in model year 1975, does not exceed the given level of one or more of the following pullutants:

(i) Hydrocarbons—0.08 grams per vehicle mile (gms/mile)

(ii) Carbon monoxide—0.7 gms/mile

(iii) Oxides of nitrogen—0.3 gms/mile, and

(4) for vehicles purchased in model year 1976 and beyond, does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons—0.08 gms/mile

(ii) Carbon monoxide—0.7 gms/mile

(iii) Oxides of nitrogen—.16 gms/mile

(b) A "low emission heavy duty vehicle" is a heavy duty vehicle which, at the time of its procurement by the Federal Government, is covered by a determination made by EPA and indicating that such a vehicle

(1) Meets all emissions standards then in effect under section 202 of the Act for heavy duty vehicles, and

(2) Meets the requirements of paragraph (c) of this section and

(3) Does not exceed the given level of one or more of the following pollutants:

(i) Hydrocarbons plus oxides of nitrogen—2.1 grams per brake horsepower-hour (gms/bhp-hr.)

(ii) Carbon monoxide—1 gm/bhp-hr.

(c) No vehicle shall be considered to be a low emission vehicle unless the Administrator finds, and states in his determination, that it will not significantly increase the emissions of any air pollutant not subject to an emission standard under Section 202 of the Act by comparison to the emissions of such pollutant by any class or model of motor vehicles for which the applicant vehicles may be a suitable substitute.

§ 85.1603 Notice of intent to submit an application for certification.

(a) Any person desiring certification of a test vehicle under Section 212 of the Act shall submit to the Administrator a notice of intent to submit a certification application with respect to such vehicle. The notice of intent shall contain a description of the vehicle, including the propulsion system and the fuel used by it, and such other information as the Administrator may request.

(b) The Administrator shall, immediately upon receipt of the notice of intent, transmit a copy to the Board and publish in the FEDERAL REGISTER a notice of the receipt of the notice of intent, the name of the applicant, a brief description of the propulsion system and fuel used by the applicant vehicle, and information concerning the method by which the public may have access to data relating to the emission characteristics of the applicant vehicle. The FEDERAL REGISTER notice shall request written comments and documents from interested parties in support of, or in opposition to, certification of the class or model of vehicle described in the notice of intent. If the Administrator subsequently determines that the vehicle is a low emission vehicle, the comments will be transmitted to the Board to be used in making their determination whether the vehicle is a suitable substitute for any class or models of vehicles presently being purchased by the Federal Government for use by its agencies.

§ 85.1604 Test procedures.

(a) Unless the Administrator determines otherwise under paragraph (b) of this section, the test procedures for determining whether a vehicle meets the standards specified in § 85.1602(a) for classification as a low emission light duty vehicle shall be the applicable 1975 Federal Test Procedure, and the test procedures for determining whether a vehicle meets the standards specified in § 85.1602 (b) for classification as a low emission heavy duty vehicle shall be the applicable 1974 Federal Test Procedure.

(b) As soon as practicable after receipt of a notice of intent to submit a certification application for a low emission vehicle, the Administrator shall determine whether the relevant test procedures referred to in paragraph (a) of this section would result in satisfactory testing of that vehicle. If he determines that such test procedures would not, he shall, as soon as practicable after making the determination, promulgate new procedures to govern the testing of that vehicle.

§ 85.1605 Selection of test vehicles.

Unless the Administrator determines otherwise, the applicant shall test or cause to be tested two durability data vehicles of each engine-system combination and four emission data vehicles of each engine family described in the notice of intent. The test vehicles shall be selected by the Administrator upon receipt of the notice of intent and after consultation with the Board to determine the models or classes of vehicles for which the test vehicle may be a suitable substitute.

§ 85.1606 Testing.

All procedures specified in this part for obtaining a Certificate of Conformity under section 206 of the Act shall be applicable to low emission vehicles unless the Administrator determines that portions of the procedures are not relevant or practical as applied to the vehicle for which application is made.

§ 85.1607 Application for certification.

(a) After completion of required testing of all test vehicles in accordance with applicable test procedures, the person desiring certification shall submit to the Administrator a written application signed by an authorized representative of the applicant. The application shall be in such form as the Administrator and the Board may require, and shall contain both (1) all emission data from the tests of the emission data and durability test vehicles and (2) data required by the Board under § 400.4 of this title relative to the vehicle characteristics referred to therein.

(b) In addition to the information required under this section, and under § 400.4 of this title, the Administrator may require the applicant to submit any other information which the Administrator deems necessary in determining whether the test vehicle is a low emission vehicle. The application for certification may be considered incomplete unless all such information has been submitted.

§ 85.1608 Administrator's determination.

(a) The Administrator will, within 90 days after receipt of a completed application for certification, determine whether the applicant vehicle meets the applicable requirements of § 85.1602.

(b) The Administrator will, upon making the determination required in paragraph (a) of this section, publish in the FEDERAL REGISTER notice of receipt of the formal low emission vehicle application, his determination whether the vehicle is a low emission vehicle, and the reasons therefor. If the Administrator determines the vehicle to be a low emission vehicle, he will state precisely the time period for which that vehicle will continue to qualify as a low emission vehicle under the emissions standards applicable to present and future model years.

(c) As long as a determination under paragraph (a) of this section is in effect for a vehicle, vehicles which are in all respects of the same design as the test vehicle as described by the required information in the application for certification will also be deemed low emission vehicles for all purposes of section 212 of the Act.

(d) Each determination under paragraph (a) of this section will serve as EPA certification of a vehicle under Section 206 of the Act and will be made on the terms specified in § 85.075–30(a)(2), § 85.175–30(a)(2), § 85.775–30(a)(2), § 85.875–30(a)(2), or § 85.975–30(a)(2) for certificates of conformity.

(e) Each determination under paragraph (a) of this section shall be revocable whenever, owing to a change in emission standards, vehicles covered by it no longer meet the requirements of § 85.-1602.

§ 85.1609 Inherently low emitting propulsion system.

Whenever the Administrator makes a determination for a vehicle under § 85.1608, he will recommend to the Board whether or not, in his opinion, the vehicle is powered by an inherently low polluting propulsion system.

§ 85.1610 Postcertification testing.

The Administrator will, at the request of the Board, test the emissions from vehicles certified under Section 212 of the Act and purchased by the Federal Government. If these tests show that the emissions from such vehicles exceed the relevant standards contained in § 85.1602 and applicable at the time such vehicles were procured, the Administrator will notify the Board.

[FR Doc.73-14395 Filed 7-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19692]

ANTENNA MONITORS IN STANDARD BROADCAST STATIONS WITH DIRECTIONAL ANTENNAS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73 of the Commission's rules and regulations to establish standards for the design and installation of sampling systems for antenna monitors in standard broadcast stations with directional antennas, Docket No. 19692.

1. On February 21, 1973, the Commission adopted a Notice of Inquiry and notice of proposed rule making in the above-captioned proceeding and publication in the FEDERAL REGISTER was given on March 2, 1973 (38 F.R. 5666). Comment and reply comment dates have been previously extended by an Order of April 17, 1973, to July 6 and July 20, 1973, respectively, and published in the issue of Thursday, April 26, 1973 (38 FR 10276).

2. The Association of Federal Communications Consulting Engineers (AFCCE), on July 2, 1973, filed a petition for extension of time for a period of one month, to and including August 10, 1973. AFCCE states that at its Annual Meeting in April, 1973, a motion was adopted to file comments in Docket 19692. Since that time a new rules and Standards Committee has been formed and it has been working on the preparation of comments on behalf of AFCCE. However, the additional time is necessary in order for the Committee to circulate a draft of the comments to the membership and to finalize them after receiving replies from the members.

3. On July 3, 1973, counsel for the Association For Broadcast Engineering Standards, Inc. (ABES) also filed a request for an extension of time in which to file comments and reply comments to and including October 22, 1973, and November 22, 1973, respectively. Counsel states that the extension would permit ABES to send a questionnaire to selected directional AM stations to determine the impact of the proposals and of possible alternatives on their operations and also to analyze the results of the questionnaire and prepare comments. The lengthy extension would also permit the ABES members who will attend the IEEE–AFCCE meetings on September 20 and 21, 1973, to decide on the presentation to be made to the Commission in this proceeding, and also allow sufficient time for drafting of its comments.

4. Although the Commission feels that it would have been helpful had we been advised sooner of the need for more time in which to file meaningful comments, the Commission does desire the benefit of significant comments from the industry and the public. However, the Commission feels that an extension of time in which to file comments and reply comments to and including October 1, 1973, and October 15, 1973, respectively, will be sufficient to allow the formulation of comments in this proceeding.

5. Accordingly, we are of the view that the public interest would be served by extending the time for filing comments and reply comments. *Therefore, it is ordered,* That the time for filing comments and reply comments in this proceeding are extended to and including October 1, 1973, and October 15, 1973, respectively.

6. *It is further ordered,* That the petition of the Association of Federal Communications Consulting Engineers is granted to the extent indicated above, and the petition of the Association For Broadcast Engineering Standards, Inc., is granted to the extent indicated above and denied in all other respects.

7. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 5, 1973.

Released: July 6, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-14349 Filed 7-12-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19785; FCC 73-733]

TV BROADCAST STATIONS IN FORT WALTON BEACH, FLA.

Proposed Table of Assignments

In the matter of amendment of § 73.606 (b), *Television table of assignments,* TV Broadcast Stations (Fort Walton Beach, Florida), Docket No. 19785, RM-2156.

1. On March 8, 1973, Panhandle Broadcasting Company, Inc. (Panhandle), permittee of Station WDTB, Channel 13, Panama City, Florida, filed a petition requesting the Commission to assign Channel 17 to Fort Walton Beach, Florida.

2. Fort Walton Beach, population 19,994,[1] is located in Okaloosa County, population 88,187, in the Florida panhandle approximately 40 miles from Pensacola and approximately 60 miles from Panama City. Panhandle states that Fort Walton Beach has no local television service and receives only one predicted television Grade B signal or better, this coverage provided by Station WEAR–TV, Channel 3 (ABC), Pensacola, Florida. According to Panhandle a local cable television system, TV Cable Co. of Fort Walton Beach, carries stations which provide the three major networks' programming and also educational programming. Panhandle points out that this CATV service is a supplement and not a replacement for regular broadcast service available to all. It describes an area of 420 square miles with a population of 92,987 which lacks any Grade B or better NBC affiliate network programming service. If the channel is assigned, Panhandle states that it will apply for a construction permit to operate a station on Channel 17 as a satellite of its own Station WDTB, Channel 13, Panama City, which is an NBC affiliate. Panhandle avers that with operating parameters of 50 kW ERP and 600 feet above average terrain it can provide the unserved NBC area with a Grade B or better signal covering 95 percent of the area and 98 percent of the population in the area.

3. We have carefully examined the Fort Walton Beach assignment area and find that Channel 17 can be assigned to Fort Walton Beach in conformance with the minimum mileage separation requirements of the Commission's rules. Since Channel 17 is one of the lower seven UHF channels which are permitted to be shared by the land mobile service in the top-ten markets, we looked further into this aspect since in a projected sharing study looking into the next 15 largest urbanized areas Channel 17 was selected for land mobile sharing in New Orleans, Louisiana. However, in the event that Channel 17 is subsequently permitted for sharing, a Channel 17 assignment at Fort Walton Beach would not have to be frozen. If a station operated on Channel 17 at Fort Walton Beach it would not limit the shared use of Channel 17 by the land mobile services in the New Orleans urbanized area.[2] As a drop-in channel, Channel 17 will not require any other changes in the table. It is the most efficient channel assignment for Fort Walton Beach and will have the least preclusionary effect of the channels available for assignment.

4. Panhandle has shown the need for a television broadcast channel assignment to Fort Walton Beach. Therefore we believe a rule making proceeding is warranted to explore the possibility of making an assignment. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the Television Table of Assignments, § 73.606(b) of the Commission's rules, by assigning Channel 17 to Fort Walton Beach, Florida.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before August 20, 1973, and reply comments on or before August 30, 1973. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

6. In accordance with the provisions of § 1.419 of the rules, an original and

[1] Populations are from the 1970 U.S. Census. Panhandle states that the Fort Walton Beach Chamber of Commerce estimates the present population to be 21,000.

[2] In 1968 there was a proposal to assign Channel 18 to Front Royal, Va. At that time Channel 18 was *proposed* for land mobile sharing in the Washington, D.C. area. Channel 18 was not assigned to Front Royal because of this even though it met all assignment standards of the rules.

14 copies of all written comments, replies, pleadings, briefs, or other documents shall be presented the Commission. A copy of all pleadings filed in this proceeding will be available for public inspection in the Public Reference Room at the Commission's headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14351 Filed 7-12-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19784; FCC 73-730]

FM BROADCAST STATIONS IN CERTAIN CITIES IN MD.

Of Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations. (Grasonville, Leonardtown, and Lexington Park, Maryland), Docket No. 19784, RM-1995, RM-2036.

1. Notice of proposed rule making is hereby given concerning proposed amendments of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) with respect to conflicting proposals for the assignment of Channel 276A to Grasonville, Maryland (RM-1995), and Lexington Park, Maryland (RM-2036). In RM-1995, by a petition filed June 14, 1972, Edward Mason De Maso (De Maso) proposed to assign Channel 276A to Grasonville; it was asserted that this assignment could be made without change elsewhere. In RM-2036, Sound Media, Inc. (Sound Media), licensee of daytime-only AM Station WKIK, Leonardtown, Maryland, by a petition filed August 11, 1972, requested that Channel 276A be assigned to Leonardtown and that Channel 249A be reassigned from Leonardtown to Lexington Park in order to resolve mutually exclusive applications for Channel 249A.[1]

2. The petitions are considered together, since assignment of Channel 276A may not be made to both Grasonville and Leonardtown because of mileage requirements. The required separation is 65 miles (§ 73.207(a)), but the distance between the communities is only 50 miles. The 1970 Census populations for the three communities involved, their respective counties, and populations are as follows:

Community	Population	County	Population
Grasonville	1,182 (unincorporated).	Queen Annes.	18,422
Leonardtown	1,406	St. Marys	47,388
Lexington Park-Patuxent River.[2]	9,136 (unincorporated).	St. Marys	47,388

[2] The 1960 Census reported a population for only Lexington Park. Informal information obtained from the Tri-County Council for Southern Maryland, located at Waldorf, Maryland, is that the 1970 Census includes persons from the family housing area and bachelor officers' quarters at the Patuxent River Naval Air Station thus accounting for the different designation in the 1970 Census.

3. *RM-1995.* De Maso, in support of his petition for assignment of a channel to Grasonville, sets forth a certain amount of detailed information as to the nature of that community. Grasonville, which is 16 miles east of Annapolis, is located on the Maryland Eastern Shore, that is, that portion of Maryland east of Chesapeake Bay. It is a center for agriculture and seafood production. Grasonville is "bisected" by U.S. 301 and Maryland Route 50 en route between the Chesapeake Bay Bridge (Bay Bridge) and popular ocean summer resorts (including Ocean City, Maryland, and Rehoboth Beach, Delaware) and other points to the north and south. Grasonville is also a summer resort on Chesapeake Bay whose prospects in this respect, along with the surrounding part of the country, are expected to increase with the completion of the parallel Bay Bridge in the summer of 1973. De Maso claims that the population of Queen Annes County, which stretches from Chesapeake Bay to the Delaware border, triples during the summer and the county serves as a "bedroom community" for Baltimore and Washington commuters. Grasonville (formerly Winchester), we are told, is the most important one of eight unincorporated towns in the county. It is alleged that in recent years Grasonville has become one of the area's largest seafood packing house complexes with eight packing houses. There are many thriving businesses and resort facilities in Grasonville; it is the location of a Delmarva Power Light Company base, a State Roads Commission field office, a branch of the Queenstown bank; and there are many other indicia of community life.

4. De Maso also alleges that Grasonville and its county is without means of local expression. There are two weekly county newspapers. There is also some circulation of newspapers from Annapolis and Baltimore, but these devote little if any coverage to Eastern Shore affairs. There are no broadcast stations in the county, and De Maso claims that the nearest stations in Delaware, Annapolis, and Baltimore are unable (in any event do not attempt) to meet the needs of the residents of Queen Annes County. At the time of the petition, as shown by the engineering statement supporting the De Maso petition, Channel 276A could have been assigned to Grasonville without conflict with any other FM channel assignment. De Maso expressed his intention to apply for a station, if the channel is assigned to Grasonville, and to build the station, if his application is granted. In the latter respect, he has contacted leaders and members of the community including the County Commissioners, the president of Chesapeake College, the Chamber of Commerce, various social organizations, and others, all of whom vigorously support the establishment of a broadcast facility at Grasonville.

5. *RM-2036.* As already noted, Sound Media filed its petition in order to obviate the need for a comparative hearing with Key Broadcasting for Channel 249A, assigned to Leonardtown, Maryland (Docket Nos. 19410 and 19411). Sound Media, licensee of AM Station WKIK (daytime-only) there, would use the channel at the city of assignment, while Key Broadcasting, licensee of AM Station WPTX, Lexington Park has applied for that channel for use at Lexington Park under the 10-mile rule (§ 73.203(b) of the Commission's rules and regulations). Leonardtown is the seat of St. Marys County; Lexington Park is an unincorporated community also located in the same county. According to Sound Media's petition, a station at either Leonardtown or Lexington Park would provide a first nighttime aural service to substantial areas and populations as well as "grey" areas. Indeed, a station at both communities would provide service to substantial unserved and grey areas at night. The engineering showing in support of Sound Media's petition is to the effect that with maximum facilities at both cities, a Leonardtown station would provide a first FM service to an area of 52 square miles with a population of 2,461 and a second FM service to 3,838 persons in a 66 square mile area, while a Lexington Park station would similarly provide service to an unserved area of 68 square miles with a population of 9,515 and a grey area of 5 square miles and a population of 416.

6. Sound Media urges that Lexington Park is a community of sufficient importance to warrant an FM channel assignment. Reliance is placed on population (the largest community in St. Marys County), the fact that Lexington Park has a standard broadcast station, and other indicia of being a community. We are told that Lexington Park has a newspaper, the *St. Marys Enterprise* (although there is no indication whether daily or weekly), county government offices (including the Metropolitan Commission, the Board of Education, and Health Department), a post office, and a branch of the county library; and that it is the site of one of the largest U.S. Naval Air Stations (the Patuxent River NAS). Other evidence of commercial and civic life is typical of towns of the same size including churches of six Christian denominations, a community church, and a Baha'i meeting place; an elementary school; a motel; a CATV system; voluntary organizations (Volunteer Fire Department, Rotary Club, Chamber of Commerce, Boy Scouts, and garden

[1] Sound Media is the applicant for Channel 249A at Leonardtown (BPH-6886) and Key Broadcasting Corporation (Key Broadcasting), licensee of Station WPTX, Lexington Park, Maryland, is the applicant for use of Channel 249A at Lexington Park under the "10-mile" provision of § 73203(b) (BPH-6540). These applications are in hearing; see Docket Nos. 19410 and 19411. Key Broadcasting is also the licensee of Stations WBMD(AM), Baltimore, Maryland, and WKTK-FM, Catonsville, Maryland.

clubs); many grocery, appliance and drug stores, gas stations, laundromats, movers, barber shops, and other usual types of commercial establishments. Sound Media concludes that since Lexington Park has a larger population, more commercial establishments, and civic organizations that many communities with FM stations, an FM channel should be assigned there.

7. De Maso opposes Sound Media's petition with a priority of petition argument.[3] As more relevant to our action here, De Maso advances a proposal which would permit channel assignments to both Grasonville and Lexington Park. He suggests the assignment of Channel 240A to Lexington Park in lieu of the Sound Media's proposal for Leonardtown and Lexington Park. Sound Media in its reply to De Maso's opposition urges that its proposal for use of Channel 276A (assignment to Leonardtown and reassignment of Channel 249A from Leonardtown to Lexington Park) is more meritorious, but it agrees that De Maso's counterproposal might be considered as an alternative proposal. As to the merits, Sound Media states that its proposal would provide service to substantial unserved and grey areas while Grasonville and the area within the 1 mV/m contour of an FM station there receives ample service considering only existing AM and FM stations at Annapolis (about 16 miles west of Grasonville).

8. It would appear that a sufficient showing has been made that the public interest, convenience, and necessity would be served by considering the petitions for FM channel assignments at Grasonville, Leonardtown, and Lexington Park, as well as the counterproposal. In this respect, Sound Media has alleged a dearth of FM service at both Leonardtown and Lexington Park from existing facilities. Such a showing more appropriately should include assignments as well as stations and there are assumptions as to power and height. The criteria are: (i) Estimated FM 1 mV/m contours; (ii) assuming reasonable facilities for all existing stations, maximum for Class A, and 30 kW at 300 feet A.A.T. for Class B, or greater in the event the station already has such operating facilities; and (iii) all unoccupied channels in the area with the same facilities as in (ii). See and compare Roanoke Rapids-Goldsboro, North Carolina, 9 FCC 2d 672, 673 (1967).[4]

9. *Showings required.* Comments are invited upon the proposals referred to above. As indicated, there are questions raised by the conflict between the basic proposals (Plan I vs. Plan II), the population of Lexington Park as a community, and the appropriate type of engineering showing to support the claims of unserved area and grey area for FM stations at Leonardtown and Lexington Park. It would be helpful if Key Broadcasting Corporation participated, for it is clear that the assignment of a channel to Lexington Park would benefit it to the extent of obviating the need for a comparative hearing as concerns its application (BPH-6540) and that of Sound Media (BPH-6886).[5] De Maso and Sound Media are expected to affirm their respective intentions to apply for the channels, if assigned, and, if authorized, to promptly build on the channels for their respective communities. Failure to make the requested showings may result in denial of the proposals and/or counterproposal.

10. In view of the foregoing and pursuant to authority found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as concerns the communities named, as follows:

PLAN I

City	Channel No. Present	Channel No. Proposed
Grasonville, Maryland		276A

or

PLAN II

Leonardtown, Maryland	249A	276A
Lexington Park, Maryland		249A

or

PLAN III

Grasonville, Maryland		276A
Lexington Park, Maryland		249A

11. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if they are advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before August 20, 1973, and reply comments on or before August 30, 1973. All submissions by parties to this proceeding, or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: July 3, 1973.

Released: July 9, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Acting Secretary.

[FR Doc.73-14352 Filed 7-12-73;8:45 am]

[3] We need not to discuss this, since there is no such doctrine. The test in this respect is the "cut-off" procedure referred to in paragraph 11 below.

[4] That case deals with determining service to unserved and grey areas when one seeks a Class B or C channel for a community entitled to only a Class A channel. However, the same test has been applied when one relies on a lack of service argument of the type that in part bottoms Sound Media's petition.

[5] As already noted, such a hearing is under way; see Docket Nos. 19410 and 19411.

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Investment Contract Securities

Pursuant to authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) notice is hereby given that the Board of Governors proposes to add paragraph (l) to § 220.6 of Regulation T, "Credit by Brokers and Dealers" (12 CFR 220.6) to provide that credit extended on any part of an investment contract will be deemed to be extended on the whole security. The proposed new paragraph is set forth below:

§ 220.6 Certain technical details.

* * * * *

(l) *Investment contract securities.* Credit for the purpose of purchasing or carrying any part of an investment contract security (for example, the cattle ownership portion of a program to own and feed cattle, or the condominium ownership part of a program to own and rent a unit through a rental pool) shall be deemed to be credit on the entire security.

The purpose of the proposed amendment is to negate previous Board interpretations which stated that broker/dealers would not be deemed to be arranging credit which they could not extend, as prohibited by § 220.7(a), when they sold investment contracts which included credit extended solely on the real estate or chattel part of the contract.

If adopted, this amendment will provide uniform treatment, for credit purposes, of every security as an indivisible whole in a manner consistent with that followed by the Securities and Exchange Commission in its area of regulation.

Interested persons are invited to submit relevant data, views, or arguments

concerning this proposal. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 10, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information.

This notice is published pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, July 3, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14330 Filed 7-12-73;8:45 am]

[12 CFR Part 222]

BANK HOLDING COMPANIES

Nonbanking Activities and Interests

Pursuant to its authority under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)), the Board proposes to amend § 225.4(a)(4) of its Regulation Y to clarify the boundaries upon deposit-taking activities that are properly incidental to trust company activities which the Board has determined to be so closely related to banking or managing or controlling banks as to be a proper incident thereto, and to provide that the kinds of activities authorized under § 225.4(a)(4) include those performed not only by trust company subsidiaries that are State-chartered, but also by any such subsidiaries that may operate as limited purpose trust companies under national bank charters and that do not both accept demand deposits and make commercial loans.

The definition of boundaries upon deposit-taking activities by trust company subsidiaries of bank holding companies under § 225.4(a)(4) is especially significant in the case of multi-State operations. Section 3(d) of the Bank Holding Company Act (12 U.S.C. 1842(d)) prohibits the Board from approving any application under section 3 which will permit any bank holding company to acquire, directly or indirectly, additional banks located outside of the State in which the operations of its banking subsidiaries are principally conducted, unless any such acquisition is specifically authorized by the laws of the State in which such additional bank is located. In some cases, trust companies are chartered as banks, but intend to limit their operations to trust activities and not to engage in commercial banking. The policy of section 3(d) would not apply to holding company subsidiaries of this type. The proposed amendment would delineate the scope of deposit-taking activities that could be engaged in by trust company subsidiaries consistently with nonbank status under the Bank Holding Company Act.

Under the proposal, a trust company subsidiary that is not a "bank" within the meaning of the Bank Holding Company Act would be permitted to accept deposits that are generated out of funds received under trust instruments. It would not have authority to receive deposits generated out of funds received in the capacity of agent or custodian, except as expressly permitted in an exception for functions as agent or custodian for an issuer of, or investor in, securities. The Board notes that the New York Banking Department has determined to permit qualified out-of-State bank holding companies to acquire limited purpose trust companies in New York to furnish stock transfer and related services for institutional customers and to receive deposits incidental thereto. The proposed amendment is intended to facilitate bank holding companies' acquisitions of this type of limited purpose trust company.

Both commercial banks and trust companies act as agents or custodians for their customers. Deposit transactions incidental to agency or custodian functions are normally characteristic of commercial banking. However, the proposed deposit-taking activities incidental to payments upon or transfers of securities would appear to be properly incidental to a trust company business.

The Comptroller of the Currency has granted a national bank charter to a trust company organized for the purpose of carrying on the general business of a commercial bank trust department and to engage in such activities as are necessary, incident or related to such business. Trust companies that do not engage in the business of making commercial loans would not be "banks" within the meaning of section 2(c) of the Bank Holding Company Act (12 U.S.C. 1841(c)), even though chartered as national banks. The proposed amendment would permit bank holding companies to acquire under section 4(c)(8) of the Act federally chartered trust companies that are not "banks", and such trust companies would be governed by the same Regulation Y limitations on deposit-taking as would apply to State-chartered trust companies acquired under that section.

The proposed amended paragraph (a)(4) of § 225.4 of Regulation Y would read as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * *

(4) performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company (including activities of a fiduciary, agency, or custodian nature), in the manner authorized by federal or State law, so long as the institution does not both accept demand deposits and make commercial loans, and does not accept deposits other than (i) deposits that are generated from trust funds not currently invested and are properly secured to the extent required by law or (ii) deposits representing funds received for a special use in the capacity of an agent or custodian for an issuer of, or investor in, securities, such as paying and dividend disbursing agent, securities clearing agent, and similar capacities, and not employed by or for the account of a customer in the manner of a general purpose checking account or bearing interest.

* * * * *

To aid in the consideration of this matter by the Board, interested persons are invited to submit relevant data, views, or argument. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 9, 1973.

By order of the Board of Governors, June 28, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.73-14331 Filed 7-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1307]

[Ex Parte No. MC-88]

DETENTION OF MOTOR VEHICLES—NATIONWIDE

Notice of Proposed Rulemaking and Order; Correction [1]

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on this 22d 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 to publish and maintain their tariffs and file with 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

[1] Line 4 paragraph 3 inadvertently omited in original notice.

(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, nondiscriminatory, non-preferential, nonprejudicial, 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 in the appendices A through C to this notice, 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 provide as follows:

§ 1307.35 Terminal and special services.

* * * * *

(e) *Proposed 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 section 3.

(iv) After the expiration of free time as herein provided, charges as provided in section 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:

	The charge per vehicle will be:
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	

(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 vehicles is placed at consignor's platform.

(8) Computation of time:

(i) Consignor or 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) *Loading.* 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 pickup 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 section 3, computed in accordance with SEC. 2, charges in section 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.

(*a*) 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.

(*b*) 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 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) 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 carrying 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)

(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.73-14233 Filed 7-12-73;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 THE INTERIOR

Bureau of Land Management

[S 4721]

CALIFORNIA

Order Providing for Opening of National Resource Lands

Correction

In FR Doc. 73-13028, appearing at page 17025 in the issue of Thursday, June 28, 1973, in the first line under the Mount Diablo Meridian, the reference to "SW.," should read "8W.,".

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., e.s.t., on Friday, July 20, 1973, at the Indiana Dunes National Lakeshore building, Chesterton, Indiana.

The purpose of the Indiana Dunes National Lakeshore Advisory Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Indianapolis, Indiana
Mr. Harry W. Frey
Michigan City, Indiana
Mrs. Ione F. Harrington
Chesterton, Indiana
Mr. John A. Hillenbrand II
Batesville, Indiana
Mr. Ed Masiulis
Beverly Shores, Indiana
Mr. Harold G. Rudd
Portage (Ogden Dunes), Indiana
Mr. John R. Schnurlein
Valparaiso, Indiana

The matters to be discussed at this meeting include:

1. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
2. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
3. Discussion of the Beach Erosion Status to date.
4. Discussion of the West Beach Highway Entrance.
5. Discussion of the Five-Year Development Program for Indiana Dunes National Lakeshore.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, at 219-926-7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: June 19, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14455 Filed 7-12-73;8:45 am]

SLEEPING BEAR DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission will be held between 1 p.m. and 5 p.m. on Friday, July 27, 1973 at the Leland Lodge, Leland, Michigan.

The Commission was established by Public Law 91-479 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Sleeping Bear Dunes National Lakeshore.

The members are as follows:

Mr. John B. Daugherty (Chairman)
Frankfort, Michigan
Mr. William B. Bolton
Empire, Michigan
Mr. Verrol Conklin
Honor, Michigan
Mr. Frank C. MacFarlane
Cedar, Michigan
Mr. John Stanz
Glen Arbor, Michigan
Mr. Noble Travis
Leland, Michigan
Mr. Louis F. Twardzik
East Lansing, Michigan
Mrs. Charles R. Williams
Traverse City, Michigan
Mr. Carl T. Johnson
Cadillac, Michigan
Mr. Charles Yeates
Allegan, Michigan

The purpose of the meeting is to report on the status of land acquisition and related activities, and to bring the commission members up to date on management programs and plans and to swear in the new advisory commission members. These items will be presented by the staff of Sleeping Bear Dunes National Lakeshore. Committee reports and discussions include, status of the State of Michigan activities in transferring state lands to the National Park Service for inclusion in the national lakeshore; status of the proposed tax relief by the State of Michigan to provide assistance to the counties in lieu of taxes lost due to acquisition and inclusion of lands in the national lakeshore; and review of proposed marina facilities within the national lakeshore boundaries; and review of the State of Michigan Waterways Commission proposal to construct a launching facility in Good Harbor Bay.

The meeting is open to the public. It is expected that 30 persons will be able to attend the session in addition to the advisory commission members and the national lakeshore staff.

Any member of the public may file with the Commission a written statement concerning matters to be discussed. Further information concerning this meeting may be obtained from J. A. Martinek, Superintendent, Sleeping Bear Dunes National Lakeshore, Frankfort, Michigan at 616-352-9611. Minutes of the meeting will be available for public inspection two weeks after the meeting at the office of the Superintendent, 400½ Main Street, Frankfort, Michigan.

Dated: July 2, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-14456 Filed 7-12-73;8:45 am]

Office of the Secretary

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

Notice of Establishment

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act. Order No. 2953 transferred from the Bureau of Mines to the Mining Enforcement and Safety Administration the functions of mine health and safety, assessment and compliance, and education and training. The functions of energy, metallurgical and mining research and development, mine health and safety research, and mineral

supply are retained in the Bureau of Mines.

Notice is hereby given that on July 16, 1973, the Mining Enforcement and Safety Administration will become operative.

In order to provide for a continuing and orderly transfer of the functions assigned to the Mining Enforcement and Safety Administration notice is hereby given that:

1. All designations and appointments of duly authorized representatives of the Secretary of the Interior heretofore made pursuant to and for the purposes of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act shall continue in force and effect. Such duly authorized representatives will be transferred to the Mining Enforcement and Safety Administration. Identification cards issued to such authorized representatives bearing any reference to "Bureau of Mines" shall be deemed to refer to "Mining Enforcement and Safety Administration."

2. The principal officials of the Mining Enforcement and Safety Administration are—

Administrator, Mining Enforcement and Safety Administration
Deputy Administrator, Mining Enforcement and Safety Administration
Assistant Administrator, Coal Mine Health and Safety
Assistant Administrator, Metal and Nonmetal Health and Safety
Assistant Administrator, Education and Training
Assistant Administrator, Technical Support
Deputy Assistant Administrator, Coal Mine Health and Safety

Persons filling a position designated as a "Deputy Director" or as an "Assistant Director" in the Bureau of Mines will be transferred to the Mining Enforcement and Safety Administration and are designated to fill the comparable position as a "Deputy Administrator," or as an "Assistant Administrator" and to perform the duties assigned to them until otherwise changed or assigned by the Administrator.

3. All District and Subdistrict offices, both Coal Mine Health and Safety and Metal and Nonmetal Mine Health and Safety, established by the Bureau of Mines are hereby redesignated as District and Subdistrict offices of the Mining Enforcement and Safety Administration, and all persons designated as District and Subdistrict Managers of the Bureau of Mines shall be District and Subdistrict Managers of the Mining Enforcement and Safety Administration.

4. All Notice and Order forms in use shall continue to be used by the Mining Enforcement and Safety Administration for the purpose of enforcement of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act irrespective of any reference therein to the Bureau of Mines or an office of the Bureau of Mines and such references shall be deemed to refer to the Mining Enforcement and Safety Administration or an office of such Administration.

5. Inasmuch as no changes have been made in the geographical or jurisdictional boundaries of the respective Coal Mine Health and Safety Districts or the Metal and Nonmetal Mine Health and Safety Districts operators shall continue to contact the respective District and Subdistrict Offices in which the mine is located. All reports, plans, maps, or other documents required to be filed by operators or other persons under any standard or regulation promulgated by the Secretary under the authority of the Federal Coal Mine Health and Safety Act of 1969 or the Federal Metal and Nonmetallic Mine Safety Act shall continue to be filed at such offices designated in such regulations and shall be deemed to have been filed with the Mining Enforcement and Safety Administration if required to be filed with that Administration irrespective if the address or designated office is referred to as that of the Bureau of Mines.

Concurrently with the publication of this Notice there appears in the Rules and Regulations section of this issue of the FEDERAL REGISTER (page 18665) amendments of standards and regulations promulgated by the Secretary of the Interior under authority of the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act. These amendments reflect the transfer of functions under the two Acts and Secretary's Order No. 2953 from the Bureau of Mines to the Mining Enforcement and Safety Administration.

6. Until further notice "Permissible" equipment to which an approval plate, label, or other device is attached as authorized by the Secretary and which has been issued by the Bureau of Mines, and which is maintained in "permissible" condition, shall be deemed "permissible" for all purposes by the Mining Enforcement and Safety Administration.

Persons seeking to have equipment to be used in a coal mine or a metal mine approved as "permissible" shall file applications with Approval and Testing, Health and Safety Technical Support Center, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

7. The Mining Enforcement and Safety Administration is substituted in lieu of the Bureau of Mines in all proceedings pending before the Office of Hearings and Appeals of the Department of the Interior in which the Bureau of Mines is named as the Petitioner or Respondent.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

JULY 10, 1973.

[FR Doc.73-14474 Filed 7-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

SOUTH FORK YAAK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—South Fork Yaak Planning Unit, Forest Service Report Number USDA-FS-DES (Adm) 73-84.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the South Fork Yaak Planning Unit, Yaak Ranger District, Kootenai National Forest and located in Lincoln County, Montana. The proposal affects approximately 47,000 acres of National Forest lands which have been stratified into six management situations or units with similar resource implications.

This draft environmental statement was filed with CEQ July 6, 1973.

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

USDA, Forest Service
South Agriculture Building, Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building, Room 3077
Missoula, Montana 59801

USDA, Forest Service
Kootenai National Forest
418 Mineral Avenue
Libby, Montana 59923

A limited number of single copies are available upon request to George A. Mahrt, Forest Supervisor, Kootenai National Forest, Box AS, Libby, Montana 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor George A. Mahrt, Box AS, Libby, Montana 59923. Comments must be received by August 20, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 6, 1973.

[FR Doc.73-14309 Filed 7-12-73;8:45 am]

SOUTH BOISE-WOOD RIVER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the South Boise-Wood River Planning Unit Land Use Plan, USDA–FS–DES (Adm) 73–85.

The draft environmental statement identifies and evaluates the probable effects of a proposed land use plan for the South Boise-Wood River area, on the Sawtooth National Forest in south-central Idaho. The plan sets forth the allocation of land to resource uses and activities; establishes objectives; documents management direction, decisions, and necessary coordination between resource uses; and provides for the protection, use, and development of the various resources within the unit. The mix of uses provided for includes moderate levels of consumptive resource uses, a moderate but growing level of recreation use, and significant areas to remain undeveloped with the options for future management remaining open.

This environmental statement was filed with CEQ on July 6, 1973.

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

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324–25th Street
Ogden, Utah 84401

District Forest Ranger
Fairfield Ranger District
Sawtooth National Forest
Fairfield, Idaho 83327

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

District Forest Ranger
Ketchum Ranger District
Sawtooth National Forest
Ketchum, Idaho 83340

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

A limited number of single copies are available upon request from the Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301. Comments must be received by August 20, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

JULY 6, 1973.

[FR Doc.73–14310 Filed 7–12–73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CORNELL UNIVERSITY MEDICAL COLLEGE AND UNIVERSITY OF WASHINGTON MEDICAL SCHOOL

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73–00478–33–46040. APPLICANT: Cornell University Medical College, 1300 York Avenue, New York, N.Y. 10021. ARTICLE: Electron microscope, model EM 301. MANUFACTURER: Philips Electronic Instruments, NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for ultrastructural studies of platelets in order to determine whether morphologic changes become apparent in them and on their surface during the process of blood coagulation. Particular interest will be paid to the nature of changes induced in the outer membranes of platelets by the action of complement during blood clotting. Further studies of complement-induced ultrastructural changes in cell membranes will, in addition, lead to a better understanding of the structure and function of cell membranes. Experiments will also be conducted in which the electron microscope will be used to study the localization of certain key glycoproteins in the membrane of platelets utilizing ferritin conjugated monospecific antisera to the isolated glycoprotein. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: April 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 22, 1973.

DOCKET NUMBER: 73–00486–33–46040. APPLICANT: University of Washington Medical School, Department of Pathology, Seattle, Wash. 98195. ARTICLE: Model JEM–100B electron microscope, MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for examination of biological specimens which include tissues, cells, cell components and viruses. Several of the research projects are as follows:

(1) Studies relating to the nature of the atherosclerotic plaque to identify the types of cells and the relationship of various cell types and extracellular material at various levels within the atherosclerotic plaque,

(2) Studies of selective myocardial cell necrosis induced by a variety of metabolic means such as isoproterenol, hyprokalemia or central nervous system stimulation;

(3) Studies of lymph node stimulation with adjuvant in conjunction with experimental allergic encephalitis, to identify accurately the specific architectural components of the lymph node that respond to the stimulus;

(4) Other studies which include studies of amyloid fibrils, the structure of collagen, components of elastic fibers, protein synthesis in virus assembly, membrane structure and fusion, and studies involving the passage of substances of different molecular size through cell membrane junctions.

In addition the article will be used for studying elementary particles of mitochondrial membranes and isolated ribosomes after negative staining procedures.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: April 24, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 22, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU–4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU–4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the

foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14338 Filed 7-12-73;8:45 am]

IIT RESEARCH INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00277-90-14200. APPLICANT: IIT Research Institute, 10 West 35th Street, Chicago, IL 60616. ARTICLE: Image Analysing Computer System, Model Quantimet 720. MANUFACTURER: Metals Research Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used to characterize particulate matter which may be from any source: ambient air suspended particles, air pollutants, life science specimens, materials science specimens, powders, pharmaceuticals, slurries pastes, pigments, etc. The properties investigated are particle number, particle size, size distribution, particle shape and shape distribution.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides the capability for shape classification (i.e., the foreign article measures both area and perimeter for single features and, with the accessories ordered by the applicant, produces a classification based on the generally accepted shape sensitive parameter A/P^2, where A=area and P=perimeter). The most closely comparable domestic instrument, the Model QMS, manufactured by Bausch and Lomb does not provide the capability for shape classification. The National Bureau of Standards (NBS) advised in its memorandum dated June 8, 1973 that the capability for shape classification is pertinent to the applicant's intended investigation of particle shape distributions.

For these reasons, we find the Model QMS is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs Division.

[FR Doc.73-14341 Filed 7-12-73;8:45 am]

MICHIGAN STATE UNIVERSITY, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Nitrogen Analyzers

The following is a consolidated decision on applications for duty-free entry of Nitrogen Analyzers pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq). (See especially Section 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Specal Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00275-01-01100. APPLICANT: Michigan State University, East Lansing, Mich. 48823. ARTICLE: Solid State Nitrogen-15 Analyzer. MANUFACTURER: Breda, Holland. INTENDED USE OF ARTICLE: The article is intended to be used for the following nitrogen studies:

(1) Quantitatizing and maximizing denitrification in land disposal systems for animal wastes.

(2) To assess the quantities of nitrogen being fixed by microorganisms in aquatic environments in order to determine their contribution to the nitrogen pollution of lakes.

(3) To quantitate the fate of nitrogen in fertilizers used in agriculture in order to evaluate their contribution to the nitrogen pollution of rivers and streams.

(4) To trace nitrogen metabolism in crop plants.

(5) To quantitatively evaluate the amount of nitrate being dentrified in the natural soil ecosystem.

(6) To study the effects of photorespiration inhibitors on nitrogen fixation by soybeans.

(7) To study the metabolism and cycling of nitrogen through soil microfauna in the forest litter.

The article will also be used for educational purposes in laboratories in Soil Microbiology and Soil Biochemistry to acquaint students with the use of ^{15}N as a tracer in studies on nitrogen cycles in soil, on nitrogen related pollution problems and on nitrogen metabolism in plants.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1972. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

DOCKET NUMBER: 73-00311-01-01100. APPLICANT: Graduate Hospital of University of Pennsylvania, Clinical Research Center, 19th and Lombard Streets, Philadelphia, PA 19146. ARTICLE: Nitrogen 15 Analyzer. MANUFACTURER: Breda, Holland. INTENDED USE OF ARTICLE: The article is intended to be used for a research program on Protein Metabolism in Surgical Patients in the General Clinical Research Center at the Graduate Hospital of the University of Pennsylvania. ^{15}N will be analyzed using an optical method. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 20, 1972. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

DOCKET NUMBER: 73-00431-01-01100. APPLICANT: University of Missouri-Columbia, Columbia, Mo 65201. ARTICLE: Nitrogen 15 analyzer, NOI-5. MANUFACTURER: Isocommerz, the Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in the study of nitrogen metabolism, especially in ruminants. Several compounds containing 15/N will be used, including NH_4Cl, urea, glycine and other amino acids as they are available. Experiments planned include:

(1) The incorporation of ^{15}N into histidine of human subject depleted of histidine.

(2) The incorporation of ^{15}N into serum amino acids of sheep deprived of exogenous amino acids.

(3) The kinetics of disappearance of intravenously administered labelled amino acids.

The article will also be used in the courses animal husbandry 490 and 450 and nutrition 490 and 450 to provide research experience to graduate students. The students will be taught the operation of the instrument and use it for their individual research projects under the supervision of the major professor. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: March 16, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: June 14, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be

used, is being manufactured in the United States. REASONS: Each of the foreign articles provides basically simple, non-destructive analysis by means of emission spectrometry wherein nitrogen is excited to emission by a 27 megaherz radio frequency field. We are advised by the Department of Health, Education, and Welfare (HEW), in the respectively cited memoranda, that the characteristics described above are pertinent to the purposes for which each foreign article is intended to be used. HEW further advices that it knows of no instrument or apparatus of equivalent scientific value to any of the articles to which the foregoing applications relate.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14342 Filed 7-12-73;8:45 am]

NORTH DAKOTA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00467-33-46040. APPLICANT: North Dakota State University, Fargo, N. Dak. 58102. ARTICLE: Electron Microscope, Model Corinth 275. MANUFACTURER: AEI Scientific Apparatus Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used for investigation of several types of specimens including: (1) Insect nerve tissue; (2) chloroplasts of wheat; (3) bacteria and bacteriophage; (4) liver cells, and (5) plant and animal viruses.

Experiments to be conducted vary with the specimen and include:

(1) Examination of the neurosecretory processes in brains and ganglia of the tobacco hornworm and cockroach.

(2) Study of chloroplasts of wheat to determine the effects of water stress on germination and early seedling development.

(3) Studies on bacteria and bacteriophage consisting of identifying host specific bacteriophage to potentially pathogenic bacteria found in livestock water ponds.

(4) Investigation by electron microscopy of the livers of rats treated with various concentrations of insecticides and drugs to determine the effect of such compounds on liver functions, and

(5) Identification of specific plant and animal viruses.

In addition, the article is to be used in the following courses to (1) teach technique and applications of electron microscopy in biological sciences; and (2) to expose students to applications of electron microscopy and interpretation of cell structure:

Botany 540—Techniques in Electron Microscopy.
Botany 102—Organismic Botany.
Zoology 411—Cytology.
Zoology 461—Cell Physiology.
Pharmacy 340—Physiological Processes Affected by Drugs.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States at the time the article was ordered (February 23, 1973).

REASONS: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. At the time of order the most closely comparable domestic instrument available was the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 22, 1973 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14339 Filed 7-12-73;8:45 am]

PROVIDENCE HOSPITAL-RCR CENTER ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before August 2, 1973.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00573-33-43780. APPLICANT: Providence Hospital-RCR Center, 500 17th Avenue, Seattle, Washington 98122. ARTICLE: Regulator For Automatic Aspiration. MANUFACTURER: Collin Gentile Drapier S.A., France. INTENDED USE OF ARTICLE: The article is intended to be used for regulation of the suction system pressure during open heart operations thus preventing damage to the blood cells. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00574-33-46040. APPLICANT: University of Missouri Medical Center, 807 Stadium Road, Columbia, Missouri 65201. ARTICLE: Electron Microscope, Model SM-300S. MANUFACTURER: Philips Electronic Instruments, NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used as part of an interdisciplinary program to study the ultrastructure and function of the mammalian lung, particularly injury and repair related to human lung disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00575-90-46070. APPLICANT: The Ohio State University, 190 North Oval Drive, Columbus, Ohio 43210. ARTICLE: Scanning Electron Microscope, Model S4-10. MANUFACTURER: Cambridge Scientific Instruments Ltd., United Kingdom. INTENDED USE OF ARTICLE: The article is intended to be used in carrying out varied research projects such as the following:

(a) Conodont studies involving surface micromorphology, internal structure, and composition;

(b) Partial semiquantitative chemical analyses of individual dust particles from ice cores at Byrd Station, Antarctica;

(c) Distribution of Na, K, Ca, Mg and Al in plagioclase phenocrysts by means of x-ray analytic unit interfaced with the SEM and to obtain maps showing

the distribution within the phenocrysts of the elements cited;

(d) Studies of Pleistocene pollen grains;

(e) Studies of thin films of various magnetic materials, surface spin waves, and metals at very low temperatures;

(f) Investigation of the influence of neuro-secretory cell activity in the brain on the rate of aging in insects and other animals;

(g) Study of the pathogenic effects of various strains of fungi on mosquitoes;

(h) Studies of ion transport across membranes involving various specimens, including mitochondria of insect sperm, various parasite organs and tissues, and plant cells and their organelles that can be placed under experimental conditions of salt concentration; and

(i) Relationship between dietary intake of DDT, parathyroid function, and production of thin eggshells in birds.

In addition the article is to be used regularly by students enrolled in various courses in:

Geology and Minerology
Physics
Chemistry
Entomology
Biophysics
Zoology

DOCKET NUMBER: 3-005 6-33-46040. APPLICANT: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida, 33612. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used to examine specimens of cartilage and joint synovia taken from rabbits and human patients to determine whether subcellular changes consequent to virus infection resemble changes in rheumatoid arthritis. Specimens of hamster bronchial epithelium taken from exposure of the animals to airborne pollutants will be studied to define the pathology and functional changes which such pollutants evoke in lung tissue. Livers and spleen taken from Venezuelan equine encephalitis virus infected animals will also be studied for ultrastructural changes related to the enhanced immune responsiveness and protection against bacterial endotoxin which follows such infection. In addition to these studies, the article will be employed in teaching medical students and M.D. post doctoral fellows. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00578-33-46040. APPLICANT: Veterans Administration Hospital (673), 13000 North 30th Street, Tampa, Florida 33612. ARTICLE: Electron Microscope, Model EM 301, MANUFACTURER: Philips Electronic Instruments, NVD The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used to enhance the diagnostic speed and accuracy of a variety of lesions, particularly those affecting the kidneys, liver, small vessels and connective tissues; to enhance the recruitment of well qualified staff pathologists and to build up and modernize the residency training in pathology. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 15, 1973.

DOCKET NUMBER: 73-00579-33-46040. APPLICANT: Creighton University, College of Dentistry, 2500 California Street, Omaha, Nebraska 68131. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD., The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for studies of biological cells during inflammation and after pharmacologic manipulation; reticulo-endothelial cells producing immunoglobulins; mast cells and cultured cells involved in bone resorption and the ultrastructural effects of dental materials on mammalian cells. In addition, the article will be used in the course *Advanced Oral Biology* where senior dental students and graduate students in dental specialty programs will learn research applications of electron microscopy and basics of electron microscopic methods. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1973.

DOCKET NUMBER: 73-00580-33-46040. APPLICANT: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. ARTICLE: Electron Microscope, Model Elmiskop 102. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for studies of animal (including human) tissues, cells and subcellular components and the investigation of the following phenomena: (1) Organization and activity of dissociated cells from either exocrine or endocrine glands; (2) survey of the effects of different components of culture or maintenance media upon the organization and function of dissociated cells; (3) survey of experiments designed to maintain such cells in activity over reasonably long periods of time *in vitro*. The article will also be used in part in advanced training in research at the postdoctoral fellow and research associate level. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 18, 1973.

DOCKET NUMBER: 73-00581-33-46040. APPLICANT: Vassar College, Raymond Avenue, Poughkeepsie, New York 12601. ARTICLE: Electron Microscope, Model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used in investigations of the mesonephric kidney of the chick embryo with the following objectives in mind: (1) to correlate the ultrastructure with cellular and general kidney function during the differentiation function and degeneration phases of the organs' life span; (2) to study the origin and function of lysosomes during the period of initiation of function of the proximal tubule; (3) to study the ultrastructure of the degeneration granules (lipofucin) and the role of lysosomes in mesonephric involution; and (4) to describe the structure of the glomerulus during differentiation and functional period and to correlate this with surface ultrastructure revealed by the SEM studies. The article will also be used in an instructional program involving electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: June 19, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14343 Filed 7-12-73;8:45 am]

UNIVERSITY OF SCRANTON

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00454-99-46040. APPLICANT: University of Scranton, Monroe Avenue, Scranton, Pa. 18510. ARTICLE: Electron microscope, model JEM T-8. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used to study the effects of a variety of experimental agents on cultured nervous tissue from various parts of the central peripheral nervous system; study the myelin sheath of the central and peripheral nervous systems; and aid in the analysis of the fine structure of the nervous system.

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the foreign article was ordered (June 29, 1972).

REASONS: The applicant requires an electron microscope which is suitable for instruction in th basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programing. At the time the foreign article was ordered the most closely comparable domestic instrument was the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated June 14, 1973 that the relative

simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-14344 Filed 7-12-73;8:45 am]

UNIVERSITY OF TEXAS MEDICAL BRANCH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 73-00458-33-46500. APPLICANT: University of Texas Medical Branch, UMED 3-17641, Purchasing Department, Galveston, Tex. 77550. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke, Austria. INTENDED USE OF ARTICLE: The article is intended to be used for studies of mammalian central nervous system (brainstem) tissues derived from both unlesioned and lesioned experimental animals (primarily cats). Specific experiments to be conducted include continued investigation of the normal ultrastructural organization (synaptology) of the cat lateral cuneate nucleus and the morphologic alterations produced in this nucleus by destroying its various inputs (deafferentation).

COMMENTS: No comments have been received with respect to this application. DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is . . . a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of June 14, 1973 that cutting speeds in excess of 4mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of quivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director
Special Import Programs.

[FR Doc.73-14340 Filed 7-12-73;8:45 am]

National Bureau of Standards

STANDARDS FOR HARDBOARD PRODUCTS

Circulation for Acceptance

In accordance with the provisions of § 10.5 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as amended; 35 FR 8349 dated May 28, 1970), the National Bureau of Standards is giving public notice and circulating for acceptance the following three Recommended Voluntary Product Standards:

TS 168a, Basic Hardboard
TS 207a, Prefinished Hardboard Paneling
TS 208, Hardboard Siding

The purpose of these Voluntary Product Standards is to establish nationally recognized quality requirements for the products covered and to provide producers, distributors, and users with a basis for common understanding of the characteristics of these products.

Copies of TS 168a, TS 207a, and TS 208a may be obtained from the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234. Written comments or objections concerning these standards should be addressed to the Office of Engineering Standards Services on or before August 27, 1973.

Dated: July 9, 1973.

R. S. WALLEIGH,
Acting Director.

[FR Doc.73-14337 Filed 7-12-73;8:45 am]

National Oceanic and Atmospheric Administration

QUINLAN MARINE ATTRACTIONS

Partial Withdrawal of Undue Economic Hardship Application

Notice is hereby given that on June 22, 1973, Mr. Ralph Quinlan, doing business as Quinlan Marine Attractions, Lincolnton, N.C., was granted without prejudice, a requested amendment to his application for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on grounds of undue economic hardship (see 38 FR 12839, May 16, 1973). The amendment consists of the deletion of the request to take four bottlenose dolphins (*Tursiops truncatus*) to be displayed in Carowinds Park, Charlotte, N.C.

Copies of the original application and the letter granting the amendment to the application are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service Regional Offices. The Regional offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-831-9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617-281-0640; Southeast Region, William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Florida 33701, telephone 813-893-3141; Northwest Region, Lake Union Building, 1700 West Lake Avenue North, Seattle, Washington 98109, telephone, 206-442-7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

Dated: July 9, 1973.

ROBERT W. SCHONING,
Acting Director.

[FR Doc.73-14284 Filed 7-12-73;8:45 am]

Office of the Secretary

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Notice of Public Meeting

The Exporters' Textile Advisory Committee will meet at 10:00 a.m. on July 19, 1973, in Room 6802, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee, which is comprised of 24 members representing exporting firms and three trade associations, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Data.
2. Report on Conditions in Export Markets.
3. Impact of European Free Trade Area.
4. Export Trade Promotion.
5. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-14334 Filed 7-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3A2892]

NALCO CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3A2892) has been filed by Nalco Chemical Co., 180 N. Michigan Ave., Chicago, IL 60601, proposing that § 121.1088 *Boiler water additives* (21 CFR 121.1088) be amended to provide for the safe use of sodium metabisulfite as a boiler water additive to be used in the preparation of steam that will contact food.

Dated: July 3, 1973.

ALBERT C. KOLBYE, Jr.,
Acting Director, Bureau of Foods.

[FR Doc.73-14276 Filed 7-12-73;8:45 am]

[DESI 6258; Docket No. FDC-D-621; NDA 5-812]

SUPPOSITORIES CONTAINING AMINOPHYLLINE WITH PENTOBARBITAL AND BENZOCAINE

Notice of Withdrawal of Approval of New Drug Application

A notice was published in the FEDERAL REGISTER of April 9, 1973 (38 FR 9037) extending to G. D. Searle & Co., PO. Box 5110, Chicago, Illinois 60680 and to any interested person, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of NDA 5-812 for Aminophylline with Pentobarbital and Benzocaine Supposicones. The basis of the proposed action was the lack of substantial evidence that the drug is effective for its labeled indications.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

Neither the holder of the application nor any other person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance constitutes election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with regard to the drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of new drug application No. 5-812 and all amendments and supplements thereto is withdrawn effective on July 23, 1973.

Shipment in interstate commerce of the above-listed drug product or of any identical, related, or similar product, not the subject of an approved new drug application, will be unlawful.

Dated: July 9, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-14277 Filed 7-12-73;8:45 am]

Office of the Secretary

OFFICE OF THE REGIONAL DIRECTOR

Delegation of Authority

Part 1, section 1E-40, Part C, *Delegations of Authority*, of the Department of Health, Education, and Welfare Statement of Organization, Functions, and Delegations of Authority is hereby amended to delete *Child Development* and is changed to read as follows:

Human Development. 1. Regional Directors have been delegated the certain authorities by the Assistant Secretary for Human Development as follows:

a. Under the general policies and in such form as prescribed by the Director, Office of Child Development (and approved by the Assistant Secretary for Human Development) and in conformity to the allocations and financial guidelines of the Director, Office of Child Development to make grants under section 222 (a)(1) of the Economic Opportunity Act of 1964 (Project Head Start), except insofar as such grants are for programs which primarily serve migrants or Indians living on Federal reservations. This authority may be redelegated.

b. Under the general policies and in such form as prescribed by the Assistant Secretary for Human Development and in conformance with the allocations and financial guidelines issued by him, Regional Directors are authorized to make grants or contracts under the authority of Title I of the Juvenile Delinquency Prevention Act. The Regional Director is authorized to redelegate this authority only to the Assistant Regional Director for Human Development without the concurrence of the Assistant Secretary for Human Development.

c. To make, amend, suspend, and cancel the grants and contracts authorized in "a." and "b." above and to issue audit disallowances as well as to receive appeals on and make final decisions on such disallowances.

Dated: July 6, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-14307 Filed 7-12-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-183; Administrative Division Docket No. 73-41]

MESCAL LAKES, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Mescal Development Company, James C. Witty, General Partner, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated May 16, 1973, which was sent

to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Mescal Lakes, located in Cochise County, Arizona, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer received June 5, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Administrative Law Judge Miles Brown, in room 2253, Department of HUD Building, 451 7th Street, SW, Washington, D.C. on July 18, 1973, at 10:00 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C., 20410 on or before July 10, 1973.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: July 9, 1973.

By the Secretary.

JOHN R. MCDOWELL,
Deputy Administrator, Interstate Land Sales Registration.

[FR Doc.73-14321 Filed 7-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Transportation

HAWAII'S PROPOSED ACTION PLAN

Notice of Availability

The Hawaii Highways Division has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90-4 issued on September 21, 1972. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) Needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Hawaii Highways Division
   Planning Branch
   600 Kapaiolani Avenue, Room 301
   Honolulu, Hawaii 96813
2. Design Branch
   869 Punchbowl Street
   Honolulu, Hawaii 96813
3. Hawaii District Office
   50 Makaala Street
   Hilo, Hawaii 96720
4. Maui District Office
   962 Keaoolu Street
   Kahului, Maui 96732
5. Kauai District Office
   State Office Building
   3060 Eiwa Street
   Lihue, Kauai 96766
6. Office of Environmental Quality
   550 Halekauwila Street
   Honolulu, Hawaii 96813
7. Hawaii Division Office
   677 Ala Moana Blvd., Suite 1002
   Honolulu, Hawaii 96813
8. Federal Highway Administration, Region 9
   450 Golden Gate Avenue, Box 36096
   San Francisco, California 94102
9. U.S. Department of Transportation
   Federal Highway Administration
   Environmental Development Division
   Nassif Building, Room 3246
   400 7th Street, S.W.
   Washington, D.C. 20590

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before August 6, 1973.

Issued on July 6, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-14333 Filed 7-12-73;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73-6; Notice 1]

AUTO SPORT IMPORTERS

Petition for Temporary Exemption From Motor Vehicle Safety Standards

Edward Felbin T/A Auto Sport Importers, a Pennsylvania proprietorship, has applied for temporary exemptions for its Squire SS 100 passenger car from certain safety standards on grounds of substantial economic hardship.

Auto Sport did not manufacture any vehicles in 1972. It intends to manufacture between 50 and 100 vehicles in 1973. Named the Squire SS 100, the vehicle would be a replica of the 1936 Jaguar SS 100 roadster. It requests the exemptions for a period of 3 years, which would begin on the date the exemptions are granted. The exemptions would be from the wiped area requirements of Standard No. 104, the head form impact requirements of Standard No. 201, and the standards on windshield mounting (No. 212) and fuel system integrity (No. 301).

In support of its petition Auto Sport states that in its opinion it does meet Standards Nos. 201, 212, and 301. It bases this belief for Standards Nos. 201 and 301 upon its "use of materials that are currently being used by manufacturers who have done tests and certified compliance" and its "contemporary construction and installation methods that are at least equal to other manufacturers who have tested and certified compliance". Similarly with respect to Standard No. 212, it reports that the Squire's "windshield is mounted in a detachable steel frame assembled in a manner similar to other windshield installations that have been certified". However, it considers that the cost of testing to verify conformance with Standard No. 201, and a crash test to verify Standards Nos. 212 and 301, would cause it substantial economic hardship, though it does not supply any actual cost figures.

The problems with the wiped area requirements of Standard No. 104 are caused by the vehicle's design; "Because the glass is attached in a somewhat more forward position than modern automobiles and the width of the car is considerably narrower than contemporary automobiles, the percentage of area viewed by the 95 percentile drive (sic) is greater than the actual area of glass; thus, even if a wiper could be designed to wipe 100 percent of the glass, this section of the standard would still not be met". Petitioner intends to use three wiper arms to wipe the greatest percentage possible of the windshield. It has not submitted a list of items that would have to be modified to meet the standard or estimated conformance costs, as to comply with Standard No. 104 would require modification of the whole car. Because such a modification would change the character and appeal of the car, Auto Sport does not intend to comply with Standard No. 104 upon termination of the exemption. Failure to obtain the exemptions will cause petitioner a loss of $500,000. Balance sheets as of the end of 1970, 1971, and 1972 have been submitted, as well as an interim balance sheet as of April 30, 1973, and a projected balance sheet as of December 31, 1973 showing the estimated effects of the denial of the petition.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Auto Sport described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date

indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the FEDERAL REGISTER pursuant to the authority indicated below.

Comment closing date: August 13, 1973.

Proposed effective date: Date of issuance of exemption.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 F.R. 12147.)

Issued on July 9, 1973.

JAMES E. WILSON,
Associate Administrator, Traffic Safety Programs.

[FR Doc.73-14336 Filed 7-12-73;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

PHILATELIC ADVISORY PANEL

Notice of Meeting

JULY 16, 1973.

Notice is hereby given, pursuant to Executive Order 11671, that the following American Revolution Bicentennial Commission Philatelic Advisory Panel meeting will be held on July 16, 1973:

The Philatelic Advisory Panel will hold an open meeting (with the exception of the closed portions of the meeting asterisked below) on July 16, 1973 at 736 Jackson Place, N.W., Washington, D.C. 20276 at 10:00 a.m.

The Panel is composed of 16 leaders and authorities in the philatelic community who advise the Commission on matters pertaining to this commemoration of the Bicentennial. The agenda items to be discussed are:

Relationship of Interphil '76 and the Bicentennial
Stamp issues for 1974 and 1975*
Bicentennial Philatelic Awards
Bicentennial Philatelic Brochures
Bicentennial Philatelic Exhibit
Stamp Club participation in the Bicentennial

Dated: July 6, 1973.

HUGH A. HALL,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.73-14332 Filed 7-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-3]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Availability of Environmental Report

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a report entitled "Indian Point Unit No. 1, Environmental Report and Benefit Cost Analysis" and Appendices thereto, dated June 1973, submitted by the Consolidated Edison Company of New York, Inc., is available in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the Hendrick Hudson High School Library, Albany Post Road, Montrose, New York 10548. The report and appendices thereto is also being made available to the public at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Tri-State Regional Planning Commission, 100 Church Street New York, New York 10007.

The report and appendices thereto discusses environmental considerations related to conversion of a provisional operating License to full-term operating License for the Indian Point Nuclear Generating Unit No. 1, located in the Town of Buchanan, Westchester County, New York.

After the report and appendices have been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement related to the proposed action will be prepared. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a notice of availability of the draft environmental statement. The notice will request comments from interested persons on the proposed action and on the draft environmental statement. The notice will also contain a statement to the effect that the comments of Federal agencies and Sate and local officials and interested persons thereon will be available when received.

Dated at Bethesda, Maryland, this 6th day of July 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief Environmental Projects Branch #1 Directorate of Licensing.

[FR Doc.73-14300 Filed 7-12-73;8:45 am]

[AECPR Temporary Reg. 3]

STABILIZATION OF PRICES, RENTS, WAGES, AND SALARIES

Cancellation of AECPR Temporary Regulation 2

JULY 3, 1973.

1. *Purpose.* This regulation cancels AECPR Temporary Regulation 2, dated September 22, 1972, dealing with Stabilization of Prices, Rents, Wages, and Salaries. FPR Temporary Regulation 32, dated June 19, 1973, is deemed to require no further implementation.

2. *Effective date.* This regulation is effective July 13, 1973.

ROBERT A. KOHLER,
Acting Director, Division of Contracts.

JULY 3, 1973.

[FR Doc.73-14299 Filed 7-12-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25110]

APPLE VALLEY DELETION CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on August 14, 1973, at 10:00 a.m. (local time) in the City Council Chambers, Victorville City Hall, 14343 Civic Drive, Victorville, California, before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 73-4-33, dated April 5, 1973, setting the application for hearing, the prehearing conference report, served June 5, 1973, the supplemental prehearing conference report, served June 18, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., July 10, 1973.

ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-14380 Filed 7-12-73;8:45 am]

[Docket No. 25098; Order 73-7-22]

PIEDMONT AVIATION, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of July 1973.

By application and petition filed on January 9, 1973, Piedmont Aviation, Inc. (Piedmont), requests that the Board issue an order directing interested persons to show cause why Piedmont's certificate of public convenience and necessity for route 87 should not be amended or modified to the extent necessary to realign the carrier's route system by consolidating the existing 14 segments into one segment, and by eliminating certain restrictions.[1]

In support of its request Piedmont asserts, inter alia, that its 14-segment route system is "now outmoded in the age of nonstop service and limited-stop service" since many of the carrier's flights must be scheduled to stop at route junction points. Such stops, it is alleged, impose an unnecessary cost on Piedmont and unnecessarily inconvenience the traveling public. In addition, Piedmont contends that other restrictions which no longer serve useful purposes limit the carrier's ability to schedule its aircraft in the most economical and most efficient manner.

Piedmont states that the proposed route realignment would afford the carrier greater operational flexibility in

[1] A map showing the realigned system is filed as part of the original document.

scheduling and would eliminate inconvenience to the traveling public. In addition, the carrier claims that if the proposed relief is granted, there will be a reduction in airport and air traffic congestion by the elimination of unnecessary stops; substantial cost savings; time and fare savings for the traveling public resulting from the elimination of unnecessary mileage; and long-range route strengthening and subsidy reduction for Piedmont.

Answers were filed by Allegheny Airlines, Inc. (Allegheny), Delta Air Lines, Inc. (Delta), Northwest Airline, Inc. (Northwest), and Southern Airways, Inc. (Southern). These carriers indicate that they have no objection to the issuance of a show cause order proposing to amend Piedmont's certificate as the carrier requests, so long as certain operating restrictions in enumerated markets are retained.[1a] The Louisville and Jefferson County Air Board also filed an answer in which it opposes any improved authority for Piedmont in the Louisville-Washington market pending disposition of its petition for review of the Board's decision in the Piedmont/Eastern Transfer Case, Order 72–11–22, dated November 7, 1972. In addition, answers in support of the application were filed by the Cities of Chicago and Cincinnati. Finally, Piedmont filed a reply together with a motion for leave to file an otherwise unauthorized document.[2] Therein, Piedmont agrees to accept certain additional restrictions in order to meet the objections raised by some of the parties.

As stated in the recent Texas International and Airwest route realignments[3] it has been Board policy to realign the route systems of local service carriers in order to maximize the opportunities for scheduling flexibility and equipment utilization; to conform route authority to traffic flows; and to eliminate or modify certificate conditions which serve no useful purpose, impair meaningful market development, and inhibit significant improvement in the carrier's economic performance. The ultimate objectives of the Board's route realignment policy are to reduce subsidy payments to local service carriers while, at the same time, improving air service to the public.

Upon consideration of the pleadings and all the relevant facts, we tentatively find and conclude that Piedmont's route realignment and certificate amendment proposal, as modified herein, is consistent with the Board's policy and objectives and that substantial public service and carrier benefits will derive from the realigned route system.[4]

It is our tentative view that the proposed realignment and certificate amendments offer Piedmont the potential for significant route strengthening and for a substantial reduction in the carrier's subsidy need and subsidy payments. Such reductions should be reflected for fiscal 1975, assuming the carrier takes full advantage of the operational benefits made available by the realignment, and conducts its operations in a manner which produces maximum economic improvements in terms of cost efficiency and traffic development. Thus, consolidating Piedmont's existing 14-segment route system into one segment and modifying or eliminating unnecessary and burdensome conditions as proposed by the carrier, will allow Piedmont to provide new or improved service in numerous markets in which such service is presently restricted as a result of either the arbitrary segmentation of the carrier's route or outmoded certificate restrictions. Full implementation of the potential operational and scheduling flexibility offered by the realigned system should also increase the carrier's average length of hop and passenger haul, and thus lower its unit costs.[4a]

Piedmont has proposed a number of restrictions on its realigned system in order to lessen the competitive impact on other carriers. In general, no restrictions have been proposed which would give Piedmont less authority than it presently possesses while meaningful existing long-haul restrictions have, for the most part, been retained. In noncompetitive markets, no restrictions have been proposed, and, in competitive markets where Piedmont now holds one-stop authority via a junction point, a one-stop restriction is proposed. In competitive markets involving significant amounts of traffic where another carrier has nonstop authority, a one-stop restriction is proposed. Finally, in competitive markets where no significant traffic is involved, unrestricted authority is proposed unless there was a specific rationale for restricted authority or the market is served by another local service carrier.

The Board tentatively finds and concludes that the conditions contained in Piedmont's proposed certificate, subject to the modifications discussed below, are sufficient to maintain the regional characteristics of Piedmont's local service route system, preserve the competitive balance in key markets, and substantially lessen the likelihood of adverse economic impact on competing carriers. In addition, we tentatively find and conclude that elimination or modification of the operating restrictions as proposed by Piedmont is consistent with the Board's policy of removing or modifying conditions which serve no useful purpose and which are otherwise wasteful and undesirable.[5]

Finally, the Board tentatively finds and concludes that all new nonstop authority in markets where traffic generation is large enough to support a finding that such operations are economically feasible, will be made ineligible for subsidy assistance.[6]

With regard to the objections raised by Allegheny, Southern, and Northwest, we have tentatively determined to impose the following restrictions:

Market	*Restriction*
Baltimore-Cincinnati	Single-plane prohibition
Baltimore-Columbus	Single-plane prohibition
Baltimore-Huntington	One-stop
Parkersburg-Louisville	One-stop
Charleston-New York (via Dulles)	Single-plane prohibition
Atlanta-Charlotte	Two-Stop
Atlanta-Chicago	Two-Stop
Atlanta-New York	One-stop
Atlanta-Washington	One-stop
Chicago-Memphis	Two-Stop[7]
Chicago-Nashville	Two-Stop[7]
Chicago-New York	Two-Stop
Chicago-Washington	Two-Stop

In this regard, we have tentatively accepted those restrictions urged by Allegheny, Southern and Northwest, with the exception of the Atlanta-Washington/New York markets. In these markets, Southern has objected to the imposition of a one-stop restriction and has requested that the present two-stop restriction be maintained. Southern is currently subject to a single-plane restriction in these markets and is an applicant for one-stop authority in the markets via Greenville/Spartanburg. Southern, unlike Piedmont, is not presently an incumbent in these markets.

[1a] Allegheny opposes improved authority for Piedmont in the Baltimore-Cincinnati, Baltimore-Columbus, and Charleston-New York markets. Allegheny also objects to granting Piedmont improved authority in the Baltimore-Huntington and Louisville-Parkersburg markets, noting that it did not seek improved authority in these markets in its realignment in order to avoid encroachment upon Piedmont. Pending final Board action on the Allegheny Route Realignment, Docket 24576, we will maintain the status quo of a one-stop restriction in these two markets. Delta opposes the award of nonstop authority in the Augusta-Louisville market and the operation of through service by Piedmont in the Augusta-Louisville-Columbus/Cincinnati markets. Northwest objects to the modification of present restrictions in the Chicago-Washington and Chicago-New York markets. Finally, Southern objects to the grant of one-stop authority in the Chicago-Memphis, Chicago-Nashville, Atlanta-Charlotte, Atlanta-New York, and Atlanta-Washington markets.

[2] The motion will be granted.

[3] Orders 73–1–47, January 15, 1973, and 72–4–140, April 26, 1972.

[4] See Orders 73–1–47, January 15, 1973, 72–9–58, September 14, 1972, 72–4–140, April 26, 1972, 71–4–113, April 16, 1971, 71–2–12, February 2, 1971, 68–11–74, November 18, 1968, 68–7–63, July 12, 1968, and E-26868, June 4, 1968.

[4a] We would, of course, expect the carrier to revise its fares in markets in which it receives improved authority so that the fares are calculated in a manner which properly reflects the improved pattern of operations resulting from the realignment.

[5] We further find that Piedmont is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation proposed herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. In addition, we tentatively find and conclude that the proposed realignment of Piedmont's route 87 is required by the public convenience and necessity.

[6] Appendix A contains a revised list of subsidy-ineligible operations, and is filed as part of the original document.

[7] Only if London/Corbin is served; otherwise a one-stop restriction.

The impact of the modification of Piedmont's two-stop restriction upon Southern would, therefore, be deminimis. In addition, the grant of one stop authority to Piedmont would in no way preclude grant of Southern's application and, moreover, Piedmont has specifically proposed an additional restriction in the Atlanta-Greenville-Washington/New York markets to avoid any possible conflict with Southern's application.[8] Under these circumstances, imposition of an additional restriction would appear unwarranted.

As far as Delta's objection is concerned, Piedmont, in its reply, agreed that the exclusion of a one-stop restriction in the Augusta-Louisville market was in error and has corrected its proposed certificate to reflect this restriction.

Lastly, the Louisville and Jefferson County Air Board opposes any improvement in Piedmont's one-stop Louisville-Washington authority pending the outcome of its appeal of the Board's decision in the Piedmont/Eastern Transfer Case, wherein the Louisville parties argued that the transfer of Louisville-Washington one-stop authority from Eastern to Piedmont would prejudice applications pending in the Louisville-Washington Service Investigation, Docket 21318. As we have previously stated, the transfer does not, in our view, exclude the authorization of competitive nonstop service in the market or otherwise prejudice any applicant in the pending proceeding.[8a] In addition, it is our view that the one-stop authority to be awarded herein in no way changes that conclusion or compromises the legal position of the Louisville parties should the petition for review be succesful. In any event, the continuing effectiveness of the Board's earlier award will be governed by the disposition by the United States Court of Appeals of the appeal now pending before that court. We shall not, therefore, further restrict Piedmont's Louisville-Washington authority at this time.

Interested persons will be given 30 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets, and to support such objections with detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

During the same period prescribed above, we will expect Piedmont to file with the Board an estimate, with supporting data, of the annual gross transport revenue increase for the first full year of operations to result from the award proposed herein. This data is necessary for the purpose of computing the license fee pursuant to § 389.25(a)(2) of the Board's regulations.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Piedmont's certificate in the manner set forth in the accompanying proposed certificate;

2. Any interested persons having objection to the issuance of an order making final the proposed findings, conclusions, and certificate amendments and modifications set forth herein shall, within 30 days after service of a copy of this order, file with the Board and serve upon all persons listed in Appendix B attached hereto a statement of objections together with a summary of testimony, statistical data, and such evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board; [9]

4. In the event no objections are filed to any part of this order, all further procedural steps relating to such part or parts will be deemed to have been waived, and the case will be submitted to the Board for final action;

5. A copy of this order shall be served on Piedmont, which is hereby made a party to this proceeding;

6. A copy of this order shall be served upon all persons listed in Appendix; [10] and

7. The motion of Piedmont Aviation, Inc., for leave to file an otherwise unauthorized document, be and it hereby is granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-14381 Filed 7-12-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE 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 Delaware State Advisory Committee to this Commission will convene at 12 noon on July 13, 1973, at the Young Women's Christian Association, 908 King Street, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20425.

The purpose of this meeting shall be to assess the June 1–2, 1973, open meeting on the conditions in the Delaware Adult Corrections System as they relate to the civil rights of inmates.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., July 3, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-14497 Filed 7-12-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CERTAIN PESTICIDE CHEMICALS

Notice of Intent To Cancel Registration

This notice is a continuation of the phaseout of no residue, or zero tolerance, registrations. Previous actions in this regard were based on the statement of implementation in the FEDERAL REGISTER of April 13, 1966, (31 FR 5723), and amended statement of implementation in the FEDERAL REGISTER of December 5, 1970 (35 F.R. 18550).

In FEDERAL REGISTER notices August 30 and December 2, 1972 (37 FR 17554, 25716), interim tolerances were established for a number of pesticides for which petitions for tolerances were submitted prior to December 31, 1970. These tolerances provide a basis for the registration only until the processing of the pending petition is completed and action is taken thereon.

Pesticide use patterns involving food or feed which are not supported by finite tolerances, exemptions, or interim tolerances are listed below: Although petitions to establish tolerances for residues resulting from these use patterns were pending at the end of 1970, petitions are not now pending.

a. *S*[[(*p*-Chlorophenyl)thio]methyl]-*O,O*-dimethyl phosphorodithioate—cotton.

b. Endosulfan—soybeans.

c. 4 - (2,4 - Dichlorophenoxy)butyric acid—barley, oats, wheat.

d. 6- Methyl - 2,3 - quinoxalinedithiol cyclic *S,S*-dithiocarbonate-apples, apricots, cantaloupes (including seed crops), cherries, cucumbers, melons (including seed crops), nectarines, peaches, pears, plums, prunes, squash (including seed crops).

e. Streptomycin—hops.

f. Simazine—pineapples.

The registered uses of the foregoing pesticides on the crops listed would reasonably be expected to result in residues in or on harvested food or feed. The presence of such residues in or on food or

[8] We would note, in this connection, that Southern's request for a two-stop restriction is wholly unsupported by any factual or evidentiary matter, and it seems clear that the application in Docket 24778 does not depend on traffic in the Atlanta-Washington/New York markets.

[8a] Order 72-11-22, at 4.

[9] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further motions, requests, or petitions for reconsideration of this order will be entertained.

[10] Filed as part of the original document.

feed would constitute adulteration under the Federal Food, Drug, and Cosmetic Act (sec. 402(a) (1), (2), 52 Stat. 1046; 21 U.S.C. 342(a) (1), (4)). Thus, products bearing directions for use on food or feed are not considered to be adequate for the protection of the public.

Therefore, in accordance with the provisions of section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by Public Law 92-516 (86 Stat. 984), products containing such pesticides which are registered under the Act bearing directions for such uses are no longer considered to be in compliance with the provisions of the Act. The registration of such products will be canceled effective 30 days following the publication of this note, or from receipt by the registrant of a copy of this notice, whichever is later, unless all directions for such uses are immediately deleted from the labels of such products or other procedure is invoked as provided in section 6.

Five copies of corrected labeling must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, if continued registration is desired.

Dated: July 9, 1973.

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

[FR Doc.73-14397 Filed 7-12-73;8:45 am]

LOS ANGELES TRANSPORTATION CONTROL PLAN

Notice of Public Hearing

A revised transportation control plan was proposed for the Metropolitan Los Angeles Intrastate Air Quality Control Region on June 15, 1973, and published in the FEDERAL REGISTER on July 2, 1973, 38 FR 17683.

Notice is hereby given that a public hearing on this revised proposal will be held on August 9, 1973, at the Los Angeles Convention Center, 1201 South Figueroa Street, Los Angeles, California 90015. The hearing will take place from 9:30 a.m. to 12:00 Noon and 1:30 p.m. to 4:30 p.m. If witnesses indicate that they can only attend an evening session, or if adequate time is not available during the day sessions to hear all witnesses, an evening session will be held from 7:00 p.m., lasting until all witnesses have been heard.

Persons wishing to give testimony at this hearing may do so by stating such intent at the hearing. Athough it is not required, persons planning to submit testimony should submit a copy of the testimony prior to the hearing date to the Regional Administrator, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

Dated: July 9, 1973.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-14392 Filed 7-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 656]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JULY 9, 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 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] VINCENT J. MULLINS,
Acting Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

9623-C2-P-73 Telcom Corporation (New) C. P. for a new 2-way station to operate on 152.06 MHz at 1950 feet South of Old Albany Road, Shelburne, Massachusetts.

9624-C2-P-73 Carolina Telephone and Telegraph Company (KLJ363) C. P. for additional facilities and to add points of communications, operating on 152.81 MHz at 1.8 miles SE of Rocky Mount, North Carolina.

9760-C2-P-73 All Services, Inc. (KLF484) C. P. for additional facilities, operating on 152.06 MHz at 2104 Mt. Pleasant Street, Charleston, South Carolina.

9781-C2-P-(3)-73 The Mountain States Telephone and Telegraph Company (KOA607) C. P. to change antenna system, power and additional facilities, operating on 152.75 MHz at Loc. #1: 7.5 miles South of Phoenix, Arizona and Loc. #2: 12403 North 15th Avenue, Phoenix, Arizona, also to add frequency: 158.01 MHz at 228 West Adams St., Phoenix, Arizona (test facility)

Renewals of Licenses expiring July 1, 1973. TERM: July 1, 1973 to July 1, 1978.

LICENSEE	*Licensee Call Sign*
The Conestoga Tel. & Tel. Co	KGI771
Filer Mutual Tel. Co	KLF466
Ganado Telephone Co., Inc	KLB600
Gulf Tel. Co	KIB528
Intra State Tel. Co	KSJ807
Merchants & Farmers Tel. Co	KFQ942
Northern Tel. Coop., Inc	KLF525
Peoples Tel. Co., Inc	KIM913
Pioneer Tel. Coop. Inc	KLB669
Same	KLB670
Same	KLB671
Same	KOK340

Corrections:

Public Service Associates, Inc. (New) Correct file number to read 2343-C2-P-73. All other particulars to remain as reported on Public Notice #653 dated June 18, 1973.

3984-C2-P-73 Radiofone Corporation of New Jersey (KEA256) Neptune, New Jersey. Should read: Major Amendment to application file no. 625-C2-P-73. All other particulars are to remain as reported on PN #626 dated 12-11-72.

Mass.-Conn. Mobile Telephone Co. Hartford, Conn. Correct file number to read 7250-C2-P-(2)-72. All other particulars to remain as reported on PN #654 dated June 25, 1973.

Arrowhead Business Radio, Inc. (KPJ901) Correct entry to read: C. P. to change antenna system and additional facilities at base location and adding repeater and control facilities. Base and repeater location: 1306 Windsor Avenue, Duluth, Minnesota, and control location: 3189 Miller Trunk, Duluth, Minnesota. File number: 9573-C2-P-(3)-73.

POINT-TO-POINT MICROWAVE RADIO SERVICE:

MAJOR AMENDMENTS

8553-C1-MP-73 Microwave Transmission Corp. (WBO58) Squak Mountain, 1.8 Miles SW of Issaquah, Washington. Lat. 47 30 17 N.—Long. 122 02 43 W. Mod. of C.P. (3394-C1-P-73) to change from vertical to horizontal the polarity of frequency 11625 MHz toward Ravens Roost (KPR32), Washington on azimuth 134°00'

[FR Doc.73-14345 Filed 7-12-73;8:45 am]

[DOCKET NO. 19325]

ITU WORLD ADMINISTRATIVE RADIO CONFERENCE FOR MARITIME MOBILE TELECOMMUNICATIONS

Order Extending Time

1. On June 13, 1973, the Commission adopted its third notice of inquiry in this proceeding (38 F.R. 16673), preparatory to a World Administrative Radio Conference for Maritime Mobile Telecommunications (WARC-MAR) to be convened April 22, 1974, and requested comments to be filed on or before July 16,

[1] 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.

[2] 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).

1973, and reply comments on or before July 25, 1973.

2. The Commission has been petitioned by the Radio Technical Commission for Marine Services (RTCM) to extend the comment and reply comment deadline dates, taking into account that the Third Notice was released only three days prior to the RTCM Executive Meeting and, consequently, the necessary study and possible action on the Third Notice cannot be completed by RTCM Special Committees and submitted to the RTCM Executive Meeting for approval on June 21st.

3. The purpose of the third notice of inquiry is to obtain the greatest number and variety of comments in this proceeding; noting that it is the last opportunity to do so prior to the preparation of the final U.S. proposals, the filing period is being extended insofar as practicable, but limited by the deadlines imposed to meet international commitments.

4. Accordingly, the date for filing comments in this proceeding is extended from July 16th to July 23rd, and reply comments from July 25th to August 1, 1973. Authority for this action is taken pursuant to Section 0.251(b) of the Commission's Rules.

Adopted: July 5, 1973.

Released: July 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN W. PETTIT,
General Counsel.

[FR Doc.73-14346 Filed 7-12-73;8:45 am]

[Docket No. 19743]

SUBSCRIPTION AGREEMENTS BETWEEN RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

Extension of Time for Filing Comments and Reply Comments

1. On May 17, 1973, the Commission adopted a notice of inquiry in the above-captioned proceeding (38 F.R. 18268). Publication was given in the FEDERAL REGISTER on May 29, 1973, 38 Fed. Reg. 14124. Comment and reply comment dates have been extended by previous Order to July 5 and July 19, 1973, respectively.

2. On June 27, 1973, counsel for the National Citizens Committee for Broadcasting (NCCB) filed a Petition for Enlargement of Time for Submitting Public Comments. It requests an extension of time in which to file comments for 60 days, to and including August 28, 1973. NCCB states that the requested extension is necessitated by the need to make a full in-depth assessment of the questions enumerated by the Commission in its Notice of Inquiry and its lack of adequate personnel to complete this task. They state that this problem, however, has been solved and that since additional personnel are now available the detailed research has begun.

3. Although we believe that we should have been advised sooner of NCCB's need for additional time, it is our desire to have the full benefit of views of the various segments of the industry and the public. Therefore, we feel that the public interest would be served by extending the time for filing comments and reply comments. Accordingly, *it is ordered*, That the time for filing comments and reply comments in this proceeding are extended to and including August 28, 1973, and September 11, 1973, respectively. No further extensions of time are contemplated in this proceeding.

4. This action is taken pursuant to authority found in sections 4(i) and 303 (r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: July 5, 1973.

Released: July 6, 1973.

[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.73-14347 Filed 7-12-73;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 158]

FIRST FINANCIAL GROUP, INC.

Receipt of Application To Acquire Control of the Standard Savings and Loan Co.

JULY 9, 1973.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Financial Group, Inc., Newark, Ohio, a unitary savings and loan holding company, for approval of acquisition of control of The Standard Savings and Loan Company, Columbus, Ohio, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said company by First Financial Group, Inc. Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before August 13, 1973.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.73-14308 Filed 7-12-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-98]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

JULY 3, 1973.

Take notice that Algonquin Gas Transmission Company (Algonquin) on June 8, 1973, tendered for filing proposed changes[1] in its FPC Gas Tariff, Original Volume No. 1.

The proposed changes are the substitution of a demand-commodity form of rate for a straight line rate of $1.80 per Mcf, and a minimum monthly bill which relates to the demand-commodity type rate proposed. The Company says that the rates and charges proposed in this filing are supported by the cost and revenue data set forth in the original filings in Docket Nos. CP69-41 and CP72-35. Algonquin maintains that the revised rate is necessitated by a rapid increase in the cost of naphtha and propane feedstocks.

Algonquin requests an effective date of one day after the initial SNG rates, also tendered for filing on June 8, 1973, become effective. Algonquin has estimated that service under the initial SNG rates will begin October 16, 1973. The Company requests waiver of the Commission's notice requirements to allow the revised rates to be tendered at this time.

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 17, 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.73-14372 Filed 7-12-73;8:45 am]

[1] First Revised Sheet Nos. 11-C and 11-D to supersede Original Sheet Nos. 11-C and 11-D.

[Docket No. E-8142]

ARKANSAS POWER & LIGHT CO.

Order Accepting Proposed Rate Increase for Filing and Instituting Investigation of Debt Adjustment Provision

JULY 3, 1973.

On April 18, 1973, as completed on June 4, 1973, Arkansas Power & Light Company (Arkansas) tendered for filing a supplement to a Power Coordination, Interchange, and Transmission Agreement (Agreement) dated April 20, 1972,[1] which Agreement was accepted for filing by a Commission letter order dated August 10, 1972. The Agreement provides for the sale of Additional Power Requirements by Arkansas to AECC commencing on June 1, 1973. However the letter order accepting the Agreement for filing stated that the sale of Additional Power Requirements to AECC would "constitute a rate schedule change requiring a timely filing." Arkansas states that this filing would raise Arkansas's capacity charge from $1.60/kW shown in the original

[1] Designated as Arkansas Power & Light Company FPC No. 67. This filing is designated as Supplement No. 2 thereto.

Agreement to $1.68/kW in this Supplement No. 2, which results from an increase under an automatic embedded debt cost adjustment provision from a base embedded debt cost of 5.254 percent to 6.138 percent. The filing was noticed on May 8, 1973, but no comments were received.

Our review of Arkansas's filing indicates that the rate level contained therein has been fully suported and that the filing should be accepted for filing and made effective on June 1, 1972, without suspension as proposed. However, our review of the embedded debt cost adjustment provision indicates that it has not been shown to be just and reasonable. Therefore, we shall institute an investigation under section 206 of the Federal Power Act to determine whether the provision is in the public interest.

The Commission finds:

It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that:

(1) Arkansas's filing of April 18, 1973, as completed on June 4, 1973, be accepted for filing and made effective as hereafter ordered.

(2) The embedded debt cost adjustment provision should be set for investigation under section 206 of the Federal Power Act.

The Commission orders:

(A) Arkansas's filing of April 18, 1973, as completed on June 4, 1973, is hereby accepted for filing to become effective June 1, 1973, as proposed.

(B) An investigation into the justness and reasonableness of the debt adjustment provision in the Additional Power Requirements section of the Agreement is hereby instituted under section 206 of the Federal Power Act.

(C) On or before September 4, 1973, Arkansas shall file its prepared testimony and exhibits in this proceeding. The prepared testimony of Staff and any/and all intervenors shall be filed on or before October 2, 1973. Any rebuttal evidence by Arkansas shall be served on or before October 16, 1973. Cross-examination of the evidence filed will commence on October 30, 1973, before a Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge (See Delegation of Authority, 18 CFR 3.5(d)) beginning at 10 a.m., EDT, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) Nothing contained in this order shall relieve this applicant of any responsibility imposed by the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38), or by an Executive Order or rules and regulations promulgated pursuant to such Act.

By the Commission.

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

[FR Doc.73-14360 Filed 7-12-73;8:45 am]

[Docket No. CP73-340]

COLORADO INTERSTATE CORP.

Notice of Application

JULY 6, 1973.

Take notice that on June 25, 1973, Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP73-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for authorization to construct and operate a gas pipeline, a compressor station, and a pipeline loop facility, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate:

Approximately 216 miles of 20-inch pipeline extending from the northern terminus of Applicant's pipeline in the Big Horn Basin Area of Wyoming and Montana to the Bearpaw Mountain Area in north central Montana,

A new compressor station having approximately 4,800 horsepower and a dehydration plant located at the northern terminus of the proposed 20-inch pipeline, and

Approximately 73 miles of 20-inch pipeline loop on Applicant's existing 12-inch pipeline extending from the Rawlins Compressor Station to the Madden Field in the Wind River Basin of Wyoming.

Applicant estimates the total cost of the proposed facilities will be $29,300,000, and plans to spend an additional $5,100,000 on new gathering facilities in the Bearpaw Mountain Area in 1974 and 1975. Applicant plans to finance the proposed construction on an interim basis through funds from operations, short-term bank borrowings, and commercial paper or long-term senior securities. Applicant states that it plans permanently to finance the proposed construction by the issuance of $50,000,000 of debt securities.

It is stated that on May 21, 1973, Applicant signed a gas purchase agreement with Gas Producing Enterprises, Inc., and Colorado Oil and Gas Corporation dedicating to Applicant all of the new natural gas produced from their respective leases, and leases that may subsequently be acquired, in the Bearpaw Mountain Area. Applicant contemplates a total of 252 wells on the subject acreage to which it attributes 139 million Mcf at 14.65 psia of proven gas reserves and an estimated 586 million Mcf at 14.65 psia of probable and possible reserves of natural gas. Under said contract Applicant is obligated to pay 40.0 cents per Mcf of gas at 14.65 psia, subject to Btu adjustment, for up to 40 million Mcf of proven reserves, with an escalation of 1.0 cent for each additional 40 million Mcf of gas developed. For wells drilled below 15,000 feet the price increases, with the same quantity escalations as to the amount of gas developed; and there is a 1.0 cent per year escalation for all gas delivered after December 31, 1975. Applicant expects to take daily into its system through the proposed facilities from the proved and probable reserves of the Bearpaw Mountain Area approximately 23,000 Mcf of gas in 1974–75, 39,700 Mcf in 1975–76, 53,600 Mcf in 1976–77, 65,600 Mcf in 1977–78, and 77,900 Mcf in 1978–79.

The stated purpose of the proposed facilities is to augment Applicant's ability to serve its customers future requirements through development of the Bearpaw Mountain Area gas reserves. Applicant states that beginning in 1974–75 it expects to have a 101,000 Mcf peak-day deficiency of gas which will grow to be 384,000 Mcf by 1976–77 without deliveries from the said area. Even with the deliveries through the proposed facilities the estimated peak-day deficiency will be 78,000 Mcf of gas in 1974–75 and 330,000 Mcf in 1976–77.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 3, 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 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.

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

[FR Doc.73-14377 Filed 7-12-73;8:45 am]

[Docket No. RI69-835]

BETA DEVELOPMENT CO.

Motion for Disbursement of Escrowed Funds

JULY 6, 1973.

Take notice that on May 3, 1973, Beta Development Company (Petitioner), P.O. Box 1659, Midland, Texas 79701, filed a motion pursuant to § 1.15(b) of the Commission's rules of practice and procedure for an order directing disbursement of escrowed funds in Docket No. RI69-835. The natural gas sales involved in the above-entitled proceeding are made from the San Juan Basin Area, San Juan County, New Mexico, to El Paso Natural Gas Company (El Paso).

In accordance with a Commission order issued June 26, 1969, an escrow agreement was executed on November 9, 1970, by Petitioner, as respondent, and The First National Bank of Fort Worth, as escrow agent. Into this escrow account was placed a one-cent per Mcf rate increase (from 14¢ to 15¢) as required by Commission order. The annual payments into the escrow account approximated $140,000.

On April 11, 1973, the Commission issued Opinion No. 658, Area Rate for the Rocky Mountain Area, in Docket No. R-425. This opinion establishes area rates for the Rocky Mountain Area, including the San Juan Basin Area, at a maximum of 24¢ per Mcf at 14.73 psia. In addition, the opinion prescribed a minimum rate of 14¢ per Mcf at 14.73 psia, or 15.3¢ per Mcf at 15.025 psia. Petitioner states that the one-cent rate increase to 15¢ per Mcf (at 15.025) it paid into the escrow account represents an increase in rate to a level less than the minimum rate prescribed by the Commission in Opinion No. 658.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14374 Filed 7-12-73;8:45 am]

[Docket No. CI73-921]

CRA, INC.

Notice of Application

JULY 3, 1973.

Take notice that on June 25, 1973, CRA, Inc. (Applicant), P.O. Box 7305, Kansas City, Missouri 64116, filed in Docket No. CI73-921 an application 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 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 (Northern) from Section 82, Block 1, H&TC Railway Company Survey, Irion 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, as successor-in-interest to Brooks Gas Corporation, is authorized by the Commission's order of July 14, 1960, in Docket No. G-1934 (23 FPC 961), as amended by the order of November 6, 1968, in said docket, to sell residue gas to Northern, pursuant to a gas purchase agreement dated August 7, 1959, from the Mertzon Gasoline Plant operated by Applicant in Irion County at 13.25 cents per Mcf of gas at 14.65 psia. Applicant purchases raw gas from wells drilled by Thunderbird Oil Corporation (Thunderbird) in Irion County and processes the gas at the Mertzon Plant prior to sale to Northern.

Applicant proposes, pursuant to an amendatory agreement of December 5, 1972, to the contract of August 5, 1959, to sell to Northern for 20 years approximately 3,000 Mcf of residue gas per month at 31.0 cents per Mcf at 14.65 psia, subject to upward Btu adjustment, from wells drilled by Thunderbird in said acreage after processing at the Mertzon Plant. Initial upward Btu adjustment is estimated at 1.7 cents per Mcf. The contract provides for a price escalation of 0.25 cent per year.

Applicant states that the gas offered for certification pursuant to the agreement with Northern has not been previously sold in the interstate market and is from wells commenced after April 6, 1972, and that no application has been previously filed with the Commission for certification of the sale of such gas.

Applicant asserts that the instant sale at the proposed initial rates will make additional gas available to the interstate market where shortages currently exist. Applicant further asserts that the gas is needed to augment Northern's current system-wide supply and the expected peak and average day three-year requirements of its customers. Applicant notes that proposed and authorized rates for emergency sales of gas and purchases of liquefied natural gas exceed that proposed herein. It is stated that Thunderbird refused to develop the subject acreage for gas production at the former contract rate of 14.25 cents per Mcf because that rate would not cover the cost of drilling the new wells.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 1973, file with the Federal Power Commision, 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.73-14373 Filed 7-12-73;8:45 am]

[Docket No. CI73-456, etc.]

ECEE, INC. ET AL.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

JULY 3, 1973.

In the matter of Ecee, Inc., Docket No. CI73-456; Pinto, Inc., Docket No. CI73-455; Texas Production Co., Docket No. CI73-454; Pennzoil Offshore Gas Operators, Inc., Docket Nos. CI73-477 & CI73-546; The Offshore Co., Docket No. CI72-773; and Southern Natural Gas Co., Docket No. CP72-259.

The above-named Applicants have each filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On December 26, 1972, Ecee, Inc. (Ecee) filed in Docket No. CI73-456 an application for the sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Block 270, East Cameron Area, and Block 330, Eugene Island Area, offshore Louisiana, at an initial price of

[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 C.F.R. 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, -- F.P.C. --- (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C., No. 72-1837 (D.C. Cir.).

35.0¢ per Mcf at 15.025 psia, subject to upward and downward BTU adjustment. The basic contract with United Gas Pipeline Company [4] provides for reimbursement to the sellers for 100 percent of any new taxes, for price escalations of 2.5¢ per Mcf every 36 months after the date of initial delivery, and for a contract term to extend until January 1, 1993.

[4] United Gas Pipeline assigned all of its rights under the subject contract to Sea Robin as of October 1, 1972.

Identical applications for similar sales to Sea Robin were filed by Pinto, Inc. (Pinto) in Docket No. CI72–455 and Texas Production Company (TPC) in Docket No. CI73–454. All three of these applications were noticed together with a return date for interventions or protests of February 5, 1972; the joint notice was published in the FEDERAL REGISTER (38 FR 1765) on January 18, 1973.

Each of the three parties (Ecee, Pinto, and TPC) filed a Gas Purchase Contract with United, an Agreement, and a Letter Agreement; all were dated October 1, 1972.

A notice of intervention was filed by the Public Service Commission for the State of New York, and timely petitions to intervene were filed by:

Associated Gas Distributors
Sea Robin Pipeline Company
United Gas Pipeline Company
Southern Natural Gas Company (late)

On January 15, 1973, Pennzoil Offshore Gas Operators, Inc. (POGO) filed in Docket No. CI73–477 an application for the sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Block 295, Eugene Island Area, offshore Louisiana, at an initial price of 35.0¢ per Mcf at 15.025 psia, subject to upward and downward BTU adjustment, for a period of twenty years. The basic contract, dated April 20, 1972, provides for a 2.5¢ per Mcf escalation every thirty-six months.

POGO was issued a temporary certificate for this sale on May 17, 1972, in Docket No. CI72–693, and a permanent certificate was issued on October 17, 1972, conditioned to the applicable provisions of Opinion Nos. 598 and 598–A, in Amoco Production Company (Operator), et al., Docket Nos. G–4904, et al. POGO further states that the optional pricing procedure was not available at the time of the original certificate application. Deliveries were commenced pursuant to § 2.75n on February 21, 1973.

POGO's application was noticed January 26, 1973, and all protests and petitions to intervene were due on or before February 20, 1973. Notice was published in the FEDERAL REGISTER (38 FR 3218) on February 2, 1973.

A notice of intervention and timely petitions to intervene were filed by:

Associated Gas Distributors
The Public Service Commission for the State of New York
Mississippi Valley Gas Company
Sea Robin Pipeline Company
United Gas Pipe Line Company
Southern Natural Gas Company

On February 16, 1973, POGO filed its application in Docket No. CI73–546 seeking certification for the sale of natural gas to Sea Robin from Block 270, East Cameron Area, and Block 330, Eugene Island Area, both offshore Louisiana. The contract terms are identical to those contained in POGO's application for a sale to Sea Robin from Block 292 of the Eugene Island Area in Docket No. CI73–477. Deliveries were commenced on February 21, 1973, pursuant to § 2.75n (18 CFR 2.75n).

POGO was issued temporary certificates authorizing sales of its gas from the acreage covered by this application on October 17, 1972, in Docket Nos. CI72–692, CI72–693, and CI72–694. Deliveries had not commenced under those certificates as of the date of filing this application, and POGO states that certification is sought for all wells in Block 295 of the Eugene Island Area (all wells in this area were commenced after April 6, 1972) and only those wells in Eugene Island Block 330 and East Cameron Block 270 which were commenced after April 6, 1972.

POGO is affiliated with Sea Robin and states that the 35.0¢ per Mcf price is the same as the contract price that Sea Robin pays to certain non-affiliated producers.

POGO's application was noticed on February 28, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973, (38 FR 6232). Timely protests or petitions to intervene were due on or before March 30, 1973. Timely petitions to intervene were filed by the following parties:

Public Service Commission for the State of New York (Notice of Intervention)
United Gas Pipe Line Company
Alabama Gas Corporation
Sea Robin Pipeline Company
Mississippi River Transmission Corporation
American Public Gas Association
Associated Gas Distributors

On February 20, 1973, The Offshore Company (Offshore) filed its application in Docket No. CI72–773 for certification of a sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Ship Shoal Block 225, offshore Southern Louisiana.

Pursuant to the optional procedure, Offshore filed its contract with Sea Robin dated April 27, 1972. This contract had been previously accepted for filing with Offshore's application for a temporary certificate which was issued in this docket on June 9, 1972. Offshore accepted the temporary certificate, but did not commence deliveries under that authorization. Offshore further fails to state whether the wells involved in this application were commenced before or after April 6, 1972 (See § 2.75b(5)).

The basic contract provides for a term of twenty (20) years, an initial rate of 35.0¢ per Mcf with 2.5¢ per Mcf escalations every three years. The pressure base is psia, and the price is subject to upward and downward BTU adjustments. The contract further provides for 100 percent reimbursement to the seller for any new or additional taxes.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on May 4, 1973.

Offshore is affiliated with Sea Robin and states that the 25.0¢ per Mcf price is the same as the contract prices that Sea Robin pays to certain non-affiliated producers.

Offshore's application was noticed on March 2, 1973, and the notice was published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6435). Timely petitions to intervene or protests were due on or before March 26, 1973. Timely petitions to intervene were filed by the following parties:

American Public Gas Association
Public Service Commission for the State of New York
Sea Robin Pipeline Company
United Gas Pipeline Company
Associated Gas Distributors

On February 20, 1973, Southern Natural Gas Company (Southern) filed its application in Docket No. CP72–259 for certification of a sale of natural gas to Sea Robin Pipeline Company (Sea Robin) from Ship Shoal Block 225, offshore Southern Louisiana.

Southern's position with respect to this sale is the same as The Offshore Company; this sale was previously the subject of a temporary certification, and Southern also seeks to withdraw the previous application and to amend the previous application to permit certification pursuant to § 2.75.

Southern commenced deliveries pursuant to § 2.75n (18 CFR 2.75n) on May 4, 1973.

Southern's application was noticed on March 1, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973 (38 FR 6232). Timely protests or petitions to intervene were due on or before March 26, 1973. Timely petitions were filed by the following parties:

Alabama Gas Corporation
American Public Gas Association
Atlanta Gas Light Company
Public Service Commission for the State of New York
Sea Robin Pipeline Company
United Gas Pipeline Company
Associated Gas Distributors

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rates are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certi-

[4] Opinion and Order Issuing Certificate of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73–293, et al., — F.P.C. —, — (issued May 30, 1973, slip op. at para. 21, p. 5).

fication is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought,[6] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated.

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21.)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R–371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Sea Robin's need for the additional natural gas supplies that will be available to it as a result of these purchases. However, we are unable to determine the extent of Sea Robin's need for new supplies since it has failed to submit the certification required by § 2.75h (18 CFR 2.75h). Accordingly, we shall require Sea Robin to present evidence as to its need for additional supplies of natural gas and whether or not a comparable supply of natural gas is available to Sea Robin at any rate lower than the rates proposed in these applications.

The six-month period during which a producer under § 2.75o (18 CFR 2.75o) may not collect a rate in excess of the prevailing area ceiling rate will expire on August 21, 1973, for TPC in Docket No. CI73–454, for Pinto in Docket No. CI73–455, for Ecee in Docket No. CI73–456, and for POGO in Docket Nos. CI73–477 and CI73–546. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that these sales be certified and whether the rates sought are just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 17, 1973, and conclude not later than July 20, 1973.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[7] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), Docket Nos. CI73–456, CI73–455, CI73–454, CI73–477, CI73–546, CI72–773, and CP72–259 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing July 17, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, DC 20426, and shall be completed on or before July 20, 1973.

(C) 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 pursuant to the Commission's Rules of Practice and Procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(F) All rebuttal testimony and evidence shall be served on or before July 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The record in the Belco case, Docket Nos. CI73–293, et al., is incorporated by reference into the subject consolidated procedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) The Administrative Law Judge's decision shall be rendered on or before August 10, 1973.

(J) All briefs on exceptions shall be due on or before August 17, 1973.

By the Commission.[8]

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

[FR Doc.73–14371 Filed 7–12–73;8:45 am]

[Dockets Nos. CI73–593 and CI73–656]

GETTY OIL CO. AND CITIES SERVICE GAS RESOURCES CO.

Order Consolidating Proceedings, Granting Interventions, and Fixing Date for Hearing

JULY 6, 1973.

The above-named Applicants have each filed applications pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for certificates of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On March 8, 1973, Getty Oil Company (Getty) filed its application in Docket No. CI73–593 for certification of a sale of natural gas to Cities Service Gas Company (Cities) from the Locke (Brown Dolomite) Field, Roberts County, Texas (Hugoton-Anadarko Area).

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[5] Opinion No. 659, slip op. at para. 11, p. 5.

[6] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, and (6) supply and demand. Opinion No. 659, supra.

[7] Opinion No. 659, supra.

[8] Chairman Nassikas concurring in part issued a separate statement, filed as part of the original document.

[1] 15 U.S.C. 717, et seq. (1970).

[2] 18 CFR 2.75.

[3] Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R–441, -- F.P.C. --- (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C. No. 72–1837 (D.C. Cir.).

Pursuant to the optional procedure, Getty filed its contract dated February 20, 1973, with the application. The basic contract provides for an initial rate of 40¢ per Mcf with 1.0¢ per year at 14.65 psia, subject to upward and downward BTU adjustment. The contract term is twenty (20) years and further provides for reimbursement of 87.5 percent of all new or additional taxes to the seller. The price is to be reduced by 1.5¢ per Mcf for compression if required and performed by the buyer. Getty also seeks pre-granted abandonment of the sale upon expiration of the contract.

Deliveries were commenced pursuant to Section 2.75n on April 26, 1973.

Getty's application was noticed on March 16, 1973, and the notice was published in the FEDERAL REGISTER on March 23, 1973 (38 FR 7586). Timely protests or petitions to intervene were due on or before April 9, 1973. Timely petitions were filed by the following parties:

Associated Gas Distributors
Cities Service Gas Company

On April 2, 1973, Cities Service Gas Resources Company (Resources) filed its application in Docket No. CI73-656 for certification of a sale of natural gas to Cities Service Gas Company (Cities) from the Canadian East Douglas Field, Hemphill County, Texas (Hugoton-Anadarko Area). Resources application covers its forty (40) percent interest in the gas produced from this field. The remaining sixty (60) percent interest is sold to Cities by North American Royalty Inc. under its small producer certificate.

Resources' contract was filed concurrently with the application pursuant to the optional procedure. The basic contract provides for an initial rate of 40.0¢ per Mcf at 14.65 psia, subject to upward and downward BTU adjustment, and price escalations of 1.0¢ per Mcf every year. The contract term is for twenty years continuing thereafter as long as gas can be produced in commercial quantities. The contract further provides for reimbursement to the seller for 87.5 percent of all new taxes levied after the date of initial delivery.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on April 3, 1973.

Resources is affiliated with Cities and states that the 40.0¢ per Mcf price is the same as the contract prices that Cities pays to certain non-affiliated producers.

Resources' application was noticed on April 17, 1973, and the notice was published in the FEDERAL REGISTER on April 25, 1973 (38 FR 10177). Timely protests or petitions to intervene were due on or before May 11, 1973. Timely petitions to intervene were filed by the following parties:

Associated Gas Distributors
Public Service Commission for the State of New York (notice of intervention)
Cities Service Gas Company (late)
American Public Gas Association (late)

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rates are just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

Since these applications involve similar questions of law and fact as to the reasonableness of the prices for which certification is sought, the Commission concludes that the ultimate disposition of the above-described proceedings would be best accomplished in a consolidated proceeding. The Commission shall, therefore, consolidate these dockets for hearing and disposition.[5]

This hearing is not the proper forum for the relitigation of the propriety of the Section 2.75 procedures; that matter is now before the Court of Appeals. (See n. 2, supra.) This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under Section 2.75 for determining the justness and reasonableness of the rate sought,[6] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 3, page 21)

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from Belco, et al., proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al., v. F.P.C., 428 F. 2d 407 (CA5, 1970). Applications under § 2.75 will be so considered * * *.

No intervenor has questioned Cities' need for the additional natural gas supplies that will be available to it as a result of these purchases. We note from Cities' filing that it has experiencel large curtailments of service on its systems, and that it is making emergency and limited-term purchases in order to reduce curtailments as much as possible. Accordingly, the hearing provided for herein should not explore any issues related to Cities' need for additional supplies of natural gas. However, we shall require Cities to present evidence as to whether or not a comparable supply of natural gas is available to Cities at any rate lower than the rates proposed in these applications.

We have just rendered a decision in the first proceedings under § 2.75 in which a full evidentiary record was made.[7] We think it appropriate in these circumstances to incorporate by reference the record developed in that proceeding into these consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in these consolidated proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, 15, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), Docket Nos. CI73-593 and CI73-656 are consolidated for purposes of hearing and disposition.

(B) A public hearing on the issues presented by the proposals of the applicants herein shall be held commencing August 20, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 and shall be completed on or before August 24, 1973.

(C) 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 pursuant to the Commission's rules of practice and procedure.

(D) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before August 3, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(E) The Commission Staff and all intervenors opposing the application shall file their direct testimony by August 10, 1973.

(F) All rebuttal testimony and evidence shall be served on or before August 15, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the

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[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corp., Agent, et al., Docket Nos. CI72-293, et al., — F.P.C. —, —(issued May 30, 1973, slip op. at para. 21, p. 5).

[5] Opinion No. 659, slip op. at para. 11, p. 5.

[6] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[7] Opinion No. 659, supra.

Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(G) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

(H) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and provided, further, that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(I) The Administrative Law Judge's decision shall be rendered on or before September 14, 1973.

(J) All briefs on exceptions shall be due on or before September 21, 1973, and all replies shall be due on or before September 28, 1973.

By the Commission.*

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

[FR Doc.73-14362 Filed 7-12-73;8:45 am]

LONG ISLAND LIGHTING CO.

Change in Electric Fuel Adjustment Clause

JULY 5, 1973.

Take notice that on June 19, 1973, Long Island Lighting Company (LILCO) tendered for filing a change in the electric fuel adjustment applicable to the Electric Power Contract between LILCO and the Incorporated Village of Freeport, New York (Freeport). LILCO states that the proposed change has already been accepted by the Public Service Commission of the State of New York and by Freeport. The company submits that three changes are involved: base cost of fuel has been increased and changed in nomenclature from 31.3¢ per million b.t.u. (approximately 0.32¢ per kWh) to 0.465¢ per kWh, cost of fuel used to generate electricity for sale to utilities not subject to the fuel adjustment clause is eliminated from the average cost of fuel, and the cost of economy energy purchased by the Company for sale to its customers is included in the average cost of fuel. An effective date of June 1, 1973, is proposed.

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 17, 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.73-14369 Filed 7-12-73;8:45 am]

[Docket No. CP73-341]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JULY 5, 1973.

Take notice that on June 25, 1973, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP73-341 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from Block 287, South Marsh Island Area, offshore Louisiana, to a point near Lake Arthur, Louisiana for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport approximately 5,000 Mcf of gas per day for twenty years which Natural intends to purchase from Chevron Oil Company. It is stated that Applicant will take said gas into its system at a point of interconnection between its 12-inch pipeline and Natural's gathering line in the South Marsh Island Area and deliver equivalent volumes of gas to Natural at the point of interconnection of Applicant's and Natural's pipelines near Lake Arthur, Cameron Parish, Louisiana. Applicant proposes to charge initially 4.34 cents per Mcf for gas delivered to it plus 1.74 cents for gas redelivered to Natural.

Applicant states that it filed on November 14, 1972, as supplemented on February 12, 1973, in Docket No. CP73-114 an application for authorization to construct and operate, among other things, two 12,000 horsepower compressor units at its North Tepetate Station, Louisiana, which will facilitate the proposed transportation service.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 30, 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 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.73-14370 Filed 7-12-73;8:45 am]

MID LOUISIANA GAS CO.

Notice of Exchange Agreement

JULY 5, 1973.

Take notice that on June 22, 1973, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing the following tariff sheets as a part of First Revised Volumes No. 1 and 2 of its FPC Gas Tariff:

First Revised Volume No. 1	*Supersede Sheets*
Fourth Revised Sheet No. 1	Third Revised Sheet No. 1
First Revised Volume No. 2	
Second Revised Sheet No. 1	First Revised Sheet No. 1
Original Sheets Nos. 58 through 65	

Mid Louisiana states that the proposed tariff sheets are for the purpose of filing a new Rate Schedule X-6 as part of Mid Louisiana's FPC Gas Tariff, First Revised Volume No. 2 to reflect the exchange agreement between Mid Louisiana and Mississippi River Transmission Corporation dated September 22, 1972. The Company submits that by Order issued June 1, 1973, in Docket No. CP73-83 the Commission granted a Certificate of Public Convenience and Necessity authorizing the exchange of natural gas in accordance with this agreement. The company further states that no charge in rate level to its customers is proposed by these tariff sheets. An effective date of August 1, 1973, is proposed.

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.

*Chairman Nassikas concurring in part filed a separate statement, filed as part of the original document.

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 19, 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.73-14375 Filed 7-12-73;8:45 am]

[Docket No. RP73-6]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Filing of Proposed Curtailment Plan

JULY 6, 1973.

Take notice that on June 14, 1973, Mississippi River Transmission Corporation (MRT) submitted for filing revised tariff sheets[1] to its presently effective FPC Gas Tariff, First Revised Volume No. 1, constituting its permanent curtailment plan pursuant to the stipulation and agreement approved by the Commission's order of December 20, 1972. That agreement provided for the filing, by MRT, of a permanent curtailment program between May 1 and June 15, 1973. MRT requests that its tendered sheets be made effective November 1, 1973.

In summary, MRT's proposed permanent curtailment plan provides:

(1) The division of MRT's resale customers into two categories: Participating Buyers, which are those having contract demands under MRT's Rate Schedule CD-1 of 5,000 Mcf or more, and Partial Participating Buyers, which are those having contract demands of less than 5,000 Mcf.

(2) Curtailment to be applied in the following order: (a) MRT's direct interruptible industrial deliveries; (b) Deliveries under MRT's Rate Schedule PI-1; (c) Deliveries to Participating Buyers to the extent of estimated interruptible industrial service volumes of customers having a requirement of 1.5 MMcf/d or more, down to 1.5 MMcf/d; (d) MRT's deliveries to Participating Buyers to the extent of interruptible industrial service volumes of customers having requirements of less than 1.5 MMcf/d plus those volumes left in (c); (e) The release of gas by Participating Buyers to offset further curtailment of MRT's firm industrial customers; (f) MRT's direct firm industrials buying 1 MMcf/d or more to the extent of their standby capacity; (g) Deliveries to Laclede and Illinois Power to the extent of standby capacity of their firm industrials; (h) MRT's direct firm industrials buying 1 MMcf/d or more with no standby capacity; (i) Deliveries to Laclede's and Illinois Power's firm industrial sales greater than 1 MMcf/d or more with no standby capacity; (j) MRT's and Participating Buyer's remaining firm industrials; (k) Remaining sales by Participating and Partial Participating Buyers.

In addition to the tariff sheets, MRT also submitted a Statement of Reasons explaining the nature and reasons for the filing and certain end use data with respect to MRT's customers.

The above described permanent curtailment plan is the same plan under which MRT has been operating since its approval December 20, 1972, except that a new section has been added authorizing MRT to dispense supplemental supplies of gas, in an emergency situation, to any customer being curtailed in order to forestall irreparable injury to life or property. The curtailment plan approved December 20 will continue in effect until October 31, 1973.

MRT's permanent curtailment plan is on file with the Commission and is available for public inspection.

MRT states that copies of its filing have been mailed to its jurisdictional and direct sale customers and to the appropriate state regulatory agencies. Additionally, MRT states that copies of this filing are available for public inspection during regular business hours in its office in St. Louis, Missouri.

Any person desiring to be heard or to make any protest with reference to this filing should on or before July 19, 1973, file with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Any order issued in this proceeding will be subject to the Commission's Statement of Policy Implementing the Economic Stabilization Act of 1970 (P.L. 91-379, 84 Stat. 799, as amended by P.L. 92-15, 85 Stat. 38) and Executive Order 11615 including such amendments as the Commission may require.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14363 Filed 7-12-73;8:45 am]

[Docket Nos. G-16026, G-18148, G-18149, RP60-5, RP61-8]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Motion Renewing Motion for Approval of Settlement Agreement

JULY 6, 1973.

Take notice that Natural Gas Pipeline Company of America (Natural) on June 27, 1973, filed a motion renewing on April 3, 1972, motion for Commission approval of a settlement agreement relative to the consolidated effective tax rate issues concerned in the docket numbers above. The settlement agreement arose from a petition filed by Natural on May 19, 1970, requesting the Commission to issue an order finding and declaring that Natural had no liability under the "consolidated effective tax rate" conditions of previously approved settlement agreements. Natural's petition also requested Commission approval of use of that interpretation of the consolidated effective tax rate issue in future rate proceedings before the Commission.

The settlement agreement which Natural wishes approved relies on the Commission ruling in Florida Gas Transmission Company, Opinion No. 611, February 16, 1972. Under the provisions of the settlement agreement, Natural would have no refund obligation in the cases docketed above with regard to the consolidated effective tax rate conditions and such conditions are terminated. Also, if Peoples Gas (parent of Natural), through its own operations or those of any company other than Natural in which People owns 50 percent or more of the stock, shall suffer tax losses or create a "loss company" in the system, such result will not and may not be used to reduce the rate of Natural below the level they otherwise would be.

Comments or objections to the proposed Agreement as to the Disposition of the Consolidated Effective Tax Issue may be filed with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. on or before July 16, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14364 Filed 7-12-73;8:45 am]

[Docket No. E-7895 etc.]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION ET AL.

Notice of Application

JULY 6, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to these applications should on or before July 31, 1973, file with the Federal Power Commission Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's Rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not

[1] The tariff sheets are designated as follows: First Revised Sheet No. 23; and First Revised Sheet No. 23A through 23H.

serve to make the protestants parties to the proceeding. The applications referred to above, are on file with the Commission and are available for public inspection.

Docket No.	Filing Date	Name of Applicant
E-7895	5/21/73	Pennsylvania-New Jersey-Maryland Interconnection

Applicant filed Schedule 1.05 to the Interconnection Agreement between the Allegheny Power System Power Group and the Pennsylvania-New Jersey-Maryland Group, dated December 22, 1971, and replacing Schedule 1.05 dated April 26, 1965. Schedule 105 contains an amendment which adds a delivery and metering point at the Doubs-Conastone 500 KV Line. The amended schedule to become effective December 22, 1971.

Docket No.	Filing Date	Name of Applicant
E-8150	5/7/73	Puget Sound Power & Light Company

Applicant filed May 4, 1973, Certificate of Concurrence in the rate schedule which Pacific Power and Light Company has filed with the Commission.

Docket No.	Filing Date	Name of Applicant
E-8258	6/15/73	Consumers Power Co.

Applicant filed Certificate of Concurrence, dated June 11, 1973, in reference of the filing of Amendment No. 3 dated July 1, 1973, to the Operating Agreement dated March 1, 1966 between Indiana & Michigan Electric Company, Consumers Power Company and the Detroit Edison Company, and filed with the Commission by the American Electric Power Service Corporation by letter dated May 31, 1973.

Docket No.	Filing Date	Name of Applicant
E-8262	6/8/73	Duke Power Company

Applicant filed June 5, 1973 supplement to its contract with the York Electric Cooperative, Inc. This contract has been on file with the Commission and designated Duke Power Company Rate Schedule FPC No. 146. This filing provides for an increase in designated KW demand at each of the following five (5) delivery points in the State of South Carolina: Bethany, Lesslie, Filbert, Tirzah and Ogden. Applicant's filing also indicates that the Van Wyck, South Carolina delivery point has received Southeastern Power Administration allocation of customers preference. Filed documents are to become effective June 20, 1973.

Docket No.	Filing Date	Name of Applicant
E-8263	6/8/73	Duke Power Company

Applicant filed June 5, 1973 supplement to its contract with Little River Electric Cooperative, Inc. This contract has been on file with the Commission and designated Duke Power Company Rate Schedule FPC No. 145. This filing provides for an increase in designated KW demand at each of the following three (3) delivery points in the State of South Carolina: Donald, from 2,800 to 3,400; Latimer, from 750 to 1,200; and Abbeville (Secession Avenue), from 2,200 to 2,700. This filing also reflects Southeastern Power Administration reallocation at two of the Abbeville (Rocky River and "Penny Delivery") delivery points. Filed documents are to become effective June 20, 1973.

Docket No.	Filing Date	Name of Applicant
E-8265	6/8/73	Wisconsin Public Service Corporation

Applicant filed June 5, 1973, an Amendment to the Master Interconnection Agreement with the Wisconsin Power and Light Company dated January 5, 1966, designated Wisconsin Public Service Corporation Rate Schedule FPC No. 17, Wisconsin Power and Light Company Schedule FPC No. 14. Filed Appendix C (Revision No. 2) effective on or about December 15, 1973, modifies the agreement to provide for interconnections to be located where the Wisconsin Public Service Corporation's existing 69 KV transmission lines (extending westerly from its Harrison Street Substation) intersect with the Wisconsin Power and Light Company's existing 69 KV transmission lines, and at a point 8.5 miles east of the Harrison Street Substation on the proposed Wisconsin Public Service Corporation 69 KV transmission line. This interconnection will be known as the Waupaca Interconnection. Filed Appendix I, effective on or about November 1, 1973, modifies the agreement to provide for interconnection of the two systems at the new Wisconsin Public Service Corporation Little Wolf River 115/69 KV Substation and shall be known as the Little Wolf River Interconnection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14361 Filed 7-12-73;8:45 am]

[Docket No. CI73-202]

PENNZOIL CO.

Order Granting Interventions and Fixing Date for Hearing

JULY 3, 1973.

The above-named Applicant has filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and pursuant to § 2.75[2] of the Commission's General Policy Statements, the new Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter Section 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce.

On February 15, 1973, Pennzoil Company (Pennzoil) filed in Docket No. CI73-202 its application for the sale of natural gas to Northern Natural Gas Company (Northern) from the Quito Area, Ward County, Texas (Permian Basin Area).

Pennzoil, pursuant to the optional procedure, filed its contract with Northern dated August 11, 1972, with its application for a temporary certificate. Pennzoil accepted that temporary certificate, conditioned to an initial rate of 27.0¢ per Mcf on October 17, 1972. No deliveries were commenced under that certificate, and all of the wells herein involved were commenced after April 6, 1972.

The contract extends for a term of twenty years, and provides for an initial rate of 37.0¢ per Mcf at 14.65 psia, upward and downward BTU adjustment, and a 1.0¢ per year escalation. The contract further provides for reimbursement to the seller of ninety percent of all new or additional taxes. The contract also provides for an initial advance payment of $500,000, and additional advance payments until an additional maximum advance payment is made; recoupment will be made within five years.

Deliveries were commenced pursuant to § 2.75n (18 CFR 2.75n) on February 23, 1973.

Pennzoil's application was noticed on February 28, 1973, and the notice was published in the FEDERAL REGISTER on March 7, 1973, (38 FR 6321). Timely protests and petitions to intervene were due on or before March 30, 1973. Petitions to intervene were filed by the following parties:

Northern Natural Gas Company
American Public Gas Association

Having reviewed the petitions to intervene, we find that all of the above-mentioned petitioners have sufficient interest in these proceedings to warrant intervention.

A formal hearing has been requested, and we find a hearing is desirable to determine, on the record, whether the present and future public convenience and necessity will be served by certificating this sale, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals. See n. 3, supra. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness, of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate

[1] 15 U.S.C. 717, et seq. (1970).
[2] 18 CFR 2.75.
[3] Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales of Natural Gas, Docket No. R-441, — F.P.C. — (issued August 3, 1972), appeal pending, John E. Moss, et al. v. F.P.C., No. 72-1837 (D. C. Cir).

[4] Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates, Opinion No. 659, Belco Petroleum Corporation, Agent, et al., Docket Nos. CI73-293, et al., —— F.P.C. ——, —— (issued May 30, 1973, slip op. at para. 21, p. 5).

sought,[5] bearing in mind that with respect to proceedings under § 2.75 of our regulations, we have heretofore stated:

> We will, absent a showing of special circumstances, accept as conclusive the cost findings embodied in our area rate decisions, as such may be supplemented from time to time by appropriate Commission order. (Order 455, paragraph 63, page 21).

We do not, therefore, open this hearing to the presentation of cost data, other than that incorporated from the Belco, et al. proceedings as hereinafter ordered, unless, in the judgment of the Presiding Administrative Law Judge, a showing of special circumstances is made.

We also direct the attention of the parties to our recent statement in Opinion No. 639, Area Rates for the Appalachian and Illinois Basin Areas, Docket No. R-371, opinion issued December 13, 1972, wherein we stated:

> We have been admonished not to rely on cost alone, but also to consider producer rate levels in the context of "non-cost" factors of supply and demand, capital formation, and probable industry response to any given level of rates. Austral Oil, et al. v. F.P.C., 428 F.2d 407 (CA5, 1970). Applications under Section 2.75 will be so considered * * *.

No intervenor has questioned Northern's need for the additional supplies of natural gas that will be available to it as a result of this purchase. Accordingly, the hearing hereinafter provided for should not explore any issues related to Northern's need for additional supplies of natural gas. However, we shall require Northern to present evidence as to whether or not a comparable supply of natural gas is available to Northern at any rate lower than the rate proposed in this application.

The six-month period during which a producer under § 2.75o (18 CFR 2.75o) may not collect a rate in excess of the prevailing area ceiling rate will expire on August 23, 1973. Consequently, we shall provide special procedures which will enable us to determine promptly whether the public convenience and necessity requires that this sale be certificated and whether the rate sought is just and reasonable. We will provide that the hearing hereinafter ordered shall commence on July 17, 1973, and conclude not later than July 20, 1973.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above-named petitioners to intervene in this proceeding in order that they may establish the facts and the law from which the nature and validity of their 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.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 15, and 16 thereof, The Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I) a public hearing shall be held concerning the issues presented by the application herein commencing July 17, 1973, at 10:00 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(B) 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 pursuant to the Commission's rules of practice and procedure.

(C) Applicants and all intervenors supporting the applications shall file their direct testimony and evidence on or before July 10, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(D) The Commission Staff and all intervenors opposing the application shall file their direct testimony and evidence on or before July 13, 1973. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to these proceedings.

(E) All rebuttal testimony and evidence shall be served on or before July 17, 1973. All parties submitting rebuttal testimony and evidence shall serve such testimony and evidence upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to these proceedings.

(F) The record in the Belco case, Docket Nos. CI73-293, et al., is incorporated by reference into the subject consolidated proceedings insofar as it may be relevant pursuant to the majority or minority views in Opinion No. 659.

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

(H) The Administrative Law Judge's decision shall be rendered on or before August 17, 1973.

(I) All parties shall submit briefs on exceptions to the Commission on or before August 17, 1973.

By the Commission.[6]

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

[FR Doc.73-14379 Filed 7-12-73;8:45 am]

[5] Opinion 659 gave consideration to such factors as (1) cost, (2) return, (3) alternate supply costs, (4) contract rates for intra- and interstate sales, (5) commodity value, Opinion No. 659, supra.

[6] Chairman Nassikas concurring in part filed a separate statement filed as part of the original document.

[Docket No. CI73-930]

RAINS & WILLIAMSON OIL CO., INC.

Notice of Application

JULY 6, 1973.

Take notice that on June 28, 1973, Rains & Williamson Oil Co., Inc. (Applicant), 435 Page Court, 220 West Douglas, Wichita, Kansas 67202, filed in Docket No. CI73-930 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 Panhandle Eastern Pipe Line Company from acreage in Meade County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell, until the first day of the month following expiration of two years from the date of initial delivery, approximately 60,000 Mcf of gas at 50.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Initial upward Btu adjustment is estimated at 5.7 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 August 3, 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 persons 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 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.73-14368 Filed 7-12-73;8:45 am]

[Docket No. RP73-47]

SEA ROBIN PIPELINE CO.

Postponement of Prehearing Conference and Hearing

JULY 6, 1973.

On June 29, 1973, Sea Robin Pipeline Company filed a motion for an extension of the dates for the prehearing conference and the hearing fixed by the notice issued June 21, 1973. The motion states that there is no obligation by any party to the request.

Upon consideration, notice is hereby given that the dates of the prehearing conference and the hearing are further modified as follows:

Prehearing Conference (10 a.m., EDT)	August 7, 1973
Hearing (10:00 a.m., EDT)	August 21, 1973

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14365 Filed 7-12-73;8:45 am]

SOUTHERN NATURAL GAS CO.

Proposed Tariff Changes

JULY 5, 1973.

Take notice that Southern Natural Gas Company (Southern) on June 21, 1973, tendered for filing Rate Schedule X-22 containing original tariff sheets 1A, 162, 163, 164, 165, 166, and 167 to its FPC Gas Tariff, Original Volume No. 2 to become effective July 21, 1973. Southern states that the Rate Schedule X-22 tariff sheets contain an agreement dated August 15, 1972, for the exchange of natural gas between Southern and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin).

Southern states that this filing is being made pursuant to Commission order dated June 1, 1973 issuing certificates of public convenience and necessity in Docket No. CP73-84 to construct and operate certain facilities for an emergency interconnection in St. Mary Parish, Louisiana, for the transportation and exchange of natural gas.

The company states that copies of the filing have been mailed to Michigan Wisconsin and are on file with the Commission and are available for public inspection.

Any person desiring to comment upon or to protest said filing may file such comment or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 19, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14376 Filed 7-12-73;8:45 am]

[Docket No. CS71-383]

TEXASGULF INC.

Notice of Redesignation

JULY 6, 1973.

By a letter dated May 25, 1973, Texasgulf Inc., has advised the Commission that it has undergone a corporate name change from Texas Gulf, Inc., to Texasgulf Inc.

Accordingly, the small producer certificate of public convenience and necessity issued pursuant to section 7(c) of the Natural Gas Act in Docket No. CS71-383 to Texas Gulf, Inc., is redesignated as that of Texasgulf Inc. and the name of the respondent in the proceedings pending in Docket Nos. RI65-475 and RI71-642 is changed to Texasgulf Inc.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14367 Filed 7-12-73;8:45 am]

[Project 2334]

WESTERN MASSACHUSETTS ELECTRIC CO.

Application for Change in Land Rights

JULY 6, 1973.

Public notice is hereby given that application for a change in land rights has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Western Massachusetts Electric Company (Correspondence to: Mr. Leon E. Magluthin, Jr., Vice-President-Operations, Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089) for the Gardners Falls Project, located on Deerfield River in the towns of Buckland and Shelburne in Franklin County, Massachusetts.

The application seeks Commission approval of a proposed easement to be granted by Western Massachusetts Electric Company to the Town of Buckland, Massachusetts. The easement (20 feet in width and about 100 feet long) is for the purpose of constructing a 12 inch cast iron effluent pipe into the Deerfield River. The outfall will extend from a sewage treatment plant being constructed by the town.

Any person desiring to be heard or to make protest with reference to said application should on or before August 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-14366 Filed 7-12-73;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST BANC GROUP OF OHIO, INC.

Acquisition of Bank

First Banc Group of Ohio, Inc., Columbus, Ohio, 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 First Trust Company of Ohio, National Association, Columbus, Ohio, a proposed new bank. 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 Cleveland. 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 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14324 Filed 7-12-73;8:45 am]

FIRST BANC GROUP, INC.

Acquisition of Bank

First Banc Group, Inc. Creve Coeur, Missouri, 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 percent or more of the voting shares of The Citizens Bank of Gerald, Gerald, Missouri. 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)).

First Banc Group, Inc. is also engaged in the following nonbank activities: land ownership and data processing activities. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in 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 St. Louis. 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 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14325 Filed 7-12-73;8:45 am]

STOCKGROWERS STATE BANK COMPANY, INC.

Order Approving Retention of Bank

Stockgrowers State Bank Company, Inc., Worland, Wyoming, 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 retain[1] 92.6 per cent of the voting shares of The Stockgrowers State Bank ("Bank"), Worland, Wyoming.

Notice of the application and a substantive amendment thereto, 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)).

Applicant was organized in 1971 for the primary purpose of becoming a bank holding company with respect to Bank. As Applicant does not have any banking subsidiaries at this time, this transaction eliminated neither existing nor potential competition.

Bank ($13.2 million in deposits), located in the city of Worland, Wyoming (population approximately 5,055), is the smaller of two banks in Washakie County and controls 49.7 per cent of total commercial deposits in the county and 1.2 per cent of total commercial deposits in the State.[2] The Board concludes that consummation would not have an adverse effect on any other banking institution or result in the concentration of banking resources in any relevant area. It also appears that community needs for banking services are presently being served and that approval of this proposal would have no immediate effect thereon; however, provisions of trust services, anticipated under Applicant's management, would enhance Bank's ability to meet the future needs and convenience of the community.

Under Applicant's original ownership and management, Bank's condition deteriorated rapidly as a result of an overly-aggressive lending and investment philosophy, loose loan administration, and absentee management. In October, 1972, a group of Worland residents acquired Applicant, and the quality of Bank's assets has improved substantially since that time. Bank is now in adequate financial condition apparently as a result of recent improvements achieved through Applicant's new management and ownership. Bank has satisfactory prospects under its present management, which is believed to be capable. Applicant's financial condition, management, and future prospects are considered satisfactory. Although Applicant's new owners have significantly improved Applicant's condition by lowering its acquisition debt, Applicant's ratio of debt to equity remains high, but now apparently is manageable, and it appears that Applicant will be able to service its acquisition debt without placing an undue strain on the resources of Bank. The Board is of the opinion that the present management of Applicant has demonstrated both its ability and willingness to provide Bank with the leadership required to return it to a viable condition. Therefore, banking factors lend some weight toward approval of this application.

On the basis of the record, the application is approved for the reasons summarized above.

By order of the Board of Governors,[3] effective June 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14327 Filed 7-12-73;8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, 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 Broomfield Bank, Broomfield, Colorado. 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 30, 1973.

Board of Governors of the Federal Reserve System, July 5, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.73-14326 Filed 7-12-73;8:45 am]

WELLS FARGO & CO.

Proposed Acquisition of Wells Fargo Mortgage Company

Wells Fargo & Company, San Francisco, California, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Wells Fargo Mortgage Company, San Francisco, California, a newly organized company. Notice of the application was published in newspapers of general circulation as follows:

Fresno, California.	The Daily Real Estate, Report and Abstract of Records.	May	9, 1973
San Diego, California.	San Diego Daily Transcript.	May	8, 1973
San Francisco, California.	The Recorder	May	8, 1973
Santa Anna, California.	Orange County Reporter.	May	9, 1973
San Jose, California.	San Jose Post-Record.	May	9, 1973
Sacramento, California.	The Daily Recorder	May	9, 1973
Santa Rosa, California.	The Press Democrat	May	9, 1973
San Bernardino, California.	The Sun	May	14, 1973
Walnut Creek, California.	Contra Costa News Register.	May	15, 1973
Los Angeles, California.	The Los Angeles, California.	May	25, 1973

Applicant states that the proposed subsidiary would engage in the activities of making or acquiring for its own account or for the account of others, mortgage loans and other extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than July 26, 1973.

Board of Governors of the Federal Reserve System, June 29, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-14177 Filed 7-12-73;8:45 am]

[1] On March 15, 1971, Applicant without prior Board approval acquired the shares of Bank which shares it has applied to retain. On June 22, 1971, the Board, in order to avoid impositions of undue hardship, ordered that any company which acquired a bank between December 31, 1970 and June 22, 1971, without first securing prior Board approval because of lack of knowledge of that requirement might file for such approval by August 31, 1971. Applicant apparently lacked knowledge of the requirements of the Act at the time it acquired the shares of Bank, and subsequently filed an application with the Federal Reserve Bank of Kansas City.

[2] Bank deposit data are as of December 31, 1972.

[3] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher and Holland.

FEDERAL TRADE COMMISSION

QUARTERLY FINANCIAL STATISTICS PROGRAM

Resolution Requiring Quarterly Financial Statistics and Related Information From Corporations

Notice is hereby given that the Federal Trade Commission has approved, adopted and entered of record the following resolution:

RESOLUTION REQUIRING QUARTERLY FINANCIAL STATISTICS AND RELATED INFORMATION FROM CORPORATIONS

Whereas, it is necessary for the proper functioning of the government that there be available to the President, the Congress, government agencies, and the business community, continuing and current financial data and statistics from corporations within the various industries and lines of commerce of the United States; and

Whereas, the Federal Trade Commission, acting pursuant to the authority vested in it by Section 6 of the Federal Trade Commission Act, is engaged in the collection of annual and special reports from corporations engaged in commerce and the compilation and publication of the results thereof in combined statistical form for the purposes of said Act; and

Whereas, certain responsibilities and functions of the Securities and Exchange Commission in the collection of information as to costs, profits and related financial data from registered corporations for the Quarterly Financial Report publication series has been transferred to the Federal Trade Commission:

Now, therefore, it is hereby resolved that the Federal Trade Commission, in the exercise of the powers vested in it by section 6 of the Federal Trade Commission Act (38 Stat. 721; 15 U.S.C.A., section 46), and with the aid of any and all powers conferred upon it by law and any and all compulsory processes available to it, do forthwith proceed to collect information, for the purposes herein stated, in the form of reports or otherwise, regarding the financial position and financial results of business operations, including, but not limited to balance sheets and statements of income and retained earnings, together with such other facts as may be necessary for the classification and interpretation thereof, from such corporations as may be designated by the Commission pursuant to general or special order;

It is further resolved that the reports and the data relating to an individual company contained therein obtained as a result of this resolution shall be received in and afforded confidential status and shall not be available for use in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings, as more fully spelled out in the "Rules and Procedures for the Use of Confidential Individual Company Data Collected Under the FIC's Quarterly Financial Statistics Program" adopted by the Commission and attached hereto.

By direction of the Commission dated June 28, 1973.

[SEAL] CHARLES A. TOBIN, *Secretary.*

RULES AND PROCEDURES FOR THE USE OF CONFIDENTIAL INDIVIDUAL COMPANY DATA COLLECTED UNDER THE FTC'S QUARTERLY FINANCIAL STATISTICS PROGRAM

Data collected under the Quarterly Financial Statistics Program are gathered for the purpose of preparing statistical compilations, consistent with the confidentiality strictures contained herein. Under no conditions are the individual company reports to be inspected or otherwise used for "taxation, regulation or investigation" or in any Commission adjudication or in connection with any investigation for the purpose of initiating adjudicative proceedings.[1] While the Commission intends to utilize tabulations of QFR data in FTC merger statistical reports, the FTC series on aggregate concentrations, rates of return in selected manufacturing industries, and such other statistical and economic reports as are authorized by the Commission, no individual company data contained in the QFR Reports will be revealed in these reports prepared by the FTC. However, these FTC reports may be utilized in connection with any Commission adjudication or any investigation for the purpose of initiating adjudicative proceedings.

The names of companies, financial data and all other information which are obtained from respondent companies in connection with the Federal Trade Commission's Quarterly Financial Statistics Program are confidential, as pledged in the cited Commission Resolution, and persons authorized to have access to this information may not release, discuss or in any way provide access to such information to anyone not authorized to have access. Further, all such QFR data are considered to be exempt from the disclosure provisions of the Feedom of Information Act. Penalties under Section 10 of the Federal Trade Commission Act provide for fines up to five thousand dollars ($5,000), or imprisonment not exceeding one year for unauthorized release of such information.

Authorized access and use. Access to and use of individual company data is restricted to members of the Division of Financial Statistics and the Statistical Reports Unit of the Economic Research and Services Section, both of which are part of the Bureau of Economics and both of which have no involvement in any investigative or regulatory functions of the Federal Trade Commission. Access by members of the Division of Management is authorized only during and for the purpose of electronic processing of such data.

[1] Except where the latter relate to legal action initiated by the refusal of a respondent company to file a timely and acceptable QFR report.

The Division of Financial Statistics is a statistics-gathering unit which prepares for publication the Quarterly Financial Report. The QFR presents selected balance sheet and income statement data aggregates for industrial corporations, classified by industry groups and by asset size classes. All mailing of reporting forms and correspondence relating to individual QFR companies (except for correspondence involving legal action for failure to submit reports) will be under the supervision of the Chief of the Division of Financial Statistics. That division is responsible for reviewing, editing and coding all individual company reports and for requesting such tabulations and listings of individual company data from the Division of Management as needed to prepare the Quarterly Financial Report. The Financial Statistics Division is responsible for the selection and maintenance of the QFR sample panel, in accordance with accepted scientific sampling methodology and Federal statistical standards. It requests such other tabulations as may be needed to insure the statistical reliability and consistency of the QFR published data series. It prepares preliminary estimates and such other special tabulations relating to the QFR as requested by the Department of Commerce and the Federal Reserve Board, or as may be directed by the Office of Management and Budget. The Chief of the Division of Financial Statistics is responsible for the development and implementation of disclosure analysis procedures applied to all QFR data. He shall certify to the Director of the Bureau of Economics that he has reviewed and approved all disclosure analysis procedures used in the QFR publication tables and all other tabulations involving QFR source data.

The Statistical Reports Unit is a statistical research and economic analysis unit in the Office of the Director, Bureau of Economics, and is responsible for: The preparation of FTC merger statistical reports, the annual FTC statistics on aggregate concentration, the FTC report on rates of return in selected manufacturing industries, and other statistical and economic reports authorized by the Commission. The head of the Statistical Reports Unit shall request from the Division of Financial Statistics such access to individual company QFR data as is needed to complete these Bureau of Economics reports, after receiving concurrence from the Chief of Financial Statistics Division that the table plans and disclosure analysis procedures to be used in preparing these FTC reports are consistent with the QFR procedures and adequate to protect against direct or residual disclosure that could result from such additional tabulation of QFR data. He will certify to the Director of the Bureau of Economics that he has subjected all tables in these reports which in any way used QFR data to the above-described disclosure analysis.

The Director of the Bureau of Economics will not have access to the individual QFR schedules nor the derived data listings for individual companies utilized by these statistical units. He

shall, however, have supervisory responsibility and authority with respect to the units. Such responsibility and authority shall include approving any reports prepared by them, making recommendations with respect to the preparation of such reports, and exercising any other supervisory control not requiring access to the individual QFR data.

Under no conditions may the individual company data reported on the QFR schedule be used for, or in the course of, any enforcement action or enforcement investigation. Therefore, all persons not on the staffs of the Statistical Reports Unit or Division of Financial Statistics will not be granted access to individual company information in the QFR files or data records; nor will personnel from either of these two units engage in any activity of the Commission which involves regulation or investigation, nor prepare any reports utilizing QFR data for such purposes while assigned to those units. Any employee who transfers into or out of either of the units will be formally notified in writing that he is subject to Section 10 of the Federal Trade Commission Act, the above-cited Commission Resolution, and these Rules, which prohibit disclosure, discussion, or release of these data to any unauthorized person.

Security of individual company QFR data. All individual company QFR schedules and data records at the Federal Trade Commission must at all times be under the security and supervision of the staff of either the Statistical Reports Unit or the Division of Financial Statistics, except during electronic data processing when the Chief, Division of Management, shall be responsible for their security.

All rooms containing individual company QFR data will be locked except when occupied. The individual company data will be stored in secured drawers, files, etc., except when being used.

The Chief of the Commission's Division of Management shall be responsible for the security of the original QFR schedules and all derived punched cards and computer records being processed. All punched cards, tapes, printouts, and containers for same, will be conspicuously marked "confidential." The Chief of the Division of Management will be responsible for the security of data in his possession and will personally approve all storage locations and security procedures, subject to concurrence of the Chief, Financial Statistics Division. He will not permit any special tabulations or listings of QFR data except those specifically approved by the Director of the Bureau of Economics, and for which disclosures analysis procedures have been reviewed and concurred in by the Chief of the Financial Statistics Division for consistency with existing QFR disclosure analysis procedures. Except for magnetic storage media used in processing, all cards, tapes, and printouts containing individual company QFR data will be sent to the Division of Financial Statistics for secure storage, along with the original QFR schedules.

All persons having use or possession of individual company data will be personally responsible for securing the confidentiality of those data and for following the rules set forth above. Any violation of these rules, either through neglect or otherwise, will result in prosecution to the full extent of the law or any other legal action decided on by the Chairman of the Commission.

[FR Doc.73-14400 Filed 7-12-73;8:45 am]

TARIFF COMMISSION

[TEA-W-205]

J. P. STEVENS AND CO.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Hannah Pickett and Martha Baum plants, Rockingham, North Carolina, of J. P. Stevens and Co., Inc., Greenville, South Carolina, the United States Tariff Commission, on July 9, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with woven fabrics of wool (of the types provided for in item 336.60 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before July 23, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, N.W., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued July 10, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-14390 Filed 7-12-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

Adams Food Villa, food store; 8989 River Road, Destrehan, LA; 5-14-74.

Anton Alkek Grocery & Market, food store; 714 South Bridge Street, Victoria, TX; 4-25-74.

Ashcraft Market, food store; 202 East Cedar Street, Galdwin, MI; 5-7-74.

Baconia Plantation, Inc., agriculture; Cary, MS; 5-11-74.

Billups Farms, agriculture; Route 2, Indianola, MS; 5-16-74.

Bone Superette, food store; 609 First Street, Bald Knob, AR; 4-10-74.

Buehler Market, food stores, 4-26-74: 90 Broad Street, Atlanta, GA; 104 Georgia Avenue Southeast, Atlanta, GA; 1553 Gordon Street Southwest, Atlanta, GA.

C & S Supermarket, food store; North Sparkman Street, Hartselle, AL; 5-2-74.

Casey Drug and Jewelry Co., drug store; Chamberlain, SD; 4-24-73 to 4-16-74.

Cedar Center Pharmacy, drug store; 13922 Cedar Road, University Heights, OH; 5-14-74.

Central Community Hospital, hospital; Elkader, IA; 5-22-74.

Ceo Music Company, Inc., music store; 1004 Main Street, Wheeling, WV; 5-12-74.

Channel Pharmacy, drug store; No. 2, Channelview, TX; 4-30-74.

Charlie's I.G.A., food store; 181 Clay Street, Tecumseh, NE; 4-30-74.

City Meat Market, food store; Humphrey, NE; 4-27-74.

Colonial Manors, Inc., nursing home; Randolph, NE; 5-16-74.

Covey Livestock Co., agriculture; Cokeville, WY; 5-25-74.

Crest Pharmacy, Inc., drug store; 1836 Brodhead Road, Aliquippa, PA; 4-29-74.

Dalton Grocery, food store; 3408 North Whitehall Road, North Muskegon, MI; 5-20-74.

Dillon Companies, Inc., food stores: No. 40, El Dorado, KS, 4-23-74; No. 51, Great Bend, KS, 5-1-74.

Downs Pharmacy, drug store; 120 North Independence, Enid, OK; 5-17-74.

East State Pacemaker Food Store, food store; 5830 East State Street, Rockford, IL; 5-16-74.

Egremont Plantation, agriculture; Cary, MS; 5-7-74.

The Ellsworth County Veterans' Memorial Hospital, Inc., hospital; 30 Kingsley, Ellsworth, KS; 5–17–74.

Engle's Grocery and Market, food store; 311 West Main, Madison, KS; 5–18–74.

E. H. Finlayson & Son, Inc., agriculture; Route 2, Greenville, FL; 5–16–74.

Fitzgerald's HWI Hardware, Inc., hardware store; 970 West Maple Road, Walled Lake, MI; 4–28–74.

Frank Lockage's Store for Men, apparel store; 2761 Peck Street, Muskegon Heights, MI; 5–20–74.

Gerardo's Grocery, food store; Toluca, IL; 5–6–74.

Good Samaritan Center, nursing home; St. Ansgar, IA; 5–19–74.

Grebe's Bakeries, Inc., food store; 601 West Mitchell Street, Milwaukee, WI; 5–8–74.

H & K Drive-In Pharmacy, Inc., drug store; 520–530 Harding Way West, Galion, OH; 4–25–74.

Handy Andy, Inc., food store; No. 30, San Antonio, TX; 4–7–74.

Hardee's, restaurant; 5322 Troost, Kansas City, MO; 4–30–74.

Hermanson's Food Market, food store; 1415 Mount Rushmore Road, Rapid City, SD; 4–24–73 to 4–16–74.

The Historic Sheridan Inn, restaurant; Fifth and Broadway, Sheridan, WY; 6–21–74.

L. D. Holmes & Sons, agriculture; Johnston, SC; 6–6–74.

C. A. House Co., Inc., music store; 10th and Main Streets, Wheeling, WV; 5–12–74.

Howard Nelson Kraker, agriculture; 11921 68th Avenue, Allendale, MI; 4–22–74.

Ignacio Food Store, Inc., food store; Ignacio, CO; 4–26–74.

Jacob Wagenmaker & Son, agriculture; 1243 East Norton Road, Muskegon, MI; 5–9–74.

Jerry's Markets, food stores, 5–1–74: 2809 Lincoln Avenue, Evansville, IN; 1115 Main Street, Evansville, IN; 2101 West Franklin, Evansville, IN.

John Vantimmeren, agriculture; R. R. # I, Allendale, MI; 4–21–74.

Kay Baum, Inc., apparel stores, 4–30–74: 125 East Grand River, East Lansing, MI; Northland Shopping Center, Southfield, MI.

Kentucky Fried Chicken, restaurant; 890 Wadsworth, Lakewood, CO; 4–23–74.

Kings Food Host, restaurants, 4–30–74: 1748 North Main, Longmont, CO; 101 North East Vivion Road, Kansas City, MO.

League Ranch, agriculture; 906 Esperson Building, Houston, TX; 4–10–74.

Leepers Retail Outlet, food store; Star Route, Mount Pleasant, PA; 5–18–74.

Liberty Super Market, food store; No. 99, Grenada, MS; 4–27–74.

Lineville IGA Food Store, food store; Lineville, AL; 4–30–74.

Lippett Pharmacy, Inc., drug store; 103 West Main Street, Lowell, MI; 4–30–74.

Lynndale Planting Co., Inc., agriculture; Cary, MS; 5–11–74.

Martori Bros. Distributors, agriculture; Glendale, AZ; 4–30–74.

May's Drug Store, drug stores, 5–1–74, except as otherwise indicated: No. 167, Cedar Falls, IA (4–30–74); Nos. 161, 166, and 170, Cedar Rapids, IA; No. 204, Dubuque, IA; No. 184, Marion, IA; No. 197, Ottumwa, IA; No. 181, Waterloo, IA (4–30–74).

W. H. McLeod & Son, agriculture; Seabrook, SC; 5–20–74.

Men's Quality Shop, Inc., apparel stores: 24–30 East Broughton Street, Savannah, GA, 5–17–74; Oglethorpe Mall, Savannah, GA, 5–7–74.

Mid-Nebraska Lutheran Home, nursing home; Newman Grove, NE; 5–8–74.

Milton Grocery Co., food store; 1531 South 13th Place, Birmingham, AL; 4–21–74.

Mount Arbor Nurseries, agriculture; 400 North Center Street, Shenandoah, IA; 5–9–74.

Myers Drumstick Restaurants, Inc., restaurant; 2700 Georgia Street, Amarillo, TX; 5–7–74.

Nelson W. Scott, agriculture; 3825 Werner Street, Muskegon, MI; 5–12–74.

Newman's Superthrift, food store; Fairfield, PA; 5–14–74.

Park Pacemaker Food Store, food store; 8010 North Second Street, Rockford, IL; 5–1–74.

Park 'N Shop Supermarket, food stores; 107 East Jefferson, Culver, IN 5–12–73 to 4–30–74; Lincolnway at Beech Road, Osceola, IN, 5–12–73 to 4–30–74; 54977 Mayflower Road, South Bend, IN, 5–12–73 to 4–30–74.

Parkview Gardens Care Center, nursing home; 310 Upland Drive, Waterloo, IA; 5–10–74.

Payne's Furniture & Appliance, Inc., furniture store; Caddo Mills, TX; 4–15–74.

Pepper Shop Rite, food store; Walnut Cove, NC; 5–22–74.

Perry's IGA Foodliner, food store; Wedowee, AL; 4–30–74.

Piggly Wiggly, food stores, 3–21–74, except as otherwise indicated: No. 24, Arkadelphia, AR; Nos. 15 and 16, Hot Springs, AR; 200–204 Southwest Front Street, Walnut Ridge, AR (3–31–74); 10th Street, DeFuniak Springs, FL (5–11–74); North Lake Drive, Prestonsburg, KY (5–18–74); Nos. 1 and 2, Minden, LA; 110 North Pine Street, Vivian, LA.

Pinecrest Medical Care Facility, nursing home; Powers, MI; 4–21–74.

The Poor Sisters of Nazareth, Inc., nursing home; 814 Jackson Street, Stoughton, WI; 4–27–74.

S. & S. Postville Food Center, Inc., food store; Postville, IA; 4–20–74.

Poteau Food Market, Inc., food store; No. 3, Poteau, OK; 4–16–74.

Poyntz Avenue Pantry, Inc., food store; 1522 Poyntz, Manhattan, KS; 5–3–74.

Randall's, food stores: Nos. 1 and 2, Houston, TX, 3–22–74; No. 3, Houston, TX, 3–26–74.

Ream's Inc., food stores: No. 8, Magna, UT, 5–31–74; 890 West Center Street, Provo, UT, 5–10–74.

Reeble Food Market, food stores, 5–14–74: Nos. 1 and 2, Emporia, KS.

Rice County District One Hospital, hospital; 631 Southeast First Street, Faribault, MN; 5–19–74.

Robert Buist, agriculture; 11993 74th Avenue, Allendale, MI; 5–4–74.

Rockton Avenue Pacemaker Food Store, food store; 3132 North Rockton Avenue, Rockford, IL; 5–1–74.

Rosefield Food Center, Inc., food store; Route 40, Richeyville, PA; 5–15–74.

St. Vincent General Hospital, hospital; West Fourth and Washington, Leadville, CO; 4–30–74.

Schensul's Cafeteria, Inc., restraurant, 333 South Burdick Street, Kalamazoo, MI; 4–24–74.

Shakertown at Pleasant Hill, Inc., restaurant; Route 4, Harrodsburg, KY; 4–22–74.

Shoe Fair Stores, Inc., shoe stores; 5872 West Fort Street, Detroit, MI; 5–9–74.

Sirloin Corral, restaurant; 1001 Boomer Road, Stillwater, OK; 4–30–74.

O. P. Skaggs-Skagway, food store; 620 West State Street, Grand Island, NE; 4–21–74.

Sloan's Super Market, food store; 108 North Wallace Street, San Sara, TX; 4–31–74.

S. L. Spotto Co., hardware store; 805 West Crawford Avenue, Connellsville, PA; 5–8–74.

Summit Mercantile Co., food store; Blackduck, MN; 4–20–74.

Super Drive-Ins, food store; No. 7, Clarksville, TN; 5–9–74.

Tom's Super Market, Inc., food store; Front Street at Kellner Boulevard, Rensselaer, IN; 5–14–74.

Tony and Luigi's, Inc., restaurant; 5140 O Street, Lincoln, NE; 5–9–74.

222 Food Markets, Inc., food store; R. D. No. 2, Fleetwood, PA; 5–12–74.

The Village Scene, apparel store; 2446 Miracle Lane, Mishawaka, IN; 4–30–74.

Village Vista, nursery home; 1941 Benmar Drive, Lancaster, PA; 4–30–74.

Walter P. Rawl & Sons, agriculture; Route 1, Gilbert, SC; 5–18–74.

Ward-Brodt Music Co., music store; 315 North Henry Street, Madison, WI; 5–14–74.

The Washington Hospital, hospital; 155 Wilson Avenue, Washington, PA; 5–11–74.

West Side Market, food store; 133 North Walker, Montgomery City, MO; 5–28–74.

Whittaker Foods, Inc., food store; 6353 North MacArthur, Oklahoma City, OK; 5–25–74.

William G. Cain, food store; Main and High Street, St. Paris, OH; 5–11–74.

Wm. A. Lewis Clothing Co., apparel store; 1330 Winston Plaza, Melrose Park, IL; 5–14–74.

Wright's Foodliner, food stores: 713 Elm Street, Union City, IN, 4–24–74; Aukerman and Decatur, Eaton, OH, 5–12–74.

Zarda Bros. Dairy, Inc., food store; No. 9, Overland Park, KS; 4–30–74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before August 13, 1973.

Signed at Washington, D.C. this 6th day of July 1973.

DONALD T. CRUMBACK,
Authorized Representative of the Administrative.

[FR Doc.73–14322 Filed 7–12–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 295]

ASSIGNMENT OF HEARINGS

JULY 10, 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.

FD-27346, Missouri Pacific Railroad Corp., Securities, now being assigned hearing August 27, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14357 Filed 7-12-73;8:45 am]

[Rev. S. O. 994; I.C.C. Order 105]

CENTRAL VERMONT RAILWAY, INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Central Vermont Railway, Inc. is unable to transport traffic over its line between Bethel, Vermont, and White River Junction, Vermont, because of track damage from flooding.

It is ordered, That:

(a) The Central Vermont Railway, Inc., being unable to transport traffic over its line between Bethel, Vermont, and White River Junction, Vermont, because of track damage from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 12:01 p.m., July 2, 1973.

(g) Expiration date. This order shall expire at 11:59 p.m., July 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 2, 1973.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER *Agent.*

[FR Doc.73-14353 Filed 7-12-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JULY 10, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42711—*Hot Topping Compounds from Philadelphia, Pa.* Filed by Southwestern Freight Bureau, Agent, (No. B-420), for interested rail carriers. Rates on hot topping compounds, in carloads, as described in the application, from Philadelphia, Pa., to Shreveport, La.

Grounds for relief—Rate relationship.

Tariff—Supplement 65 to Southwestern Freight Bureau, Agent, tariff 58-E, I.C.C. No. 4994. Rates are published to become effective on August 13, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14355 Filed 7-12-73;8:45 am]

[Ex Parte 252 (Sub-No. 1)]

INCENTIVE PER DIEM CHARGES—1968

Directing Special Procedure

Upon consideration of the record, the reports herein (of which 343 I.C.C. 49 is the most recent), petitions for reconsideration and the various orders, including the order of April 24, 1973, reopening the proceeding for reconsideration of six specific matters[1] and assigning the matter for prehearing conference held June 5, 1973;

It appearing, that at the prehearing conference several petitioners renewed their requests that the proceeding be reconsidered in toto, rather than specifically on the six issues outlined in the Commission's order of April 24, 1973, on the grounds urged in prior written petitions;

It further appearing, that oral requests that the proceeding be reconsidered in toto have already been considered by the Commission in connection with the orders entered on April 24, May 25, May 31, and July 6, 1973, wherein such written requests were denied;

It further appearing, that a majority of those present at the prehearing conference of June 5, 1973, favored the adoption of special procedure for the purpose of expediting resolution of the matters involved; and for good cause shown:

It is ordered, That on or before August 13, 1973, parties to the proceeding shall file with the Commission an original and 15 copies of verified statements of position in writing, verified statements of witnesses, together with studies, if any, designed to support their respective positions with a statement of where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in the Appendix attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before July 27, 1973. All rail carriers filing such statements shall include data listing monies collected, monies paid out, amounts spent (indicating the purposes therefor) and amounts held in escrow, all in compliance with the Commission's prescribed incentive per diem

[1] The order stated: "*It is ordered*, That this proceeding be, and it is hereby; reopened for reconsideration for the purposes of (1) determining whether the funds now earmarked for boxcars should be permitted to be drawn down for the acquisition of other types of cars in demand, like covered hoppers, and whether such modification would increase the number of boxcars available for general use, (2) determining whether the existing test period average should be modified in any respect, (3) determining whether a specified period should be prescribed within which incentive funds must be expended or committed to the acquisition of general service boxcars, (4) determining whether carriers which fail to acquire their normal complement of such cars and, consequently, are unable to draw down the incentive funds within a specified period, should be required to return the funds collected to the debtor carriers, (5) determining other methods to facilitate the use of the accrued incentive per diem funds for the purchase, building, or rebuilding of general service, unequipped boxcars, and (6) determining whether any group of carriers should be exempt from the payment of incentive per diem."

rules and regulations. In order that the parties may assist the Commission in determining what relief, if any, is warranted on this record and in conformity with the six specified issues noted above, among other factors, respondents should also show, to the extent possible, how they contemplate to utilize any unexpended or uncommitted incentive per diem funds in conformity with the present rules and regulations.

It is further ordered, That on or before September 17, 1973, any party to the proceeding wishing to file a reply to a verified statement shall file with the Commission an original and 15 copies of such reply verified statements in writing, verified statements of witnesses, and at the same time, serve a copy of such prepared material upon all parties listed in the Appendix attached hereto and any additional parties who make known their desire to actively participate in the proceeding on or before July 27, 1973.

It is further ordered, That any additional parties who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before July 27, 1973, as well as all parties listed in the Appendix.[2]

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before October 3, 1973, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on October 15, 1973, 9:30 o'clock a.m. United States Daylight Savings Time at the Office of the Interstate Commerce Commission, Washington, D.C., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and any such other pertinent evidence which the presiding Administrative Law Judge deems necessary to complete the record.

It is further ordered, That a copy of this order be served upon all parties to this proceeding listed in the Appendix,[2] that a copy be filed in the Office of the Secretary of this Commission and in each field office; and that a copy of this order and of the Appendix hereto be delivered to the Director, Division of Federal Register, for publication in the FEDERAL REGISTER.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, initial and reply statements filed by the parties participating herein shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation—Natl. Environmental Policy Act, 1969, 340 I.C.C. 431 (1972).

And it is further ordered, That to avoid future unncessary service upon parties who may have participated in the earlier proceeding and who are not actively participating in the reopened proceeding, subsequent service herein of notices and orders of the Commission will be limited to those parties who:

(1) Have appeared at the prehearing conference, or

(2) Have specifically made written request to the Secretary of the Commission to be included on the service list to actively participate and to receive copies of the material to be served as outlined herein.

Dated at Washington, D.C., this 9th day of July, 1973.

By the Commission, Commissioner Rupert L. Murphy.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-14356 Filed 7-12-73;8:45 am]

[Notice 313]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before August 2, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74165. By order of July 9, 1973, the Motor Carrier Board approved the transfer to Wagner Household Vans, Incorporated, Maryville, Mo., of the operating rights in Certificate No. MC-136948 issued May 10, 1973, to Harvey Williams, Maryville, Mo., authorizing the transportation of household goods, as defined by the Commission, between points in Atchison and Holt Counties, Mo., on the one hand, and, on the other, points in Nebraska, Kansas, and Iowa; and between points in Buchanan County, Mo., on the one hand, and, on the other, points in Kansas, Nebraska, and Illinois. Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106 Attorney for applicants.

No. MC-FC-74219. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Seigle's Express, Inc., North Arlington, N.J., of a portion of Certificate No. MC-35858 issued May 2, 1972, to Paramus Delivery Service, Inc., New York, N.Y., authorizing the transportation of Gas ranges, electric materials, paints and raw materials (shoddy), between New York, N.Y., on the one hand, and, on the other, points in that part of New Jersey (except Newark, N.J., and points in New Jersey within 10 miles of Newark), New York, and Connecticut within 35 miles of Columbus Circle, New York, N.Y. Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904, Applicants' Representative.

No. MC-FC-74391. By order of July 5, 1973, the Motor Carrier Board approved the transfer to New England Bus Company, Inc., Acushet, Mass., of Certificate No. MC-9598 (Sub No. 2) issued to Union Street Railway Company, a corporation, New Bedford, Mass., authorizing the transportation of: Passengers and their baggage, in special operations, beginning and ending at New Bedford, Mass., and extending to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Frank Daniels, Attorney, 15 Court Square, Boston, Mass. 02108 Edward F. Harrington, Attorney, 190 William St., New Bedford, Mass. 02740.

No. MC-FC-74466. By order entered July 2, 1973, the Motor Carrier Board approved the transfer to Storer Transportation Service, Inc., Modesto, Calif., of the operating rights set forth in Certificate No. MC-15401, issued April 13, 1942, to Willis M. Kleinenbroich, doing business as Modesto Riverbank Oakdale Stage Line, Modesto, Calif., authorizing the transportation of passengers and their baggage, and express and newspapers, in the same vehicle with passengers, over a regular route, between Modesto, Calif., and Oakdale, Calif., from Modesto over unnumbered highway to Oakdale, and return over the same route, servicing all intermediate points. Edward M. Lacy, 1024 J. Street, Suite 420, P.O. Box 3150, Modesto, CA 95353, attorney for applicants.

No. MC-FC-74539. By order of July 3, 1973, the Motor Carrier Board approved the transfer to Peters Truck Lines, a corporation, Yreka, California, of Certificates of Registrations Nos. MC 97710 (Sub-No. 5), issued April 7, 1965, to

[2] Filed as part of the original document.

Walter F. Peters, Doing Business As Peters Truck Lines, Yreka, California, evidencing a right to engage in transportation in interstate commerce corresponding in scope to Certificate of Public Convenience and Necessity granted in Decision No. 60602, dated August 23, 1960, as transferred by Decision No. 66733, dated February 4, 1964 and MC 97710 (Sub-No. 6), issued April 6, 1970, evidencing a right to engage in transportation in interstate commerce, corresponding in scope to Certificate of Public Convenience and Necessity granted in Decision No. 61589, dated February 28, 1961, as amended by Decision No. 74082, dated May 7, 1968 and transferred by Decision No. 74473, dated July 30, 1968, issued by the California Public Utilities Commission. Marshall G. Berol, Esq., Loughran, Berol & Hegarty, 100 Bush Street, San Francisco, Calif. 94104 Attorney for applicants.

No. MC-FC-74572. By order dated July 6, 1973, the Motor Carrier Board approved the transfer to Campo's Express, Inc., Stafford Springs, Conn., 06076, of the operating rights set forth in Certificate No. MC-49318, issued May 27, 1941, authorizing the transportation of general commodities, with usual exceptions, between Stafford, Conn., and Springfield, Mass., over specified routes; and general commodities with usual exceptions, from Springfield, Mass., to Williamantic, Conn., and between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, on the one hand, and, one the other, Stafford, Conn., and points in Connecticut within 15 miles of Stafford. Thomas W. Murrett, 342 North Main St., West Hartford, Conn. 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-14354 Filed 7-12-73;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY PROGRAM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 190]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Proposed Rule Making

Pursuant to the authority contained in Subpart 1 of Part A of Title IV of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the following Regulations under Part 190 of Title 45 of the Code of Federal Regulations, covering the general definitions, procedures for applying for a determination of the expected family contribution, method of award determination and the allowable educational costs for the Basic Educational Opportunity Grant Program. Regulations covering the determination of the expected family contribution for both dependent and independent students have been previously published (38 FR 15418, June 11, 1973).

Subpart A of the proposed regulation sets forth the scope and definitions, Subpart B sets forth the application procedures for determining expected family contributions, Subpart E sets forth the allowable costs of attendance criteria, and Subpart F sets forth the procedures for the determination of Basic Grant awards.

The appendix to this notice, which will not be part of the regulations, includes an explanation and rationale for the provisions in each proposed subpart.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rules to Peter K. U. Voigt, Acting Coordinator, Basic Educational Opportunity Grants, U.S. Office of Education; Room 4010, Federal Office Building No. 6; 400 Maryland Avenue, SW., Washington, D.C. 20202, on or before August 13, 1973. Comments received will be available for public inspection at the above office Monday through Friday between 8:00 a.m. and 4:30 p.m.

(20 U.S.C. 1070a)

Dated: June 29, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved: July 9, 1973.

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

Subpart A—Scope, Purpose and General Definitions

Sec.
190.1 Scope and purpose.
190.2 General definitions.
190.3 Eligible student.

Subpart A—Scope, Purpose and General Definitions

§ 190.1 Scope and purpose.

The purpose of the Basic Educational Opportunity Grant Program is to assist in making available the benefits of post-secondary education to eligible students by providing assistance in meeting the cost of such education.

(20 U.S.C. 1070a)

§ 190.2 General definitions.

For purposes of this part,

(a) "Academic year" means a period of time of not less than 8 months which occurs during a 12 month period beginning July 1 and ending June 30 of the subsequent year, and in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, 30 semester hours, 30 trimester hours, 45 quarter hours, or 900 clock hours of instruction.

(20 U.S.C. 1088(c)(1))

(b) "Act" means Title IV–A–1 of the Higher Education Act of 1965, as amended.

(c) "Clock hour" means a period of time which is the equivalent of either (1) a 50 to 60 minute class, lecture or recitation, (2) two hours of laboratory, shop training, or internship requiring outside preparation, (3) 2 hours of outside preparation related to (1) and (2), or (4) 3 hours of laboratory, shop training, or internship not requiring outside preparation.

(d) "Commissioner" means the U.S. Commissioner of Education or his designee.

(e) "Eligible program" means a program of training at an institution of higher education which (1) leads to a degree or certificate, (2) is of at least six months duration, and (3) admits as regular students only those persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(20 U.S.C. 1141(a)(1); 20 U.S.C. 1088(b)(3))

(f) "Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in full-time study, and which amounts to a minimum of 12 semester hours or 12 quarter hours per academic term for institution utilizing trimesters, semesters or quarter hour systems, or which consists of a program requiring a minimum of 25 clock hours per week for those institutions that do not utilize such systems, and (2) the tuition and fees customarily charged for full-time study by the institution.

(20 U.S.C. 1088(c)(2))

(g) "Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) course work or other required activities as determined by the institution in which the student is enrolled, including any combination of courses, work experience, research or special studies which the institution requires of the student to consider him as being engaged in part-time study, and which amounts to a minimum of 6 semester hours or 6 quarter hours for institutions utilizing trimesters, semesters or quarters, or which consists of a program requiring a minimum of 13 clock hours per week for those institutions which do not utilize such systems, and (2) the tuition and fees customarily charged for half-time study by the institution. All students engaged in a program of study by correspondence which is offered as requiring at least 12 hours of preparation a week shall be considered half-time students for purposes of this part.

(h) "Good standing" means the eligibility of a student to continue in attendance in accordance with the standards and practices of the institution in which he is enrolled.

(i) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provision of paragraph (i) (1), (2), (4), and (5) of this section, and any proprietary institution of higher education as defined in paragraph (j) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1088(b))

(j) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month pro-

gram of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(k) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(l) "State" includes, in addition to the several States of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(m) "Undergraduate course of study" means a regularly prescribed course of study for an undergraduate student at an institution of higher education.

(n) "Undergradute student" means a student who (1) is in attendance at an institution of higher education, (2) has not earned his first baccalaureate or professional degree, and (3) is not enrolled in a program that leads to (i) a first professional degree when at least three years of study at the postsecondary level are required for entrance into the program leading to such a degree, or (ii) a degree beyond the bachelor's degree or a first professional degree. Such term does not include any student who is enrolled in that portion of a program that involves study beyond the fourth year of study at the postsecondary level unless such program is designed to extend for a period of five years.

(20 U.S.C. 1070a unless otherwise noted)

§ 190.3 Eligible student.

(a) A student is eligible to receive a Basic Educational Opportunity Grant under this part if he:

(1) Was not enrolled as a regular student at any institution of higher education prior to July 1, 1973,

(2) Is accepted for enrollment or is enrolled in good standing as a full-time undergraduate student at an institution of higher education,

(3) Is enrolled in an eligible program as defined in § 190.2(e), and

(4) Is a citizen or national of the United States or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof; or is a permanent resident of the Trust Territory of the Pacific Islands.

(b) For purposes of paragraph (a) of this section a student shall be deemed not to have been enrolled as a regular student at any institution of higher education where such student (1) was enrolled in a program of remedial study, whether or not for credit, (2) was enrolled in a preparatory program, whether or not for credit, designed to enable the student to meet the requirements for enrollment at an institution of higher education, or (3) was enrolled on less than a full-time basis and had not yet received a high school degree or its equivalent.

(20 U.S.C. 1070a; 1088; P.L. 93-35)

Subpart B—Application Procedures for Determining Expected Family Contribution

Sec.

190.11 Application.
190.12 Certification of information.
190.13 Deadline for filing applications.
190.14 Notification of expected family contribution.
190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.
190.16 Extraordinary circumstances affecting the expected family contribution determination.

Subpart B—Application Procedures for Determining Expected Family Contribution

§ 190.11 Application.

In order to have the expected family contribution calculated for any academic year, a person shall submit to the Commissioner a form, approved by the Commissioner for that purpose, containing such information as the Commissioner may from time to time prescribe, unless the Commissioner specifically provides an alternative method of receiving such information.

(20 U.S.C. 1070a(b)(2))

§ 190.12 Certification of information.

An applicant, and where relevant, the applicant's parents or spouse, shall authorize the Commissioner to obtain from the Internal Revenue Service a copy of the Federal Income Tax Return(s) of the applicant, parent or spouse for the base year in order to verify the information disclosed on the application form. In addition, the applicant, and where relevant, the applicant's parents or spouse shall provide, if requested, any other documentation necessary to verify information discolsed on the application form.

(20 U.S.C. 1070a(b)(2))

§ 190.13 Deadline for filing applications.

The Commissioner will from time to time establish cut-off dates for filing of applications for determining expected family contributions for any academic year.

(20 U.S.C. 1070a(b)(1))

§ 190.14 Notification of expected family contribution.

The Commissioner will send to each eligible student a "Family Contribution Analysis Report" which states the amount of the applicant's expected family contribution for the academic year for which a Basic Educational Opportunity Grant is requested and certain basic information used in the computation of that amount.

(20 U.S.C. 1070a)

§ 190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.

An applicant may request a recomputation of his expected family contribution if he believes a clerical or arithmetic error has occurred. The applicant requesting such a recomputation must submit his request for recomputation to the Commissioner no later than five (5) weeks after the date indicated on the "Family Contribution Analysis Report". Such requests are to be made in such form as the Commissioner will specify.

(20 U.S.C. 1070a(b)(2))

§ 190.16 Extraordinary circumstances affecting the expected family contribution determination.

Where:

(1) Either a parent or a spouse whose income was included in the calculation of expected family contribution as determined in § 190.33 or § 190.44 has died in the base year or the tax year subsequent to the base year,

(2) Either a parent or a spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has experienced loss of employment of at least ten (10) weeks during the tax year subsequent to the base year, or

(3) Either an applicant, parent, or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has been unable to pursue normal income-producing activities by reason of disability or natural disaster for a period of at least ten (10) weeks during the tax year subsequent to the base year,

the applicant may submit an application, or if an application has been previously submitted, a new application which shall use the tax year subsequent to the base year as the base year. Such an application shall include the annual adjusted family income received to the date of application or reapplication and an estimate of the annual adjusted family income for the remainder of that year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V))

Subpart E—Costs of Attendance

Sec.

190.51 Costs of attendance.

Subpart E—Costs of Attendance

§ 190.51 Costs of attendance.

(a) For the purposes of this part only the following expenses (and allowances

in lieu of expenses) shall be recognized as a student's cost of attendance.

(1) *Tuition and fees.* The amount charged the student for tuition and fees that is generally charged to all students or that is generally charged to a particular class of students of which the applicant student is a member.

(2) *Room and board.* (i) The actual amount charged by the institution pursuant to a contract entered into with the student under which both room and board are provided by the institution; or,

(ii) The actual amount charged by the institution pursuant to such a contract entered into for room but not board, plus an allowance of $550; or,

(iii) The actual amount charged by the institution pursuant to such a contract entered into for board but not room, plus an allowance of $400; or,

(iv) Where no such contract is entered into for either room or board, an allowance of (1) $950 if the student does not live with a parent or parents, or (2) $750 if the student lives with a parent or parents.

(3) *Books, supplies, and miscellaneous expenses.* An allowance of $350.

(b) For the purpose of this section, tuition and fees may not include any amounts related to the cost of travel, except such travel within the United States, other than travel from the student's residence to the institution, as is required in connection with a particular course of study.

(c) In the case of students engaged in a program of study by correspondence, only the costs of tuition and fees determined in accordance with paragraph (a) of this section shall be recognized as a student's cost of attendance for the purposes of this part.

Subpart F—Determination of Basic Educational Opportunity Grant Awards

Sec.

190.61 Submission of "Family Contribution Analysis Report" for purposes of basic educational opportunity grant calculation.
190.62 Calculation of basic educational opportunity grant awards at full-funding.
190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.
190.64 Calculation of basic educational opportunity grant awards for less than an academic year.
190.65 Applicability of family contribution schedules and payment schedules.

Subpart F—Determination of Basic Educational Opportunity Grant Awards

§ 190.61 Submission of "Family Contribution Analysis Report" for purposes of basic educational opportunity grant calculation.

The applicant shall submit a "Family Contribution Analysis Report" to the institution(s) of higher education he wishes to attend in order to have the amount of his Basic Grant award determined. The Commissioner will from time to time establish cut off dates for any academic year for the filing of "Family Contribution Analysis Reports".

(20 U.S.C. 1070a(b)(2))

§ 190.62 Calculation of basic educational opportunity grant awards at full-funding.

When funds are available to satisfy such payments, the Commissioner will pay to each eligible applicant for any academic year a Basic Educational Opportunity Grant in an amount equal to $1400 minus his expected family contribution, except that no award will be made (a) which is in excess of 50 percent of the applicant's actual cost of attendance at the institution of higher education in which the applicant is enrolled, (b) which exceeds the difference between the expected family contribution of the applicant and his actual cost of attendance at the institution in which he is enrolled, or (c) which is less than $200.

(20 U.S.C. 1070a(2))

§ 190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

When funds are not available to fully satisfy all Basic Educational Opportunity Grant awards, each grant awarded to an eligible applicant determined under § 190.72 shall be reduced in accordance with the provisions of section 411(b)(3) of the Act. The amount to be reduced in accordance with section 411(b)(3) will be the remainder of $1400 less the applicant's expected family contribution. No award will be made if the amount of such award after the application of the provisions of section 411(b)(3) of the Act is less than $50, nor may an award be made under this Section to an applicant whose award was calculated to be less than $200 under § 190.62.

(20 U.S.C. 1070a(a)(2)(b)(iii))

§ 190.64 Calculation of basic educational opportunity grant awards for less than an academic year.

In the event that an applicant is enrolled as a full-time student during an academic year for a period of time which is less than a full academic year, the amount of his grant shall be reduced in the same proportion as that period of time bears to eight months.

(20 U.S.C. 1070a(a)(2))

§ 190.65 Applicability of family contribution schedule and payment schedules.

The Basic Educational Opportunity Grant award will be calculated on the basis of the costs of attendance as determined in Subpart E, the Family Contribution Schedules, and the Payment Schedule in effect for the academic year in which the award is made.

(20 U.S.C. 1070a(a)(2); 20 U.S.C. 1070a(b)(3))

Appendix

The following discussion is intended to provide additional information and explanation of the preceeding proposed regulations. The reference number which appears before each explanation corresponds to the number of the proposed regulation.

SUBPART A

Section 190.2(a) *Academic year.* The proposed definition of academic year provides for an academic year which corresponds to the Federal fiscal year, July 1 to June 30 of the subsequent year. Also, the definition provides for an academic year which is at least 8 months but no longer than 12 months in length.

The primary reason for proposing that an academic year must fall within the Federal fiscal year is to assure that all student awards are determined based on the same Family Contribution Schedules and payment schedule which are in effect for a particular fiscal year. By adopting this type of definition of academic year, we have precluded the situation where two students from similar economic backgrounds who are attending the same institution simultaneously would have different awards calculated because they initiated their academic year at different times.

Another reason for defining the academic year as the fiscal year is to provide a closing date for fiscal purposes. To determine the total expenditures from the fiscal year's appropriation, it is necessary to establish this cut-off date in order that final data on fiscal activity be easily and effectively processed.

Of course, there will be legitimate instances where an individual student's academic year would, in fact, span two fiscal years. When these situations occur, these awards will be calculated in the following manner:

1. At the time that the student initiates his academic year (i.e., April), his award is calculated on the basis of the Family Contribution Schedules and payment schedules in effect for that fiscal year. The award would be calculated for a full academic year.

2. The student's award would be disbursed to him in installments in proportion to the number of months remaining until June 30. A student who enrolled in April would then receive a payment equal to 3 months of his total award.

3. In order to receive an award after July 1, the student would submit an Application for Determination of Expected Family Contribution for the subsequent fiscal year.

4. Upon receipt of the new expected family contribution, the institution will calculate the student's award based on the payment schedule effective for that fiscal year.

5. The student's award will then be disbursed on the basis of the months remaining in the student's academic year.

The provision that the academic year is at least 8 months but not longer than 12 months accommodates the traditional 8½ to 9 month academic year as well as the academic years at many of the non-traditional types of institutions.

Only one Basic Grant can be awarded a student during one academic year. Students enrolled in accelerated courses of study leading to a certificate or degree in less than the customary length of time required to obtain such a certificate or degree, often attend on a continuous basis. For purposes of the Basic Grant Program, these students will only receive *one* award for use in the academic year. For instance, if a student enrolled in September and completed one year of study in May, he would receive one Basic Grant for that period. If this student immediately initiated the second year of study, he could not receive a second award until after July 1.

Section 190.2(c) *Clock hour.* While many institutions utilize such academic units as semesters, trimesters, and quarters, a large number of schools measure progress toward a certificate or degree in terms of clock hours.

In order to accommodate these types of institutions, the proposed definition of clock hour recognizes and establishes minimum standards upon which a student's progress can be equated with traditional academic units.

The proposed definition would establish one clock hour as (1) a 50 to 60 minute class, lecture or recitation, (2) two hours of laboratory, shop training, or internship requiring outside preparation, (3) two hours of outside preparation for every 50 to 60 minute class, lecture or recitation, (4) two hours of outside preparation for every two hours of laboratory, shop training, or internship requiring outside preparation, or (5) three hours of laboratory, shop training or internship not requiring outside preparation. Further, this proposed definition of clock hours is consistent with that presently used for the Federally Insured Student Loan Program.

Section 190.2(e) *Eligible program.* The proposed definition of eligible program serves the purpose of establishing those types of educational courses of study within an eligible institution in which a student must be enrolled in order to receive a Basic Grant. The requirements for determining institutional eligibility are specified by law. The term eligible program for purposes of Basic Grants applies these statutory provisions to the programs of study within these eligible schools. In this way we seek to assure that students receiving Basic Grants are attending educational programs which meet certain minimum standards and which are postsecondary in nature.

Section 190.2(f) *Full-time student.* In the first year of operation, Basic Grant eligibility is restricted to students who are beginning their postsecondary education and who are attending on a full-time basis. Generally, traditional types of institutions consider 15 credit hours to be a full-time academic work load. However, while many students average 15 credit hours per academic term, in practice students often vary their work load between 12 and 18 credits per term. Therefore, 12 credit hours has been traditionally recognized as the minimum full-time schedule. The proposed definition is designed not to exclude those students who are temporarily taking less than the number of credit hours generally recognized to be a full-time academic work load.

In the event that the institution uses clock hours rather than semester or quarter hours, 25 clock hours a week can be shown, as illustrated below, to be the approximate equivalent of 12 semester, trimester or quarter hours.

It is customarily assumed that a student spends 1 to 3 hours of study or laboratory work outside of class for each hour spent in class. At a minimum, therefore, a student enrolled for a course of study of 12 semester, trimester or quarter hours devotes at least 1 hour of outside study for each classroom hour of study.

His total study load would, therefore, be at least 24 clock hours. Since most students spend more than one hour of laboratory work or study for an hour of class work, the one hour of difference between 24 and 25 clock hours does not seem significant. In addition, a student who is enrolled for 25 clock hours a week would complete 100 clock hours of work in a month and 900 clock clock hours in a year, which is a traditional definition of a full academic year for institutions using clock hours.

In addition to meeting the work load criteria, a full-time student must also be charged the tuition and fees normally charged by the institution to a student who is taking a full-time course load.

By establishing both of these eligibility criteria, it can be assured that only truly full-time students are receiving Basic Grants.

Section 190.2(g) *Half-time student.* Although half-time students are not eligible to receive Basic Grants in the 1973–74 academic year, a definition of half-time student is necesary for purposes of the multiple student adjustment in the determination of expected family contribution. The proposed definition parallels that for full-time student. The definition further indicates that all students engaged in a program of study by correspondence at institutions of higher education will be considered to be half-time students or less depending on the number of required clock hours of preparation per week. Such consideration is consistent with the existing regulations of the Federally Insured Student Loan Program.

Section 190.2 (j) *Institution of higher education.* The definition of institution of higher education (including proprietary institutions of higher education) reflects the statutory requirements for institutional eligibility and is the standard defintion used by many of the existing Federal student financial aid programs.

Inquiries and communications relating to institutional eligibility should be addressed to the Accreditation and Institutional Eligibility Staff, Bureau of Higher Education, U.S. Office of Education, Washington, D.C. 20202.

Section 190.2(n) *Undergraduate student.* The proposed definition of undergraduate student generally reflects the criteria used by institutions of higher education in determining the status of an undergraduate student. For purposes of Basic Grants, however, any student who has already earned his first baccalaureate degree is not considered to be an undergraduate student even if he is enrolled in an undergraduate course of study. For example, a student who has earned on Associate of Arts degree and who is enrolled in a program of study leading to a baccalaureate degree, would be considered to be an undergraduate student. On the other hand, a student who has already earned any baccalaureate degree and who is enrolled in a program which is designed to lead to a baccalaureate degree would *not* be considered to be an undergraduate student for purposes of Basic Grants.

Students who are enrolled in a program of study which is designed to lead to both a bachelor's degree and an advanced degree over a five-year or longer period, will be considered to be an undergraduate student for only the first four years of that program. Of course, students who are enrolled in a program of study leading to a *first* baccalaureate degree, designed by the institution to extend over 5 academic years, will be considered to be undergraduate students for the length of the program.

For purposes of Basic Grants, students who are enrolled in a program of study leading to a first professional degree which requires at least 3 years of study at the undergraduate level prior to entrance into such a program, will be considered to be undergraduate students for only that period of required undergraduate study.

Section 190.3 *Eligible student.* Students who are eligible to receive Basic Grants during the first year of operation (academic year 1973–74), must be beginning their postsecondary education after July 1, 1973 and be enrolled in an eligible program in an institution of higher education on a full-time basis.

Any students enrolled as regular students in an institution of higher education prior to July 1, 1973 will not be eligible to receive Basic Grants.

High School students who take college-level courses while still in secondary schools are not considered to have been enrolled as regular students. These students are then, therefore, eligible to receive Basic Grants.

Another group of students who are not considered to have been enrolled as regular students in institutions of higher education prior to July 1, 1973, are those persons who were enrolled in remedial or preparatory programs of study, whether or not for credit, before that date. These special programs must be designed specifically for the purposes of assisting students who require such remedial or preparatory study in order to successfully pursue postsecondary education.

This proposed provision is to assure that students participating in Upward Bound, Student Special Services, and other special programs, sponsored by Federal, State, or private organizations will not be excluded from participation in the Basic Grant Program.

SUBPART B

Subpart B establishes the application procedures for Basic Grants.

Section 190.11 *The application for determination of expected family contribution.* "Application for Determination of Expected Family Contribution" forms for the 1973–74 academic year will be widely distributed to students through student financial aid officers at institutions of higher education, high school guidance counselors, post offices, Talent Search Projects, Upward Bound Projects, and other organizations and agencies located in areas easily accessible to students.

For the first year of operation completed forms will be submitted to the American College Testing Program which has a contract with the Commissioner to calculate expected family contributions for the Basic Grant Program according to the appropriate Regulations issued by the Office of Education.

Section 190.12 *Certification of information.* The determination of expected family contribution is based on data supplied by the applicant relating to the financial strength of his family. Since several of the data items requested on the application form reflect information provided by the applicant (and where relevant his parents or spouse) for Federal Income Tax purposes, the student may be requested to submit to the Commissioner the IRS returns for the base year as well as other documentation necessary to verify the information provided. In addition, when the applicant (and where relevant, his parents or spouse) signs the application form, he authorizes the Commissioner to obtain copies of the Federal Income Tax Returns for the base year.

Section 190.15 *Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.* Applicants will be notified of the amount of their expected family contributions by the Commissioner on a "Family Contribution Analysis Report". In addition to the amount of the expected family contribution, the notification will include certain key data items taken from the applicant's application which were used in calculating the contribution. The applicant should compare these data items with those submitted on his application form and, should there be any discrepancy, he may request a recomputation of his expected family contribution. Such a request for recomputation must be made within five weeks of the date indicated on the "Family Contribution Analysis Report".

Section 190.16 *Extraordinary circumstances affecting the expected family contribution determination.* For purposes of determining expected family contribution for the Basic

Grant Program it was determined that the most accurate indicator of annual adjusted family income is the amount reported on the Federal Income Tax Return for the year preceding the year for which aid is requested. However, it was recognized that extraordinary circumstances could occur which would substantially affect the expected family contribution which was calculated on the basis of the preceding year's income. Therefore, this proposed regulation establishes the conditions under which an applicant may request a determination of expected family contribution which uses the current tax year as the base year and reflects these extraordinary circumstances.

In the event of the death of the applicant's parent(s) or spouse whose income was included in the determination of expected family contribution, the applicant may immediately request that his expected family contribution be calculated using the current tax year as the base year.

A different situation exists in those cases where the parent or the spouse of the applicant suffers a loss of employment. Unemployment may be for a brief period only, and reemployment may permit the family to enjoy the same level of income as that before the wage earner became unemployed.

A similar situation occurs when the applicant, and where relevant the applicant's parent or spouse whose income was included in the determination of expected family contribution, is unable to pursue normal income-producing activities due to disability or natural disaster.

For applicants who experience such situations as described above, there will be a requirement of a 10-week waiting period before the applicant can request a calculation of expected family contribution using the current tax year as the base year.

In all cases where a request is made to vary from the standard base year, the applicant will be required to submit the amount of income received to the date of the request and an estimate of the amount of income to be received for the remainder of that year as well as any other pertinent information the Commissioner may require.

SUBPART E

Subpart E establishes the allowances for the costs of attendance for students seeking Basic Grants. The legislation defines the "actual cost of attendance" as the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books and an additional allowance for other expenses that the Commissioner determines to be reasonable for students attending an institution of higher education. Certain costs, such as tuition, fees, and dormitory charges, can be precisely known at the time of enrollment. Other costs, such as those for off-campus living expenses, books or miscellaneous expenses, can only be estimated at the time a student's Basic Grant is calculated. Therefore, it was determined that standard allowances would be established for this second group of costs.

No allowance is made for the cost of room and board, or books, supplies, and miscellaneous expenses of the student engaged in a program of study by correspondence. In the case of books and supplies, these expenses are generally part of the tuition of the correspondence student. The room and board costs and miscellaneous expenses which the student engaged in correspondence study incurs are seen as fixed costs that the student would assume whether or not he was enrolled in postsecondary education.

Subpart E of the regulations states which costs are accepted as they are charged the student, and those costs which require an allowance. The reference numbers which appear before each item refer to the numbers of the Regulations.

Section 190.51(a)(1) *Tuition or fees.* Since such costs as tuition and fees are definite, the institution can determine the actual amount charged for tuition and fees for each student. For both tuition and fees, only those charged to all students within a certain class of study or those required of a certain class of students for educational purposes will be allowed.

For example, a parking fee, which is a discretionary item, would not be allowed since it is not required of all students or of all students within a certain curriculum. However, a laboratory fee charged to all chemistry students would be allowed since it is a fee required all students taking such a course.

The "out of State" or "out of county" tuition or fees charged by State and county public educational institutions are allowable since they are charged an entire class of students. No travel costs, including the cost of travel for study outside the United States, are allowed since these costs are not authorized by the enabling legislation. However, the costs of travel within the United States, which are charged as a course fee or included in tuition charges by the institution of higher education, and are required of all students taking such course, are allowed.

Section 190.51(a)(2) *Room and board.* Separate standard allowances were established for those students who did not contract for room and board with the institution, and for students who resided with their parents.

The $950 allowance for the student who does not enter into a contract for room and board facilities at the institution is the combination of a $531 allowance for board and a $412 allowance for room. The $531 allowance for board costs was determined by multiplying the U.S. Department of Agriculture's monthly moderate cost food plan for boys between 15 and 20 years old by 12 to determine annual costs. The one month cost for January 1973 was $63.20.[1] The 12 month cost would then be $758.40. Since most students are in attendance at institutions of higher education for only 36 weeks or 70% of the year, this $758.40 was multiplied by .70 to produce a board cost of $531.

The room cost was derived from the Bureau of Labor Statistics estimate of housing expenses for the lower budget level in Autumn 1971. This figure, $1516,[2] was increased by 5% as an estimate for inflation, and then adjusted by .37[3] which is the BLS Index of the difference between the four member family which is the base for the lower budget level estimate and the one member household. The adjustment above would produce an annual housing cost of $589. This figure was then further reduced to account for the fact that the student is generally only in an institution of higher education for 70 percent of the year. Such a reduction brings these costs to $412. The combined room and board figure is therefore $943 which has been rounded to $950.

The separate allowances for room and board are derived by this same process.

The allowance of $750 is proposed for the student living with his parents. The cost of living at home for a year may be approximated by determining the difference in the Family Size Offset for a family of a given size and the family one member smaller. The table below presents the $700 average difference in the family size allowance.

AVERAGE FAMILY SIZE OFFSET[4]

Family	Family Size Offset	Difference
2	2800	
3	3350	550
4	4300	950
5	5050	750
6	5700	650
7	6300	600
		3300
		5
		700
		Average Difference

[4] The Family Size Offset figures are taken from Subpart D, § 190.44(c)(1) of the proposed Regulations for the Basic Educational Opportunity Grant Program as published February 2, 1973, in the FEDERAL REGISTER.

The average costs determined above reflect the cost of supporting a student for the entire year. Since most students are in attendance at institutions of higher education for only 36 weeks or 70 percent of the year, it is appropriate to utilize only 70 percent of the average difference to determine the costs of supporting the student which are related to the student's education. 70 percent of the $700 average is $490.

In addition to the room and board costs, some transportation allowance must be made for the commuting student since the Act specifies the "expenses related to reasonable commuting" are to be included.

The cost for transportation for commuting students was determined by averaging the cost for commuting students at public and private institutions as shown in the table below. The average is $259.

AVERAGE TRANSPORTATION COSTS OF STUDENTS AT PUBLIC AND PRIVATE INSTITUTIONS[5]

Type of Institution	*Transportation Costs*
Public 4-year	$236
Public 2-year	307
Private 4-year	236
	$779
	3
Average transportation costs	$259

[5] Haven and Horch, "How College Students Finance their Education: A National Survey of Educational Interest, Aspirations, and Finances of College Sophomores in 1969-70", The College Scholarship Service, Princeton, New Jersey, 1972.

The combined cost of room, board, and reasonable commuting expenses is, therefore, $490 plus $259 or $749 which has been rounded to $750.

Section 190.51(a)(3) *Books, supplies and miscellaneous expenses.* $150 has been used for other Federal financial aid programs as a reasonable standard allowance for books and supplies and it is anticipated that such an amount would therefore be reasonable for this program. An additional standard allowance for miscellaneous expenses of $200 is proposed to provide for expenses incurred by a student which are not covered in the room and board allowances. The total of $350 is, therefore, the allowance to be made for these purposes.

SUBPART F

Subpart F establishes the procedures for the determination of Basic Grant awards.

[1] U.S. Department of Agriculture, "Cost of Food at Home Estimated for Food Plans at Three Costs Levels, January 1973, U.S. Average," Washington, D.C.

[2] U.S. Department of Labor, "Autumn 1972 Urban Family Budgets and Geographical Comparative Indexes", USDL-72-240, Washington, D.C.

[3] U.S. Department of Labor, "Revised Equivalence Scale for Estimating Equivalent Incomes or Budget Costs by Family Type", Bulletin No. 1570-2, P. 14.

The section does not include procedures for the reduction of Basic Grant awards for less than full-time students since during the first year of operation (academic year 1973–74) only full-time students are eligible for the program.

Section 190.61 *Submission of "Family Contribution Analysis Reports" for purposes of basic educational opportunity grant calculation.* Students attending institutions of higher education having an effective Terms of Agreement with the Commissioner will submit the "Family Contribution Analysis Report" to the institution which will calculate the amount of the student's award based on the allowable cost criteria and payment schedule issued by the Office of Education. The institution will also act as the Commissioner's agent in disbursing funds to students. In the event that the institution the student wishes to attend does not choose to act as the Commissioner's agent, the student will submit the "Family Contribution Analysis Report" directly to the Commissioner following the procedures contained in regulations which will be published subsequent to these proposed regulations.

Section 190.63 *Calculation of basic educational opportunity grants at "less than full funding".* The Office of Education will make an estimate of the amount required to extend grants at the full-funding level to all eligible students during any fiscal year. When an appropriation is available for a fiscal year, the Office of Education will calculate whether the amount appropriated is sufficient to extend full-funding to all eligible students, or whether awards must be made on the basis of less than full-funding. If awards are to be at less than full funding, the Office will determine which of the various reduction provisions of section 411 (b)(3) of the Act will be in effect. The Office will then publish a simple table of student award payments which will specify the amount of the Basic Grant for that academic year which will be made to a student with a given family contribution and cost of education.

Section 190.64 *Calculation of basic educational opportunity grant award for less than an academic year.* An eligible program must be at least 6 months in length. At the same time, an academic year must be at least 8 months in length. In order for a student to receive the full amount of his grant he must be in attendance for a full academic year.

Those students who are enrolled in programs which are at least 6 months but less than 8 months in length will not receive a full grant. The amount of their grants will be calculated as if they were in attendance for an academic year, but will be reduced in the same proportion as the length of the program bears to 8 months.

For instance, if a student is enrolled in an eligible program which is 6 months in length, his grant would be first calculated for the full academic year. However, he would only be awarded six-eighths or three-quarters of that amount initially calculated.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to Area Wage Determination 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 Determinations 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 origial Area Wage Determination Decision.

New General Wage Determination Decisions

New General Wage Determination Decisions No. AQ–1 for the State of Missouri.

Modifications To General Wage Determination Decisions

Modifications to General 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):

Alabama:	
AP–195; AP–197; AP–198; AP–199; AP–1101; AP–1102	June 8, 1973
Illinois:	
AP–689; AP–692; AP–695; AP–698; AP–1005; AP–1008; AP–1010	June 8, 1973
AP–1012; AP–1013; AP–1016	June 1, 1973
Indiana:	
AP–648; AP–649; AP–650; AP–651; AP–652; AP–653; AP–654; AP–655; AP–656; AP–657; AP–658; AP–659; AP–660; AP–661; AP–662; AP–664; AP–665; AP–666; AP–667	May 18, 1973
Iowa:	
AP–2,458	Aug. 25, 1973
Kentucky:	
AP–170	Mar. 23, 1973
Louisiana:	
AP–735	June 1, 1973
Massachusetts:	
AP–470	Feb. 16, 1973
AP–814; AP–815	May 11, 1973
Mississippi:	
AP–158	Feb. 16, 1973
New York:	
AP–800	Mar. 30, 1973
AP–807; AP–808	May 11, 1972
AP–844	June 8, 1973
AP–852	Dec. 15, 1972
AP–853	Dec. 22, 1973
Pennsylvania:	
AP–404	July 28, 1972
AP–462; AP–489	Mar. 9, 1973
AP–817; AP–819; AP–820; AP–821; AP–824; AP–825	May 18, 1973
Rhode Island:	
AP–484	Mar. 16, 1973

Supersedeas Decisions to General Wage Determination Decisions

Supersedeas Decisions to General 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:	
AP–703(AQ–2)	Feb. 16, 1973
California:	
AP–255(AQ–1,002); AP–256(AQ–1003)	Dec. 29, 1972
New York:	
AM–1,728(AQ–2001)	Aug. 11, 1971
North Dakota:	
AP–267(AQ–1000)	Mar. 9, 1973
Pennsylvania:	
AP–429(AQ–2000)	Oct. 6, 1972

Cancellation of General Wage Determination Decisions

The following general wage determination decisions are cancelled: AP–176; Alachua, Dixie, Gilchrist, Lafayette, Levy, Marion and Union Counties; and AP–177, Baker, Clay, Duval, Nassau, Putnam, St. Johns and Suwannee Counties, all in the State of Florida. Agencies with

projects pending in these counties should utilize the project determination procedure by submitting form SF-308. See Regulations Part 1 (29 CFR 1.5).

CORRECTION

The Index to the Federal Register published July 6, 1973, was current as of June 1, 1973, rather than June 29, 1973, as indicated.

Signed at Washington, D.C., this 6th day of June 1973.

WARREN D. LANDIS,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

AQ-1 P. 2

STATE: Missouri

COUNTIES: Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Clair, St. Francois, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright

DECISION NO.: AQ-1

DATE: Date of Publication

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pension	Vacation	Apr. Tr.	Other
CARPENTERS & PILEDRIVERMEN:						
Franklin and Jefferson Counties	$8.21	.25	.30		.03	
Lincoln, Pike, St. Francois, Warren & Washington Counties	8.21	.25	.30		.03	
Lafayette County	8.47	.23	.15		.03	
Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties	7.37	.23	.15		.03	
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	7.20	.25	.30		.03	
Boone, Cooper & Howard Counties	7.55	.20			.03	
Adair, Audrain, Benton, Callaway, Chariton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	7.52	.23			.03	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	7.32	.23			.03	
CEMENT MASONS:						
Bates, Carroll and Lafayette Counties	7.075	.10	.15			
Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington Counties	8.20	.60	.40			

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CEMENT MASONS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00	$6.95	.60	.40			
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties	6.05	.55		.20		
Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties	6.45					
Dent, Phelps, Pulaski and Texas Counties	6.30					
Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties	7.225					
Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole, Cooper, Gasconade, Howard, Knox, Linn, Macon, Maries, Miller, Moniteau, Monroe, Montgomery, Osage, Randolph, Shelby and Sullivan Counties	7.50					
Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties	6.00					
Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties	7.00					
ELECTRICIANS						
Adair, Audrain (that part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:						
Electrical contracts over $5,000.00	8.05	4%	1%	6-1/2%+5%		
Electrical contracts $5,000.00 and under	6.75	4%	1%	6-1/2%+5%		

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ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Oth
Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:						
Electrical contracts over $5,000.00	8.30	.20	1% + .25	.70	.03	
Electrical contracts $5,000.00 and under	7.80	.20	1% + .25	.70	.03	
Carroll, Cooper, Morgan and Saline Counties:						
Electrical contracts over $5,000.00	8.30	.20	1% + .25	.70	.03	
Electrical contracts $5,000.00 and under	7.25	.20	1% + .25	.70	.03	
Franklin, Jefferson, Lincoln and Warren Counties	7.76	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington and Wayne Counties:						
Electrical contracts over $5,000,00	7.76	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Cape Girardeau, Perry, St. Francois and Ste. Genevieve Counties:	5.66	5%				
Electrical contracts $5,000.00 and under	5.66	5%	1% + 5½%	11%+4½%	1%	
Iron, Madison, Reynolds, Washington, and Wayne Counties:						
Electrical contracts $5,000.00 and under	5.54	5%	1% + 5½%	11%+4½%	1%	
Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:						
Electrical contracts $5,000.00 and under	5.43	5%	1% + 5½%	11%+4½%	1%	
Dunklin and Pemiscot Counties:						
Electrical contracts $5,000.00 and under	5.31	5%	1% + 5½%	11%+4½%	1%	
Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas Webster and Wright Counties	8.02	.30	1%	6%	.01	

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ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Pulaski County	$ 8.47	.30	1%	6%	.01	
Andrew, Buchanan, Clinton and DeKalb Counties	7.85	.25	1%	7%	.01	
Caldwell, Daviess, Gentry, Holt and Nodaway Counties:						
Electrical contracts over $10,000.00	8.08	.25	1%	7%	.01	
Electrical contracts $10,000.00 and under	7.85	.25	1%	7%	.01	
Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:						
Electrical contracts over $10,000.00	8.44	.25	1%	7%	.01	
Electrical contracts $10,000.00 and under	7.85	.25	1%	7%	.01	
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties:						
Electricians	7.10	.25	1%		.005	
Cable splicers	7.45	.25	1%		.005	
Audrain (except Cuivre Township), Boone, Callaway, Camden, Charlton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties:						
Electricians	7.70	.25	1%	5% + .25	1/4%	
Cable splicers	7.95	.25	1%	5% + .25	1/4%	
IRONWORKERS:						
Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Francois, Ste. Genevieve, Texas, Warren, Washington and Wright Counties:						
Structural; ornamental; & reinforcing	8.325	.40	.55		.05	
Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll,						

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IRONWORKERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Cedar, Chariton, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Polk, Putnam, Randolph, St. Clair, Saline, Sullivan, Vernon and Worth Counties:						
Structural; ornamental; & reinforcing	$8.50	.40	.40	.50	.05	
Christian, Dade, Douglas, Greene and Webster Counties:						
Structural; ornamental; & reinforcing	8.375	.40	.40	.50	.05	
Barry, Lawrence, McDonald, Newton and Stone Counties:						
Structural; ornamental; & reinforcing	7.44	.30	.25		.04	
Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:						
Structural; ornamental; & reinforcing	7.25	.30	.30			
Howell, Oregon, Ozark and Taney Counties:						
Structural; ornamental; & reinforcing	6.58	.25	.25		.02	
Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties:						
Structural; ornamental; & reinforcing	7.70	.30	.35		.125	
LINE CONSTRUCTION:						
Bates, Benton, Carroll, Henry, Johnson, Lafayette, Pettis and Saline Counties:						
Lineman	7.95	.15	1% + .15		1/2%	
Lineman Operator	7.50	.15	1% + .15		1/2%	
Lineman Mechanic	6.37	.15	1% + .15		1/2%	
Groundman Powderman	5.47	.15	1% + .15		1/2%	
Groundman	5.19	.15	1% + .15		1/2%	
Groundman (1st year)	4.79	.15	1% + .15		1/2%	

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties:	----					
Lineman	$7.60	.15	1% + .15		1/2%	
Lineman Operator	7.60	.15	1% + .15		1/2%	
Lineman Mechanic	6.01	.15	1% + .15		1/2%	
Groundman Powderman	5.21	.15	1% + .15		1/2%	
Groundman	4.83	.15	1% + .15		1/2%	
Groundman (1st year)	3.95	.15	1% + .15		1/2%	
Crawford, Franklin, Iron, Jefferson, Reynolds, St. Francois and Washington Counties:						
Lineman & Cable Splicers	8.07	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	6.03	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.83	3%	1%	12 1/4%	1/2%	
Equipment operator	7.25	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.73	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.92	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	5.37	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.83	3%	1%	12 1/4%	1/2%	
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties:						
Lineman & Cable Splicers	7.80	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	5.68	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.40	3%	1%	12 1/4%	1/2%	
Equipment Operator	7.01	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.23	3%	1%	12 1/4%	1/2%	

LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties: (Cont'd)	----					
Groundman - next 12 mos.	$4.43	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.96	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.41	3%	1%	12 1/4%	1/2%	
Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties:						
Lineman	8.41	.25	1%		.25%	
Groundman - Class I	7.18	.25	1%		.25%	
Groundman - Class II	5.88	.25	1%		.25%	
Groundman - Class A	5.36	.25	1%		.25%	
Groundman - 1st 6 mos.	5.12	.25	1%		.25%	
PAINTERS:						
Jefferson County	6.83	.12	.30	.21		
Bates, Caldwell, Carroll, Clinton, Daviess, Grundy, Harrison, Henry, Johnson, Lafayette, Livingston and Mercer Counties:						
Brush	7.77	.30	.35			
Spray	8.77	.30	.35			
Bollinger, Cape Girardeau, Dunklin, Scott, Stoddard, Mississippi, New Madrid and Pemiscot Counties:						
Brush	5.50					
Spray	6.25					
Lincoln and Pike Counties:						
Brush	6.05					
Spray and Sandblasting	6.35					

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties:						
Brush or roller	$6.00	.35	.20			
Spray, Structural steel and Sandblasting	9.00	.35	.20			
Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties:						
Brush	5.25					
Spray	6.25					
Taping machine; Swing Stages; Window Jacks; Storage bins & storage tanks under ground or above ground over 40 ft. in depth; Sandblasting; All work performed on bridges	6.00					
Bridges 75 ft. in height	6.25					
All structural steel over 50 ft. in height	6.00					
Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties:						
Brush	6.47	.18	.20			
Spray	7.22	.18	.20			
Structural steel 30 ft. or more	6.87	.18	.20			
Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties:						
Brush	5.25					
Spray	5.75					
Contracts under $35,000.00:						
Brush	3.25					
Spray	3.60					
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties	5.95	.15				
Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties:						
Brush	6.35		.20			
Spray	6.85		.20			

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties:						
Brush; bridge & construction steel	$6.85					
Spray	7.35					

FOOTNOTE:

a. Includes 4% Holiday Fund

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprn. Tr.	Others
Buchanan and Lafayette Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$6.975	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	7.125	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River	7.275	.40	.40		.10	

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprn. Tr.	Others
Buchanan and Lafayette Counties						
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and fills.	7.475	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.725	.40	.40		.10	

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LABORERS:	Basic hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties	...					
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 5.875	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	6.025	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties	...					
Second Semi-Skill (Cont'd)						
Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.175	.40	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Man on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man, Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.375	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.625	.40	.40		.10	

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 5.125	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	5.275	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
Second Semi-Skill (Cont'd)						
Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	5.425	.40	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operator; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Man; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	5.625	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	5.875	.40	.40		.10	

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$ 6.525	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	6.675	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man: Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck						

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
Second Semi-Skill (Cont'd)						
Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.825	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	7.025	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.275	.30	.40		.10	

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Charlton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties	---					
General Labor Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$ 5.825	.30	.40		.10	
First Semi-Skill Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgia Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	5.975	.30	.40		.10	
Second Semi-Skill Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of						

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Audrain, Bollinger, Boone, Callaway; Cape Girardeau, Charlton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties	---					
Second Semi-Skill (Cont'd) Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.125	.30	.40		.10	
Third Semi-Skill Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.325	.30	.40		.10	
Fourth Semi-Skill Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.575	.30	.40		.10	

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$ 5.525	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	5.675	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile						

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LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties						
Second Semi-Skill (Cont'd)						
Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	5.825	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosums' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.025	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.275	.30	.40		.10	

AO-1 P. 33

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	8.00	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader, Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.80	.35	.40		.02	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Firemn-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.60	.35	.40		.02	
Oiler	7.10	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.25	.35	.40		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.50	.35	.40		.02	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan, Clinton and Lafayette Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Enginenan; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	9.10	.40	.40		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	8.90	.40	.40		.05	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan, Clinton and Lafayette Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	8.70	.40	.40		.05	
Oiler	7.95	.40	.40		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	9.35	.40	.40		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	9.60	.40	.40		.05	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Christian, Greene, Lawrence and Taney Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.50	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.15	.40	.25		.02	

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Christian, Greene, Lawrence and Taney Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	6.95	.40	.25		.02	
Oiler	6.20	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.75	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.00	.40	.25		.02	

AQ-1 P. 29

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties	...--					
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 8.15	.40	.40		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.80	.40	.40		.05	

AQ-1 P. 30

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties	...--					
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	$ 7.60	.40	.40		.05	
Oiler	7.10	.40	.40		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.40	.40	.40		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.65	.40	.40		.05	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties	---					
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machines; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.55	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine;						

POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties	---					
Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.20	.35	.40		.02	
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.00	.35	.40		.02	
Oiler	6.25	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.80	.35	.40		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties						
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.05	.35	.40		.02	

AQ-1 P. 34

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 7.65	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.30	.40	.25		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distribucor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.10	.40	.25		.02	
Oiler	6.35	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	7.90	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.15	.40	.25		.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Franklin and Jefferson Counties						
Flat bed trucks - single axle	$ 8.10					
Flat bed trucks - tandem axle	8.25					
Station wagons	8.10					
Pickup trucks	8.10					
Material trucks - single axle	8.10					
Material trucks - tandem axle	8.25					
Semi and/or pole trailers	8.32					
Winch, fork and steel trucks	8.32					
Distributor drivers and operators	8.32					
Agitator and transit mix trucks	8.21					
Tank wagon - single axle	8.10					
Tank wagon - semi-trailer	8.32					
Tank wagon - tandem axle	8.25					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.32					
A-frame and derrick trucks	8.32					
Float or low boy	8.32					
Warehouseman	8.00					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Lincoln and Warren Counties						
Flat bed trucks - single axle	$ 7.55					
Flat bed trucks - tandem axle	7.70					
Station wagons	7.55					
Pickup trucks	7.55					
Material trucks - single axle	7.55					
Material trucks - tandem axle	7.70					
Semi and/or pole trailers	7.77					
Winch, fork and steel trucks	7.77					
Distributor drivers and operators	7.77					
Agitator and transit mix trucks	7.66					
Tank wagon - single axle	7.55					
Tank wagon - semi-trailer	7.77					
Tank wagon - tandem axle	7.70					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.77					
A-frame and derrick trucks	7.77					
Float or low boy	7.77					
Warehouseman	7.45					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Buchanan and Lafayette Counties						
Flat bed trucks - single axle	$7.33	.50	.50			
Flat bed trucks - tandem axle	7.48	.50	.50			
Station wagons	7.33	.50	.50			
Pickup trucks	7.33	.50	.50			
Material trucks - single axle	7.33	.50	.50			
Material trucks - tandem axle	7.48	.50	.50			
Semi and/or pole trailers	7.55	.50	.50			
Winch, fork and steel trucks	7.55	.50	.50			
Distributor drivers and operators	7.55	.50	.50			
Agitator and transit mix trucks	7.44	.50	.50			
Tank wagon - single axle	7.33	.50	.50			
Tank wagon - semi-trailer	7.55	.50	.50			
Tank wagon - tandem axle	7.48	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.55	.50	.50			
A-frame and derrick trucks	7.55	.50	.50			
Float or low boy	7.55	.50	.50			
Warehouseman	7.23	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Johnson County						
Flat bed trucks - single axle	$ 7.33	.50	.50			
Flat bed trucks - tandem axle	7.48	.50	.50			
Station wagons	7.33	.50	.50			
Pickup trucks	7.33	.50	.50			
Material trucks - single axle	7.33	.50	.50			
Material trucks - tandem axle	7.48	.50	.50			
Semi and/or pole trailers	7.55	.50	.50			
Winch, fork and steel trucks	7.55	.50	.50			
Distributor drivers and operators	7.55	.50	.50			
Agitator and transit mix trucks	7.44	.50	.50			
Tank wagon - single axle	7.33	.50	.50			
Tank wagon - semi-trailer	7.55	.50	.50			
Tank wagon - tandem axle	7.48	.50	.50			
Insley wagons, dumpsters, half tracks, speedsce, euclids, and other similar equipment	7.55	.50	.50			
A-frame and derrick trucks	7.55	.50	.50			
Float or low boy	7.55	.50	.50			
Warehousemen	7.23	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Henry, Howard, Linn, Livingston, Pettis and Saline Counties						
Flat bed trucks - single axle	$6.58	.50	.50			
Flat bed trucks - tandem axle	6.73	.50	.50			
Station wagons	6.58	.50	.50			
Pickup trucks	6.58	.50	.50			
Material trucks - single axle	6.58	.50	.50			
Material trucks - tandem axle	6.73	.50	.50			
Semi and/or pole trailers	6.85	.50	.50			
Winch, fork and steel trucks	6.85	.50	.50			
Distributor drivers and operators	6.85	.50	.50			
Agitator and transit mix trucks	6.74	.50	.50			
Tank wagon - single axle	6.58	.50	.50			
Tank wagon - semi-trailer	6.85	.50	.50			
Tank wagon - tandem axle	6.73	.50	.50			
Insley wagons, dumpsters, half tracks, speedsce, euclids, and other similar equipment	6.85	.50	.50			
A-frame and derrick trucks	6.85	.50	.50			
Float or low boy	6.85	.50	.50			
Warehousemen	6.48	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Clinton County						
Flat bed trucks - single axle	$ 6.58	.50	.50			
Flat bed trucks - tandem axle	6.73	.50	.50			
Station wagons	6.58	.50	.50			
Pickup trucks	6.58	.50	.50			
Material trucks - single axle	6.58	.50	.50			
Material trucks - tandem axle	6.73	.50	.50			
Semi and/or pole trailers	6.85	.50	.50			
Winch, fork and steel trucks	6.85	.50	.50			
Distributor drivers and operators	6.85	.50	.50			
Agitator and transit mix trucks	6.74	.50	.50			
Tank wagon - single axle	6.58	.50	.50			
Tank wagon - semi-trailer	6.85	.50	.50			
Tank wagon - tandem axle	6.73	.50	.50			
Insley wagons, dumpsters, half tracks, speedsce, euclids, and other similar equipment	6.85	.50	.50			
A-frame and derrick trucks	6.85	.50	.50			
Float or low boy	6.85	.50	.50			
Warehouseman	6.48	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Barton, Bollinger, Boone, Callaway, Camden, Cape Girardeau, Carter, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Douglas, Gasconade, Greene, Hickory, Iron, Laclede, Lawrence, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties						
Flat bed trucks - single axle	$ 6.60	.50	.50			
Flat bed trucks - tandem axle	6.75	.50	.50			
Station wagons	6.60	.50	.50			
Pickup trucks	6.60	.50	.50			
Material trucks - single axle	6.60	.50	.50			
Material trucks - tandem axle	6.75	.50	.50			
Semi and/or pole trailers	6.87	.50	.50			
Winch, fork and steel trucks	6.87	.50	.50			
Distributor drivers and operators	6.87	.50	.50			
Agitator and transit mix trucks	6.76	.50	.50			
Tank wagon - single axle	6.60	.50	.50			
Tank wagon - semi-trailer	6.87	.50	.50			
Tank wagon - tandem axle	6.75	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.87	.50	.50			
A-frame and derrick trucks	6.87	.50	.50			
Float or low boy	6.87	.50	.50			
Warehouseman	6.50	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Adair, Barry, Butler, Clark, Dunklin, Howell, Knox, Lewis, McDonald, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone and Taney Counties						
Flat bed trucks - single axle	$ 5.85	.50	.50			
Flat bed trucks - tandem axle	6.00	.50	.50			
Station wagons	5.85	.50	.50			
Pickup trucks	5.85	.50	.50			
Material trucks - single axle	5.85	.50	.50			
Material trucks - tandem axle	6.00	.50	.50			
Semi and/or pole trailers	6.12	.50	.50			
Winch, fork and steel trucks	6.12	.50	.50			
Distributor drivers and operators	6.12	.50	.50			
Agitator and transit mix trucks	6.01	.50	.50			
Tank wagon - single axle	5.85	.50	.50			
Tank wagon - semi-trailer	6.12	.50	.50			
Tank wagon - tandem axle	6.00	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.12	.50	.50			
A-frame and derrick trucks	6.12	.50	.50			
Float or low boy	6.12	.50	.50			
Warehouseman	5.75	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Sullivan and Worth Counties						
Flat bed trucks - single axle	$ 5.83	.50	.50			
Flat bed trucks - tandem axle	5.98	.50	.50			
Station wagons	5.83	.50	.50			
Pickup trucks	5.83	.50	.50			
Material trucks - single axle	5.83	.50	.50			
Material trucks - tandem axle	5.98	.50	.50			
Semi and/or pole trailers	6.10	.50	.50			
Winch, fork and steel trucks	6.10	.50	.50			
Distributor drivers and operators	6.10	.50	.50			
Agitator and transit mix trucks	5.99	.50	.50			
Tank wagon - single axle	5.83	.50	.50			
Tank wagon - semi-trailer	6.10	.50	.50			
Tank wagon - tandem axle	5.98	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.10	.50	.50			
A-frame and derrick trucks	6.10	.50	.50			
Float or low boy	6.10	.50	.50			
Warehouseman	5.73	.50	.50			

Modifications P. 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1105 - Mod. #1 (38 FR 16597 - June 23, 1973) Jefferson County, Alabama						
Change:						
Building Construction:						
Electricians	$7.80	.30	1%		1%	
Cable splicers	8.05	.30	1%		1%	
Tile setters and terrazzo workers	6.40					

Modifications P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-195 - Mod. #1 (38 FR 15227 - June 8, 1973) Alachua County, Florida						
Change:						
Carpenters:						
Carpenters	$6.65	.39	.20	.15	.03	
Acoustical workers	6.65	.39	.20	.15	.03	
Millwrights	7.43	.39	.20	.15	.03	
Piledrivermen	6.65	.39	.20	.15	.03	
Soft floor layers	6.65	.39	.20	.15	.03	
DECISION #AP-197 - Mod. #1 (38 FR 15231 - June 8, 1973) Brevard and Volusia Counties, Florida (Cape Kennedy, Kennedy Space Flight Center and Patrick Air Force Base only)						
Change:						
Plumbers and pipe fitters	$7.40	.25	.35		.05	
Sheet metal workers	7.69	.30	.25		.03	
DECISION #AP-198 - Mod. #1 (38 FR 15233 - June 8, 1973) Dade County, Florida						
Change:						
Ironworkers:						
Structural and ornamental	8.55	.55	.40		.03	
Reinforcing	8.55	.55	.40		.03	
Power Equipment Operators:						
Field mechanic cranes, derricks, hoist (2 or more drums), oiler-fireman combination	8.65	.35	.35			
Draglines, backhoes, Gradalls, finish grader, welding machine, 1 drum hoist, fork lift, hopto machine, air compressor (above 125 CFM, more than one pump or combination of other equipment up to 5), winch trucks	7.96	.35	.35			
Bulldozers, distributors, scrapers, motor graders, trenching machines, front end loaders, pumps (3" or more), mixers	7.11	.35	.35			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-198 (cont'd)						
Power Equipment Operators (cont'd)						
Rollers, finishing machines, tractors, oilers and drivers, mechanic helpers	$6.56	.35	.35			
Oiler on crawler cranes	5.56	.35	.35			
DECISION #AP-199 - Mod. #2 (38 FR 15235 - June 8, 1973) Duval County, Florida						
Change:						
Carpenters:						
Carpenters	$6.65	.39	.20	.15	.03	
Millwrights	7.43	.39	.20	.15	.03	
Piledrivermen	6.65	.39	.20	.15	.03	
Soft floor layers	6.65	.39	.20	.15	.03	
Acoustical workers	6.65	.39	.20	.15	.03	
Electricians	7.25	.30	1%+5.5%	4%	1%	
DECISION #AP-1101 - Mod. #1 (38 FR 15239 - June 8, 1973) Hillsborough County, Florida						
Change:						
Carpenters	$6.865	.30	.20	.10	.02	
Millwrights	7.37	.45	.45		.04	
Piledrivermen	7.115	.30	.20	.10	.02	
Soft floor layers	6.865	.30	.20	.10	.02	
DECISION #AP-1102 - Mod. #1 (38 FR 15241 - June 8, 1973) Leon County, Florida						
Change:						
Carpenters:						
Carpenters	$5.45				.01	
Soft floor layers	5.45				.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-609 - Mod. #1 (38 FR 15247 - June 8, 1973) Champaign County, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers	$8.06	.30	.50		.08	
Millwrights & Piledrivermen	8.41	.30	.50		.08	
DECISION #AP-692 - Mod. #1 (38 FR 15260 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Electricians & Line Construction:						
Northern ½ of County						
Electricians	9.30	3%	4%	6%	.5 of 1%	
Plumbers & Steamfitters:						
Vicinity of Elgin	8.95	.28	.20	.34	.02	
DECISION #AP-695 - Mod. #1 (38 FR 15270 - June 8, 1973) Peoria & Tazewell Counties, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers						
East Peoria (Tazewell County) & Remainder of Peoria County	8.01	.30	.40		.02	
Remainder of Tazewell County	7.87	.33	.25		.02	
Millwrights & Piledrivermen						
East Peoria (Tazewell County) & Remainder of Peoria County	8.31	.30	.40		.02	
Remainder of Tazewell County	8.12	.33	.25		.02	
Cement Masons	7.55	.35	.30		.05	
Electricians	8.27	.25	1%+.30		1%	
Ironworkers	8.15	.40	.375			
Line Construction:						
Groundmen Truck Driver W/Winch	5.85	.25	1%		.25%	
Marble Setters, Terrazzo Workers & Tile Setters	8.10	.35	.30		.02	
Plasterers	8.20	.35	.30			
Plumbers & Steamfitters:						
Peoria County & North of Hwy. #98 (Tazewell County)	8.375	.24	.60		.09	
Remainder of Tazewell County	8.305	.24	.60		.06	

Modifications P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-698 - Mod. #1 (38 FR 15284 - June 8, 1973) Sangamon County, Illinois						
CHANGE:						
Carpenters & Soft Floor Layers	$7.80	.35	.45		.02	
Millwrights & Piledrivermen	8.30	.35	.45		.02	
Cement Masons	8.28				.02	
ADD:						
Bricklayers & Stonemasons	7.20	.35	.30	.20	.02	
DECISION #AP-1005 - Mod. #1 (38 FR 15309 - June 8, 1973) Kane County, Illinois						
CHANGE:						
Electricians & Line Construction:						
Northern ½ of County						
Electricians	9.30	3%	4%	6%	.5 of 1%	
Plumbers & Steamfitters:						
Vicinity of Elgin	8.95	.28	.20	.34	.02	
DECISION #AP-1008 - Mod. #1 (38 FR 15319 - June 8, 1973) Peoria & Tazewell Counties, Illinois						
CHANGE:						
Carpenters:						
Carpenters & Soft Floor Layers						
East Peoria (Tazewell County) & Remainder of Peoria County	8.01	.30	.40		.02	
Remainder of Tazewell County	7.87	.33	.25		.02	
Millwrights & Piledrivermen						
East Peoria (Tazewell County) & Remainder of Peoria County	8.31	.30	.40		.02	
Remainder of Tazewell County	8.12	.33	.25		.02	
Cement Masons	7.85	.35	.30		.05	
Electricians	8.27	.25	1%+.30		1%	
Ironworkers	8.15	.40	.375			
Line Construction:						
Groundmen Truck Driver W/Winch	5.85	.25	1%		.25%	
Marble Setters, Terrazzo Workers & Tile Setters	8.10	.35	.30		.02	
Plasterers	8.20	.35	.30			
Plumbers & Steamfitters:						
Peoria County & North of Hwy. #98 (Tazewell County)	8.375	.24	.60		.09	
Remainder of Tazwell County	8.305	.24	.60		.06	

Modifications P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1010 - Mod. #1 (38 FR 15203 - June 6, 1973) Sangamon County, Illinois						
OMIT:						
Carpenters & Soft Floor Layers	$7.48	.30	.40		.02	
Millwrights & Piledrivermen	7.98	.30	.40		.02	
CHANGE:						
Cement Masons	8.28				.02	
ADD:						
Carpenters (4 Story Dwellings)	6.45	.35	.45		.05	
Bricklayers & Stonemasons	7.20	.35	.30	.20	.02	
DECISION #AP-1012 - Mod. #1 (38 FR 14542 - June 1, 1973) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry & Will Counties, Illinois						
ADD:						
Page One for Power Equipment Operators in Boone & Dekalb Counties						
DECISION #AP-1013 - Mod. #2 (38 FR 14552 - June 1, 1973) Bureau, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinos						
CHANGE:						
Carpenters & Piledrivermen:						
Carroll, JoDaviess, Lee & Stephenson Counties	7.98	.25				
Whiteside County	7.93	.30				
Rock Island, Henry & Ogle County (Oregon & South Thereof)	7.58	.35	.30			
Winnebago County; & Ogle County (North of Oregon)	7.48	.25	.30	.20		

DECISION #AP-1012 (Cont'd)

Modifications P. 7

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BOONE & DEKALB COS.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
CLASS I Asphalt plant, asphalt heater & planer combination, asphalt spreader, auto-grade, belt loader, caisson rigs, central redi-mix plant, concrete breaker (truck-mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, concrete tube float, cranes (all attachments), cranes, Linden, Peco & machines of a like nature, derrick boats, derricks, traveling, dredges euclid loader elevating type, gradall & machines of a like nature, grader, motor grader, motor patrol, auto patrol, elevating grader, hoists-1, 2 & 3 drum, locomotives all, mucking machine 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drill-crane type, slip-form paver, straddle buggies, tractor w/boom, tractaire (w/attachments), trenching machines, underground boring and/or mining machines 5' in diameter & over tunnel, etc. underground boring and/or mining machine under 5', wheel excavator, widener (apsco)	$9.15	.40	.50	.20	.02	
CLASS II Batch plant, bituminous mixer, bulldozers, bull float, combination backhoe front, endloader machine, concrete breaker or hydro hammer, concrete grinding machine, concrete mixer or paver, 75 series to & includeing 27 cu. ft., concrete spreader concrete curing machine, burlap machine, belting machine & scaling machine, finishing machine, concrete form grader, pull grader, sub-grader, highlift shovels or front endloader, hydraulic boom trucks (all attachments) locomotives dinky, pump cretes, squeeze cretes, screw type pumps, gypsum bulker & pump, rock drill (self propelled), roto-tiller, seaman, etc., scraper, tractor, push, pulling						

Modifications P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-1016 - Mod. #1 (38 FR 14573 - June 1, 1973) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois						
CHANGE: Carpenters & Piledrivermen: Remainder of District #6	$9.80	.35	.45		.05	

Modifications P. 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-648 - Mod. #1 (38 FR 13165 - May 18, 1973) Allen County, Indiana						
OMIT: Under Laborers Schedule "Group D"	---					
CHANGE: Electricians	$8.40	.25	1%+.30		.04	
Under Laborers Schedule "Group E" to Group "D"						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	
DECISION #AP-649 - Mod. #2 (38 FR 13168 - May 18, 1973) Bartholomew County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Ironworkers	8.40	.40	.55		.03	
Under Laborers Schedule Group "E" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	
DECISION #AP-650 - Mod. #1 (38 FR 13171 - May 18, 1973) Benton & Tippecanoe Counties, Indiana)						
OMIT: Under Laborers Schedule Group "D"						
CHANGE: Under Laborers Schedule Group "E" to Group "D"						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	

Modifications P. 10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-651 - Mod. #1 (38 FR 13174 - May 18, 1973) Dearborn County, Indiana						
OMIT: Under Laborers Schedule "Group "D"	---					
CHANGE: Under Laborers Schedule "Group E to "Group D"						
Group A	$5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	
DECISION #AP-652 - Mod. #2 (38 FR 13177 - May 18, 1973) Delaware County, Indiana						
OMIT: Under Laborers Schedule "Group D"						
CHANGE: Under Laborers Schedule						
Group A	5.70	.30	.25		.07	
Group B	5.90	.30	.25		.07	
Group C	6.00	.30	.25		.07	
Group D	6.70	.30	.25		.07	
DECISION #AP-653 - Mod. #2 (38 FR 13180 - May 18, 1973) Grant County, Indiana						
CHANGE:						
Common Laborer	5.70	.30	.25		.07	
Air Tool Op; (Jackhammer, Vibrator)	5.90	.30	.25		.07	
Mason Tenders;(Brick-Stone & Mortar)	6.00	.30	.25		.07	
Sewer Layers	5.90	.30	.25		.07	
Plasterer Tenders	6.00	.30	.25		.07	
Power Driven Wheelbarrow, Core Drill Operator	5.90	.30	.25		.07	
Dynamite Men	6.70	.30	.25		.07	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-654 - Mod. #1						
(38 FR 13182 - May 18, 1973)						
Lake County, Indiana						
OMIT:						
Under Laborers Schedule						
Group "D"						
CHANGE:						
Under Laborers Schedule						
Group "E" to Group "D"						
Group A	$6.60	.30	.30		.07	
Group B	6.80	.30	.30		.07	
Group C	6.90	.30	.30		.07	
Group D	7.60	.30	.30		.07	
DECISION #AP-655 - Mod. #1						
(38 FR 13188 - May 18, 1973)						
LaPorte County, Indiana						
OMIT:						
Under Laborers Schedule						
Group "D"						
CHANGE:						
Under Laborers Schedule						
Group "E" to Group "D"						
Group A	6.40	.30	.30		.07	
Group B	6.60	.30	.30		.07	
Group C	6.70	.30	.30		.07	
Group D	7.40	.30	.30		.07	
DECISION #AP-656 - Mod. #2						
(38 FR 13193 - May 18, 1973)						
Marion County, Indiana						
OMIT:						
Under Laborers Schedule						
Group "D"						
CHANGE:						
Under Laborers Schedule						
Group "E" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-657 - Mod. #1						
(38 FR 13196 - May 18, 1973)						
Monroe County, Indiana						
CHANGE:						
Electricians	$8.25	.25	1%		.1%	
Laborers:						
Building Laborers	5.85	.30	.25		.07	
Air Tool Op.,(Jackhammer, Vibrator)						
Tile Layers (Sewer or Field)						
Cement Handlers (Bulk or Bag)	6.05	.30	.25		.07	
Dynamite Men	6.85	.30	.25		.07	
DECISION #AP-658 - Mod. #1						
(38 FR 13199 - May 18, 1973)						
Porter County, Indiana						
OMIT:						
Under Laborers Schedules						
"Group D"						
CHANGE:						
Under Laborers Schedules						
Group "E" to Group "D"						
North of U.S. Hwy. #20						
Group A	6.60	.30	.30		.07	
Group B	6.80	.30	.30		.07	
Group C	6.90	.30	.30		.07	
Group D	7.60	.30	.30		.07	
South of U.S. Hwy. #20						
Group A	6.40	.30	.30		.07	
Group B	6.60	.30	.30		.07	
Group C	6.70	.30	.30		.07	
Group D	7.40	.30	.30		.07	

Modifications P. 13

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-659 - Mod. #1 (38 FR 13203 - May 18, 1973) St. Joseph County, Indiana						
OMIT:						
Under Laborers Schedule "Group "D"	...					
CHANGE:						
Electricians	$8.60	2.8%	5%	4%	.2%	
Glaziers	7.25	.35		4%	4%	
Under Laborers Schedule						
Group "E" to Group "D"						
Group A	6.40	.30	.25		.07	
Group B	6.60	.30	.25		.07	
Group C	6.70	.30	.25		.07	
Group D	7.40	.30	.25		.07	
DECISION #AP-660 - Mod. #1 (38 FR 13208 - May 18, 1973) Vanderburgh County, Indiana						
OMIT:						
Under Laborers Schedule						
Muckers in Tunnels & Shafts (Free Air)	6.20	.18	.25		.07	
Painters Schedule Issued						
CHANGE:						
Cement Masons	7.33	.40	.20			
Concrete Structures Using Scaffold:						
Machine Operator & High Work up to 50'	7.58	.40	.20			
Work 50' to 75'	7.83	.40	.20			
Work 75' to 100'	8.08	.40	.20			
Work over 100'	8.58	.40	.20			
Laborers:						
Building Laborers	5.85	.30	.25		.07	
Air Tool Operators (Vibrators)	6.05	.30	.25		.07	
Plasterer & Mason Tenders, Mortar Mixers, Scaffold Builders	6.15	.30	.25		.07	
Dynamite Men	6.85	.30	.25		.07	
ADD:						
Painters:						
Commercial & Residential						
Brush & Roller	6.85	.45	.20			
Spray, Sandblasting & Power Tools	7.60	.45	.20			
Industrial - Bridges						
Brush	8.00	.45	.20			
Spray, Sandblasting & Power Tools	8.75	.45	.20			

Modifications P. 14

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-661 - Mod. #3 (38 FR 13211 - May 18, 1973) Vigo County, Indiana						
OMIT:						
Under Laborers Schedule Group "D"	...					
CHANGE:						
Carpenters	$6.93	.35	.40		.02	
Millwrights & Piledrivermen	7.18	.35	.40		.02	
Cement Masons	6.60	.45	.25			
Under Laborers Schedule						
Group "E" to Group "D"						
Group A	5.85	.30	.25		.07	
Group B	6.05	.30	.25		.07	
Group C	6.15	.30	.25		.07	
Group D	6.85	.30	.25		.07	
Plumbers & Steamfitters	8.55	.30	.60	.60	.10	
DECISION #AP-662 - Mod. #2 (38 FR 13214 - May 18, 1973) Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Steuben & Whitley Counties, Indiana						
CHANGE:						
Carpenters:						
Remainder of Counties	8.02	.40	.40		.05	
DECISION #AP-663 - Mod. #3 (38 FR 13221 - May 18, 1973) Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White Counties, Indiana						
CHANGE:						
Carpenters:						
Remainder of Counties	8.08	.40	.40		.05	

Modifications P. 15

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-664 - Mod. #2 (38 FR 13227 - May 18, 1973) Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union & Wayne Counties, Indiana						
CHANGE:						
Carpenters:						
Rush & Shelby Counties	$7.88	.35	.35		.05	
Remainder of Counties	8.08	.40	.40		.05	
DECISION #AP-665 - Mod. #2 (38 FR 13232 - May 18, 1973) Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo & Warren Counties, Indiana						
CHANGE:						
Carpenters:						
Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vigo, Vermillion, Warren, Owen(North of White River)	8.08	.40	.40		.05	
Morgan County, Owen County(South of White River) & Remainder of Counties	7.88	.35	.35		.05	
DECISION #AP-666 - Mod. #2 (38 FR 13237 - May 18, 1973) Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switzerland & Washington Counties, Indiana						
CHANGE:						
Carpenters:						
Bartholomew (Camp Atterbury)	8.08	.40	.40		.05	
Bartholomew (Except Camp Atterbury) & Remainder of Counties	7.88	.35	.35		.05	

Modifications P. 16

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-667 - Mod. #2 (38 FR 13244 - May 18, 1973) Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick Counties, Indiana						
CHANGE:						
Carpenters:						
All Counties	$7.88	.35	.35		.05	
DECISION #AM-2,458 - Mod. #6 (36 FR 16830 - August 25, 1971) Webster County (Fort Dodge), Iowa						
Change Mod. #3 (38 FR 17337 - June 29, 1973) to Read Mod. #4.						
DECISION #AP-170 - Mod. #2 (38 FR 7735 - March 23, 1973) Boyd County, Kentucky						
Change:						
Elevator constructors:						
Elevator constructors	$8.08	.17	.185	5%+a+b	.005	
Lead burners	8.25	.30		d	.01	

Modifications P. 17

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-735 - Mod. #4 (38 FR 14594 - June 1, 1973) Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change Mod. #2 (38 FR 17341 - June 29, 1973) to Read Decision #AP-735.						
DECISION #AP-470 - Mod. #3 (38 FR 4617 - February 16, 1973) Hampden County, Massachusetts						
Change: Electricians:						
Holyoke, Chester	$8.55	.35	1¼+.20		.01	
Remainder of County	8.47	.30	1¼+.15	.43	b	
Ironworkers, structural & ornamental	7.81	.45	1.30		.09	
Ironworkers, reinforcing	7.81	.45	1.30		.09	
Painters, brush	5.525	.30	.25			
Plumbers	8.47	.45	.50		.01	
DECISION #AP-814 - Mod. #4 (38 FR 12550 - May 11, 1973) Middlesex County, Massachusetts						
Change: Electricians:						
Bedford	8.52	.25	1¼+.20		.02	
DECISION #AP-815 - Mod. #3 (38 FR 12554 - May 11, 1973) Suffolk County, Massachusetts						
Change: Sprinkler fitters	9.68	.30	.50		.02	

Modifications P. 18

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AP-158 - Mod. #2 (38 FR 4636 - February 16, 1973) Hinds County, Mississippi						
Change:						
Lathers	$6.25				.01	
Plasterers	6.05	.25			.01	
Roofers	5.85					
Helpers	4.15					

Modifications P. 19

DECISION #NP-452 - Mod. #2
(37 FR 26782 - December 15, 1972)
Albany County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters, Heavy & Highway	$7.67	.50	.45		.025	
Omit:						
Laborers, Heavy & Highway Construction						
Add:						
Laborers, Heavy & Highway Construction						

Modifications P. 20

NY-1-IAR-2-3- B

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$6.26	.50	.65	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.46	.50	.65	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.66	.50	.65	a		
Blasters, form setters, stone or granite curb setters	6.86	.50	.65	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

Modifications P. 21

DECISION #AP-800 - Mod. #2
(38 FR 8804 - March 30, 1973)
Erie County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Building Construction						
Bricklayers:						
Tonawanda and Grand Island Twps:						
Bricklayers & stone masons	$9.20	.55	1.00			
Terrazzo workers & tile setters	8.84	.55	1.00			
Marble setters	8.925	.55	1.00			
Carpenters, Building:						
Remainder of County	8.50	1.05	1.00			
Soft floor layers	7.95	1.05	1.00			
Piledrivermen, etc:						
Piledrivermen, dock carpenters & divers tenders	8.50	1.05	1.00			

DECISION #AP-845 - Mod. #1
(38 FR 15345 - June 8, 1973)
Orange County, New York

Change:						
Building Construction						
Electricians	$8.25	.33	1%+.56	.50	1%	

DECISION #AP-453 - Mod. #1
(37 FR 28380 - December 22, 1972)
Monroe County, New York

Change:						
Building Construction						
Carpenters & piledrivermen-Heavy & Highway	$7.62	.70	.30		.025	
Marble, tile setters & terrazzo-workers	9.60					
Marble, tile setters & terrazzo-workers' helpers	8.40					
Sheet metal workers	9.88	.50	.40		.025	

Modifications P. 22

DECISION #AP-807 - Mod. #1
(38 FR 12382 - May 11, 1973)
Jefferson County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters:						
Heavy & Highway:						
Carpenters & Piledrivermen	$7.82	.40	.40		.025	
Glaziers	6.65	.50			.01	
Omit:						
Laborers, Heavy & Highway Construction						
Add:						
Laborers, Heavy & Highway Construction						

HEAVY AND HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTH
LABORERS:						
Laborers and driller helpers	$ 6.31	.40	.45	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	6.51	.40	.45	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.71	.40	.45	a		
Plasters, form setters, stone or granite curb setters	6.91	.40	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

DECISION #AP-808 - Mod. #1
(38 FR12587 - May 11, 1973)
Onondaga County, New York

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters & piledrivermen, Heavy & Highway	$7.72	.45	.45		.025	
Electricians: Remainder of County	8.80	.32	13+.55		.05	
Omit:						
Laborers, Heavy & Highway Construction	..--					
Add:						
Laborers, Heavy & Highway Construction						

Modifications P. 25

N. Y. 6-1.3-2-3' C

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Laborers and driller helpers	$6.31	.55	.55	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker, and all other gas, electric oil and air tool operators, bull float, tamper, pipelayers	6.51	.55	.55	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.71	.55	.55	a		
Blasters, form setters, stone or granite curb setters	6.91	.55	.55	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F, providing the employee works the day before and the day after the holiday.

Modifications P. 26

DECISION #NP-844 - Mod. #1
(38 FR 15341 - June 8, 1973)
Oneida County, New York

	Basic Hourly Rates	Fringe Benefits Payments: H&W	Pensions	Vacation	App. Tr.	Other
Change:						
Bricklayers, etc.:						
Twps. of Remsen, Trenton, Marcy, Deerfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirkland & Whitestown & Forestport:						
Bricklayers, cement masons, plasterers and stone masons	$7.45	.30	1.50			
Omit:						
Laborers, Heavy and Highway Construction						
Add:						
Laborers, Heavy and Highway Construction						

KY-7-IAS-2-3- 1

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborers and driller helpers	$6.41	.50	.50	a		
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.61	.50	.50	a		
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.81	.50	.50	a		
Blasters, form setters, stone or granite curb setters	7.01	.50	.50	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-404 - Mod. #5 (37 FR 15229 - July 28, 1972) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-819 - Mod. #2 (38 FR 13286 - May 18, 1973) Montgomery County, Pennsylvania Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-820 - Mod. #2 (38 FR 13289 - May 18, 1973) Philadelphia County, Pennsylvania Change: Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-821 - Mod. #2 (38 FR 13292 - May 18, 1973) Delaware County, Pennsylvania Change: Power Equipment Operators Schedule (Matte attached)						

Modifications P. 29

DECISION NOS. AP-404, AP-819, AP-820, AP-821 (Cont'd.)

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-51-PED-1 - E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandom scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

Modifications P. 30

DECISION NOS. AP-404, AP-819, AP-820, AP-821 (Cont'd.)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
WAGE GROUP IV						
Concrete breaking machines Rollers Machines similar to the above	8.40	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
All Bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Fireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Farm line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%	
WAGE GROUP VII						
Fireman	7.40	4.6%	9.5%	a	1.2%	
WAGE GROUP VIII						
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-462 - Mod. #1 (38 FR 6620 - March 9, 1973) Lackawannna County, Pennsylvania						
Change:						
Asbestos workers	$8.00	.50	.35		.01	
Electricians	7.10	.35	1¼.50	.50	.10	
Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-824 - Mod. #1 (38 FR 13299 - May 18, 1973) Dauphin County, Pennsylvania						
Change:						
Power Equipment Operators Schedule (Matte attached)						
DECISION #AP-825 - Mod. #1 (38 FR 13301 - May 18, 1973) Cumberland County, Pennsylvania						
Change:						
Power Equipment Operators Schedule						

DECISION NOS. AP-462, AP-824, AP-825 (Cont'd.)

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

FA-22-FED-1 D

	Basic Hourly Rate	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Blacksmith doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a		1.2%
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead crane, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a		1.2%
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a		1.2%
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, firemen (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a		1.2%
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a		1.2%
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a		1.2%
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.69	4.6%	9.5%	a		1.2%
150 ft. and over	9.94	4.6%	9.5%	a		1.2%
200 ft. and over	10.94	4.6%	9.5%	a		1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

Modifications P. 33

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-489 - Mod. #1 (38 FR 6622 - March 9, 1973) Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, Pennsylvania						
Change: Power Equipment Operators Schedule (Heavy Construction) - See attached matte						

Modifications P. 34

DECISION #AP-489 (Cont'd.)

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

FA-22-FED-1-2 D

	Basic Hourly Rate	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Machines doing look work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a		1.2%
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, heystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pinpin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a		1.2%
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a		1.2%
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, fork tractors, fork line graders, fine grade machines, seed finishing machines, concrete [illegible], rollers, asphalt pulverizing mixer, power brush, seeding spreader, firemen (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a		1.2%
WAGE GROUP V						
Firemen, grease truck	7.02	4.6%	9.5%	a		1.2%
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a		1.2%
WAGE GROUP VII						
All machines with booms (including jibs, matts, leads, etc.):						
100 ft. and over	9.69	4.6%	9.5%	a		1.2%
150 ft. and over	9.94	4.6%	9.5%	a		1.2%
200 ft. and over	10.94	4.6%	9.5%	a		1.2%
FOOTNOTE:						
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.						

Modifications P. 35

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-817 - Mod. #2 (38 FR 13279 - May 18, 1973) Bucks, Chester, Delaware, Montgomery and Philadelphia Counties, Pennsylvania						
Change: Power Equipment Operators Schedule (Matter attached)						

Modifications P. 36

DECISION NO. AP-817 (Cont'd.)

POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

PR-51-HEO- 2 - E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection: Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphelt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

DECISION NO. AP-817 (Cont'd.) Modifications P. 37

PA-51-PRD- 2-E 2 of 2

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H.&W.	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All Bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Firemen on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.5%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Brooms (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

DECISION NO. AP-817 (Cont'd.) Modifications P. 38

51-PRD-3-E 1 of 2

POWER EQUIPMENT OPERATORS
HIGHWAY CONSTRUCTION

	Basic Hourly Rate	Fringe Benefits Payments H.&W.	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling steel and stone in connection with erection; Cranes doing hook work; Hoisting machine handling machinery; Helicopters; Machines or similar to the above	$9.50	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with dock builders and pile drivers; All types of cranes; All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Powers 21E and over; Trenching Machines; Gradalls; Front end loaders over 3 cu. yd.; Boat Captains; Pippin type backhoes; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self contained (Drill-master type); Forklift (20 ft. and over); Motor Patrols (fine grade); Batch Plant with Mixer; Machines similar to the above	9.28	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Carryalls, Scrapers, Tournapull, Asphalt plant engineers; Roller (high grade finishing); Caterpillars or Euclids with front and overhead loaders and rubber-tired loaders 3 c.y. up to and including 3 c.y.; Spreaders (asphalt); Concrete pumps; Well drillers; Bulldozers D-7 or equivalent and scoop hitch (skull cracker); Motor Patrols; Maintenance Engineers with tools; Machines similar to the above	8.65	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Conveyor Loader; Bulldozer under D-7 rating, tractors including rubber-tired type and front end, under 2 c.y. overhead loaders; Seaman Pulverizer; Ten-ton roller (grade fill stone base); Welders and Maintenance Engineers; Concrete Breaking Machines; Machines similar to the above	8.13	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Form line grader; Fine grade machines; Farm tractors; Road finishing Concrete spreaders; Compressors; Power Brooms, self-contained; Seed Spreader; Pumps; Well point pumps; Welding machines; Firemen, Power Equipment Maintenance engineers (Power Boats); Machines similar to the above	7.76	4.6%	9.5%	a	1.2%	

DECISION NO. AP-817 (Cont'd.)

+HIGHWAY CONSTRUCTION

Modifications P. 39

51-HEO-3-E

2 of 2

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Wage Group VI						
Fireman	$7.40	4.6%	9.5%	a	1.2%	
Wage Group VII						
Oilers and Deck Hands (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

Modifications P. 40

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
DECISION #AP-484 - Mod. #3 (38 FR 7199 - March 16, 1973) Newport County, Rhode Island						
Change:						
(Building construction) Electricians: Little Compton, Tiverton	$7.85	4%	1%	4%	½%	
(Heavy, Highway & Marine Construction) Electricians: Little Compton, Tiverton	7.85	4%	1%	4%	½%	

SUPERSEDEAS DECISION

AQ-2 P. 2

STATE: Arkansas
COUNTY: Union
DECISION NO.: AQ-2
DATE: Date of Publication
Supersedes Decision No. AP-703, dated February 16, 1973, in 38 FR 4632.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.25	.15				
Boilermakers	6.80	.30	.50		.02	
Bricklayers	6.35					
CARPENTERS:						
Carpenters	5.70	.25			.02	
Millwrights & piledrivermen	6.20	.25			.02	
Cement masons	5.10	.15				
ELECTRICIANS:						
Electrical contracts $20,000 or less:						
Electricians	7.00		1%		1/4%	
Cable splicers	7.30		1%		1/4%	
Electrical contracts over $20,000:						
Electricians	7.70		1%		1/4%	
Cable splicers	8.00		1%		1/4%	
IRONWORKERS:						
Western half of County including the city of El Dorado	6.40	.30	.25		.04	
Eastern half of County	6.50	.30	.25		.04	
Laborers, unskilled	4.29	.10	.20			
Plasterers	5.74					
Plumbers-Pipefitters	7.40		.30		.05	
Roofers	5.60		.05			
Sheet metal workers	6.67	.30	.25		.02	
Truck Drivers	3.00					
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.						
LINE CONSTRUCTION						
Electrical Contracts $20,000 or less:						
Lineman	$7.00		1%		1/4%	
Operator	6.75		1%		1/4%	
Truck Drivers (Pickups & Jeeps)	5.90		1%		1/4%	
Groundman	5.90		1%		1/4%	
Electrical Contracts over $20,000:						
Lineman	7.70		1%		1/4%	
Operator	7.45		1%		1/4%	
Truck Drivers (Pickups & Jeeps)	6.45		1%		1/4%	
Groundmen	6.45		1%		1/4%	

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rated by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground	$7.04	.25	.25			
GROUP II						
Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cubic yards, as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead and traveling cranes, all cableways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaderman (engineer), hydraulic and bucket dredges, irrespective of size, mechanics and/or welders, blacksmith	6.30	.25	.25			
GROUP III - HEAVY EQUIPMENT OPERATORS						
All Bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel, bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 105 and larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator	5.99	.25	.25			

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP IV - SEMI-HEAVY EQUIPMENT OPERATORS						
Oilerdriver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S, pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All Light Equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant engineer (dredge)	$5.04	.25	.25			
GROUP V - LIGHT EQUIPMENT OPERATORS						
All welding machines, light plants, pumps, space heaters, in units less than 4, irrespective of size, irrespective of motive power, equipment greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge	4.70	.25	.25			

SUPERSEDEAS DECISION

AQ-1,002 P. 2

STATE: California
DECISION NUMBER: AQ-1,002
COUNTY: San Diego
DATE: Date of Publication

Supersedes Decision #AP-255 dated December 29, 1972, in 37 FR 28808.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05	
BRICK, BLOCK AND STONEMASONS' TENDERS	6.21	.35	.45	.40		
CARPENTERS:						
Carpenters	7.06	.56	.75	.50	.02	
Piledrivermen	7.19	.56	.75	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.31	.56	.75	.50	.02	
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75	.045	
Cement masons color work-curb machine operator	6.865	.55	.96	.75	.045	
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045	
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04	
ELECTRICIANS:						
Electricians	8.75	.20	1% & 23			
Cable splicer	9.05	.20	1% & 23			
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS (PROB)	50%JR					
GLAZIERS	9.05					
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%	
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50		
LATHERS (Remainder of County)	8.03	.30	.50		.02	
LINE CONSTRUCTION:						
Groundmen	6.74	.20	1% & 23			
Linemen	8.75	.20	1% & 23			
Cable splicers	9.05	.20	1% & 23			
MARBLE SETTERS	6.96	.40	.55	.60		
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60		
PAINTERS:						
Brush	7.43	.49	.39	.60	.03	
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03	
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	
PAINTERS: (cont'd)						
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	$5.10	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	4.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.38	.20	.20	b		
PLASTERERS	8.15	.45	.75			.06
PLASTERERS' TENDERS	6.70	.25	.25	.25		
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%	
ROOFERS	6.64	.40	.25	1.00		
SHEET METAL WORKERS	8.53	.69	1.15			
SOFT FLOOR LAYERS	7.85	.45	.30	.60	.05	
SPRINKLER FITTERS	11.30	.30	.50		.05	
TERRAZZO WORKERS	6.96	.40	.45	.60		
TILE SETTERS	6.96	.40	.45	.60		
TILE SETTERS' HELPERS	5.69	.20	.45	.60		
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.33	.35	.45	.40	.05	
CUTTING TORCH OPERATOR (demolition); Scaler	5.38	.35	.45	.40	.05	
GUINEA CHASER	5.41	.35	.45	.40	.05	
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.43	.35	.45	.40	.05	
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.455	.35	.45	.40	.05	
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.46	.35	.45	.40	.05	
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.48	.35	.45	.40	.05	
CESSPOOL DIGGER AND INSTALLER	5.51	.35	.45	.40	.05	
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.52	.35	.45	.40	.05	
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.54	.35	.45	.40	.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ROCK SLINGER; Scaler (using bos'n chair or sagety belt or power tools)	$5.59	.35	.45	.40	.05	
DRILLERS, all others where drilling is for use of explosives	5.62	.35	.45	.40	.05	
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.64	.35	.45	.40	.05	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.67	.35	.45	.40	.05	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.69	.35	.45	.40	.05	
STEEL HEADERBOARD MAN	5.775	.35	.45	.40	.05	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, vagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.78	.35	.45	.40	.05	
POWDERMAN, BLASTERS	5.815	.35	.45	.40	.05	
HEAD ROCK SLINGER	5.85	.35	.45	.40	.05	

AQ-1.002 P. 5

TUNNEL LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GULL GANG; Concrete crew (incls. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen or tunnel work)	$4.515	.25	.25	.25		
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	4.615	.25	.25	.25		
GROUT GUNMEN	4.715	.25	.25	.25		
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highways and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimberman; (Wood or steel); Steel form raisers and setters	4.765	.25	.25	.25		
SHAFT AND RAISE MINER	5.015	.25	.25	.25		
GUNITE WORKERS:						
Nozzlemen and Rodmen	5.56	.25	.25	.25		
Gunmen	5.24	.25	.25	.25		
Reboundmen	4.825	.25	.25	.25		

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I						
Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II						
Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2-5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02	
GROUP III						
Elevator (inside); Ford Ferguson-w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power-driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler	7.51	.75	1.20	.30	.02	
GROUP IV						
Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP V						
A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydrahammer-Aero stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Koss carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP VI						
Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type); Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1½ yds. up to and incl 6½ yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VII						
Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6-1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairmen) combination; Wood mixer and other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP VIII						
Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tried scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem equipment (2 units only); Tandem tractor (Quad 9 or similar type) (Art. XV-V.10.); Tunnel mole boring machine	$8.15	.75	1.20	.30	.02	
GROUP IX						
Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)	8.50	.75	1.20	.30	.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

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TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
DREDGING (Hydraulic Suction Dredges)						
LEVERMAN	$8.20	.75	1.20	.30	.015	
WATCH ENGINEER; Welder	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
WINCHMAN (stern winch or dredge)	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	6.79	.75	1.20	.30	.015	
DREDGING (Clam Shell Dredges)						
LEVERMAN	8.20	.75	1.20	.30	.015	
WATCH ENGINEER	7.71	.75	1.20	.30	.015	
DECKMATE	7.31	.75	1.20	.30	.015	
BARGEMATE	7.25	.75	1.20	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	6.79	.75	1.20	.30	.015	

STATE: California COUNTY: San Diego
DECISION NUMBER: AD-1,003 DATE: Date of Publication
Supersedes Decision #AP-256 dated December 29, 1972 in 37 FR 28814.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
ASBESTOS WORKERS	$9.97	.68	.72		.045	
BOILERMAKERS	7.45	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons	8.25	.62	.80		.05	
BRICK, BLOCK AND STONEMASONS' TENDERS	6.21	.35	.45	.40		
CARPENTERS:						
Carpenters	7.06	.56	.75	.50	.02	
Piledrivermen	7.19	.56	.75	.50	.02	
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.31	.56	.75	.50	.02	
CEMENT MASONS:						
Cement masons	6.74	.55	.96	.75	.045	
Cement masons color work-curb machine operator	6.865	.55	.96	.75	.045	
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045	
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04	
ELECTRICIANS:						
Electricians	8.75	.20	1% & 23			
Cable splicer	9.05	.20	1% & 23			
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% & a		
ELEVATOR CONSTRUCTORS' HELPERS (P209)	50%JR					
GLAZIERS	9.05					
IRONWORKERS:						
Fence erectors	8.64	.68	.875	.85	.02	
Reinforcing	8.75	.68	.875	.85	.02	
Ornamental; Structural	8.78	.68	.875	.85	.02	
IRRIGATION AND LAWN SPRINKLERS	6.75	10%	16%	13%	1%	
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.30		
LATHERS (Remainder of County)	8.03	.30	.30		.02	
LINE CONSTRUCTION:						
Groundmen	6.74	.20	1% & 23			
Linemen	8.75	.20	1% & 23			
Cable splicers	9.05	.20	1% & 23			
MARBLE SETTERS	6.96	.40	.55	.60		
MARBLE SETTERS' HELPERS	5.89	.20	.45	.60		
PAINTERS:						
Brush	7.43	.49	.39	.60	.03	
Paperhangers; Sandblasters; Tapers	7.93	.49	.39	.60	.03	
Sandblaster, swing stage; Iron, steel and bridge painter, swing stage spray; Spray, climbing steel and bridge	8.18	.49	.39	.60	.03	
Steeplejack	8.83	.49	.39	.60	.03	
PAINTERS: (cont'd)						
Parking Lot Striping Work and/or Highway Markers:						
Traffic delineating device applicator	$5.10	.20	.20	b		
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	4.88	.20	.20	b		
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator, striper)	4.38	.20	.20	b		
PLASTERERS	8.15	.45	.75		.06	
PLASTERERS' TENDERS	6.70	.25	.25	.25		
PLUMBERS; Steamfitters	8.62	10%	16%	13%	1%	
ROOFERS	6.64	.40	.25	1.00		
SHEET METAL WORKERS	8.53	.69	1.15			
SOFT FLOOR LAYERS	7.85	.45	.30	.60	.05	
SPRINKLER FITTERS	11.30	.30	.50		.05	
TERRAZZO WORKERS	6.96	.40	.45	.60		
TILE SETTERS	6.96	.40	.45	.60		
TILE SETTERS' HELPERS	5.69	.20	.45	.60		
RIGGERS; Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation for one year's service, $.20 per hour after one year but less than five years' service, $.30 per hour after five years but less than ten years' service, $.40 per hour after ten years' service.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.33	.35	.45	.40	.05	
CUTTING TORCH OPERATOR (demolition); Scaler	5.38	.35	.45	.40	.05	
GUINEA CHASER	5.41	.35	.45	.40	.05	
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines); Landscape Gardener and Nursery Man	5.43	.35	.45	.40	.05	
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.455	.35	.45	.40	.05	
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.46	.35	.45	.40	.05	
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadmen)	5.48	.35	.45	.40	.05	
CESSPOOL DIGGER AND INSTALLER	5.51	.35	.45	.40	.05	
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.52	.35	.45	.40	.05	
ASPHALT RAKER, IRONER, SPREADER; Buggy-mobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	5.54	.35	.45	.40	.05	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth
ROCK SLINGER; Scaler (using bos'n chair or sagety belt or power tools)	$5.59	.35	.45	.40	.05	
DRILLERS, all others where drilling is for use of explosives	5.62	.35	.45	.40	.05	
PIPELAYER, METALLIC OR NON-METALLIC (Incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.64	.35	.45	.40	.05	
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.67	.35	.45	.40	.05	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.69	.35	.45	.40	.05	
STEEL HEADERBOARD MAN	5.775	.35	.45	.40	.05	
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (Nozzleman)	5.78	.35	.45	.40	.05	
POWDERMAN, BLASTERS	5.815	.35	.45	.40	.05	
HEAD ROCK SLINGER	5.85	.35	.45	.40	.05	

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP I Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman	$7.03	.75	1.20	.30	.02	
GROUP II Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2-5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump	7.27	.75	1.20	.30	.02	
GROUP III Elevator (inside); Ford Ferguson-w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power-driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler	7.51	.75	1.20	.30	.02	
GROUP IV Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')	7.62	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP V A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipe-lining machine; Skiploader (wheel or track type over 3/4 yd up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1-drum)	$7.81	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VI						
Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (dingle drum-buck-hoist-Chicago boom and similar type); Hoist (2 to 3 drum); Holman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpillar, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading peddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1½ yds. up to and incl. 6½ yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)	$7.91	.75	1.20	.30	.02	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
GROUP VII						
Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6-1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment	$8.01	.75	1.20	.30	.02	

POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Cr
GROUP VIII						
Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 30 cy. struck); Rubber-tried scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem equipment (2 units only); Tandem tractor (Quad 9 or similar type) (Art. XV-V.10.); Tunnel mole boring machine	$8.15	.75	1.20	.30	.02	
GROUP IX						
Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)	8.50	.75	1.20	.30	.02	

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Cr
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90		
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90		
INDUSTRIAL LIFT	5.60	.65	.65	.90		
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90		
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90		
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90		
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90		
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90		
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90		
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90		
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90		
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.); Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90		
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90		

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TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90		
TRUCK GREASER	6.06	.65	.65	.90		
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90		
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90		
TIREMEN	6.16	.65	.65	.90		
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90		
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90		
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90		
TRUCK REPAIRMAN	6.35	.65	.65	.90		
DUMP (65 yds. and over)	6.48	.65	.65	.90		

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: NASSAU
DECISION NO: AQ-2,001
DATE: Date of Publication
Supersedes Decision No. AM-1,728 dated August 11, 1971 in 36 FR 14945
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.50	13.1%	9%	12%		
Boilermakers	8.88	5%	5%+10%	7%	.01	
Bricklayers	8.70	.78	.87+a	.30		
Carpenters, Building:						
South of the Southern State Parkway in Hempstead Borough:						
Carpenters and soft floor layers	8.90	.80	1.45	.50	.02	
Dock builders and Pieldrivermen	8.90	.80	1.45	.50	.02	
Remainder of County:						
Carpenters, piledrivermen and soft floor layers	8.85	1.05	.94	-	.11	
Carpenters, Heavy:						
Carpenters	8.85	.80	1.14	.80	.11	
Dock and wharf carpenters	8.85	.80	1.14	.80	.11	
Piledrivermen	8.85	.80	1.14	.80	.11	
Cement masons	8.10	.845	.695+.50		.01	
Electricians and linemen	9.35	6%	.135	5%	5/8of1%	
Elevator Constructors	8.68	.075	.125+b	c+d	.015	
Elevator Constructors' helpers	6.51	.075	.125+b	c+d	.015	
Elevator Constructors' helpers (prob.)	4.34					
Elevator Constructors modernization	7.91	.075	.125+b	c+d	.015	
Elevator Constructors modernization helpers	5.93	.075	.125+b	c+d	.015	
Elevator Constructors repair	7.06	.075	.125+b	c+d	.015	
Elevator Constructors repair helpers	5.29	.075	.125+b	c+d	.015	
Glaziers	7.30	6%	6%+1.20	5%		
Ironworkers, structural	9.58	.60	.96+1.00	1.06+p	.04	
Ironworkers, reinforcing	8.40	.655	.655+1.00	.70	.01	
Ironworkers, ornamental finishers	8.10	.60	.65+1.235	.73	.03	
Laborers: (Building)						
Laborers, building	7.15	.62	.83	.66		
Mason tenders	7.15	.62	.83	.66		
Plasterers' helpers	7.05	.125		1.00		
Mortar mixers	7.15	.62	.83	.66		
Lathers, metal	8.40	.665	.655+1.00	.70	.01	
Lathers, nail-on	7.80	11%+.08	.20+1.15	1.05		
Lead burners	8.25	.15		e	.01	
Marble:						
cutters	7.40	.63	.66+q			
Carvers	7.55	.63	.66+q			
Setters	7.40	.63	.66+q			
Sawyers, rubbers, polishers	7.17	.63	.66+q			
Derrickmen	6.93	.63	.66+q			
Helpers, crane operator	6.93	.63	.66+q			
Millwrights	8.90	.80	1.45	.50	.02	
Painters:						
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. rockaway, part of Oceanside part of Lynbrook, part of						

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Rockville Center, Atlantic Beach, Long Beach, Lindo Beach, Point Lookout, Gibson and part of Valley Stream:						
Interior	6.85	6.5%	6.5%+f	3%		
Interior and exterior swing scaffold	8.32	6.5%	6.5%+f	3%		
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:						
Structural steel	7.50	8%	11%			
Structural steel, spray	8.50	8%	11%			
Remainder of County:						
Painters	6.75	.49	1.05	.44		
Painters, spray	7.71	.49	1.05	.44		
Painters, open structural steel swing scaffold rolling scaffolds 18' or over	7.71	.49	1.05	.44		
Plasterers	7.55	g			.01	
Plumbers	8.80	.53	.62	.88	.18	
Riggers	8.10	5½%	12%+.55	6½+.15		
Roofers:						
Comp., damp, and waterproofing	7.95	.50	.55+1.00	1.10	.01	
Slate and tile	6.45	8%	.50	5%		
Slate and tile helpers	5.13	8%	.50	5%		
Sheet metal workers	9.05	3%+.10	4%+.40	3%+.55	½ of 1%	
Steam fitters	8.115	7%+.50	13%	10%	.03	
Stone masons	7.25	4%		.50		
Stone derrickmen and riggers	8.87	7%+.01	7%+.79		.01	
Sprinkler fitters	8.115	7%+.50	13%	10%	.03	
Terrazzo workers	8.40	.66+.45	.63			
Terrazzo machine operator	7.68	.475+.45	.475			
Terrazzo workers' helpers	7.43	.475+.45	.475			
Tile setters	7.01	.45	.355+.75			
Tile setters' helpers	6.96	.40	.27+.30			
Truck drivers:						
Ready-mix concrete, Sand gravel and asphalt	5.23	.44-k	.55-k	h + i		
Euclid and Turnapull operator	5.383	.44-k	.55-k	h		
Demolition and Wrecking:						
Straight jobs	4.76	k	m	n		
Trailers	5.01	k	m	n		
Tuck pointers:						
tuck-pointers and waterproofers	5.20	.38	.53			
Steam cleaners	5.35	.38	.53			
Sandblasters	5.90	.38	.53			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.00 per day contribution for each man to special annuity fund.

g. Employer contributes $2.35 per hour combined to the Welfare, Pension and Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans's Day, providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

k. Employer contributes $28.86 per month to Health and Welfare Fund.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Armistice Day and Election Day.

o. Holidays: A through F; Election Day and Washington's Birthday.

p. Holidays: A and F, provided the employee works a full half day preceding the holiday.

q. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity Fund

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rate	Welfare	Pension	Vacation	Apprentice	Other
Laborers: Concrete & curb form setters, asphalt rakers	$6.65	10%	10%	.75+a		
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	6.45	10%	10%	.75+a		
Jackhammers, & drill men, hoppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, tracknen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plants (batchers & hopper men)	6.05	10%	10%	.75+a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the scheduled day after the holiday.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C
POWER EQUIPMENT OPERATORS:						
Backhoe, dragline, gradall, piledriver, shovel	$10.605	7%	.85	a	.15	
Batching plant (on site of job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.505	7%	.85	a	.15	
Bending machine, generator (small), vibrator (1 to 5)	9.155	7%	.85	a	.15	
Boiler, bullgozer, compressor (on crane), compressor (pilework), compressor (stone setting), concrete breaker, conveyor, dinky locomotive, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stene or steel), pump (double action diaphragm), pump (gypsum), pump (hydraulic) pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.155	7%	.85	a	.15	
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.355	7%	.85	a	.15	
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	9.905	7%	.85	a	.15	
Boom truck (setting structural steel or stone)	10.73	7%	.85	a	.15	
Bulldozer (used for excavation), fireman loading machine, powerbroom, scoop (carry-all scraper), vac-all	9.78	7%	.85	a	.15	
CMI or maxim spreader, concrete spreader derrick, sideboom tractor	10.705	7%	.85	a	.15	
Compressor (structural steel)	10.305	7%	.85	a	.15	
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.405	7%	.85	a	.15	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
POWER EQUIPMENT OPERATORS (CONT'D):						
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	$10.10	7%	.85	a	.15	
Dredge	10.40	7%	.85	a	.15	
Elevator, forklift, hoist (1 drum)	10.53	7%	.85	a	.15	
Forklift (walk-behind, power operated)	10.32	7%	.85	a	.15	
Grader	9.93	7%	.85	a	.15	
Hoist (2 and 3 drum)	10.58	7%	.85	a	.15	
Hoist (multiple platform)	13.20	7%	.85	a	.15	
Mechanical compactors (hand operated), trench machine (hand)	8.78	7%	.85	a	.15	
Hoist tandem platform	11.58	7%	.85	a	.15	
Hydra-hammer, ridge cutter	9.32	7%	.85	a	.15	
Lead engineer	11.805	7%	.85	a	.15	
Oiler, stump chipper	8.805	7%	.85	a	.15	
Power buggies	9.03	7%	.85	a	.15	
Roller	10.405	7%	.85	a	.15	
Sideboom tractor (used in tank work)	10.865	7%	.85	a	.15	
Striping machine	9.83	7%	.85	a	.15	
Tank work	10.63	7%	.85	a	.15	
Tower crane (engineer)	11.16	7%	.85	a	.15	
Tower crane (oiler)	8.655	7%	.85	a	.15	
Trench machine	10.405	7%	.85	a	.15	
Welding machine, structural steel	10.38	7%	.85	a	.15	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

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HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, self-propelled	$10.33	7%	.85	a	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	10.70	7%	.85	a	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	10.555	7%	.85	a	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.08	7%	.85	a	.15	
Boiler	8.73	7%	.85	a	.15	
Boring machine (post holes)	9.17	7%	.85	a	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	8.42	7%	.85	a	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	8.975	7%	.85	a	.15	
Compressor (2 or more in battery)	8.65	7%	.85	a	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	9.115	7%	.85	a	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	8.045	7%	.85	a	.15	

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NY-6-PEO-2-3-F 2 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 7.33	7%	.85	a	.15	
Dredge	8.065	7%	.85	a	.15	
Generator	8.34	7%	.85	a	.15	
Generator (small)	7.015	7%	.85	a	.15	
Grader	8.635	7%	.85	a	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	9.445	7%	.85	a	.15	
Lead engineer	11.33	7%	.85	a	.15	
Mechanic	7.035	7%	.85	a	.15	
Mechanic helper	6.695	7%	.85	a	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	8.77	7%	.85	a	.15	
Oiler, root cutter, stump chipper, tower (oiler), track tamper (2 engineers, each)	7.02	7%	.85	a	.15	
Portable heaters	8.595	7%	.85	a	.15	
Powerbroom	7.475	7%	.85	a	.15	
Pump (concrete)	8.69	7%	.85	a	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	9.855	7%	.85	a	.15	

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

STATE: North Dakota
DECISION NUMBER: AQ-1,000
Supersedes Decision Number AP-267 dated March 9, 1973, in 38 FR 6612
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

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2-HO. DAK. -PED-2-3- n (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Cement Masons	$4.00					
Electricians:						
Fargo (Cass County); Grand Forks (Grand Forks County)	7.15	.20	1%	6%	1½%	
Bismark (Burleigh County); Minot (Ward County)	7.00	.20	1%	6%	1½%	
Laborers:						
Group I						
General Construction Laborer; Reinforced steel setter; Sack shaker (cement and mineral filler); Pipe handler; Drill runner helper; Carpenter tender; Salamander heater and blower tender	2.95					
GROUP II						
Semi Skilled Laborer; Bulk cement handler; Conduit layer, telephone or electrical; Form setter (pavement); Gas, Electric or pneumatic tool operator (chipping hammer, grinders and paving brakers (tamper (dirc)(concrete vibrator operator); Chain saw operator; Concrete saw operator; Concrete curing man (not water); Bituminous worker (shoveler, dumper, raker and floater); Kettleman (Bituminous or lead); Concrete bucket signalman; Power buggy operator; Brick and mason tender; Multiplate pipe layer; Culvert pipe layer	3.05					
GROUP III						
Caisson Work; Bottom man, (sanitary sewer, storm sewer, water, and gas lines); Concrete mixer operator (one bag capacity); Motor mixer	3.15					
GROUP IV						
Pipe Layers (Sanitary Sewer, Storm Sewer, Water and Gas Lines); Drill runner (incl. wagon churn or air track); Powderman, gunite and sandblast, nozzleman	3.25					

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CABLEWAY OPERATOR; Crane Operator with over 135' boom; Derrick (Guy & Stiff Leg), (Power), (Skids & Stationary); Front End Loader over 10 cu. yds.; Gantry Crane Operator; Mole Operator, including Power Supply or Tunnel Mucking Machine; Power Shovel and/or other Equipment with Shovel Type Controls 3 - 1/2 cu. yd.	$6.45	.35	.25			
CONCRETE MIXER STATIONARY PLANT OPERATOR over 34E; Dredge Operator or Engineer, Dredge Operator (Power) and Engineer; Elevator Grader Operator; Locomotive, Crane Operator; Master Mechanic; Mixer (Paving) Concrete Paving Operator, road; Power Shovels and/or other Equipment with shovels and/or other Equipment with shovel type controls up to 3 - 1/2 cu. yds.; Scraper Tandem; Tandem Pusher Quad. 9 or similar; Tractor Operator (Pipeline) Side Boom; Truck Crane Operator	6.30	.35	.25			
DOPE MACHINE OPERATOR (Pipeline); Drill Rigs, Heavy Duty Rotary or Churn or Cable Drill; Front End Loader Operator, 6 cu. yds. & over; Locomotive, all types; Pipeline Wrapping, Cleaning & Bending Machine Operator; Power Actuated Horizontal Boring Machine over 6" Dp. (Pipeline); Pumpcrete Operator; Refrigeration Plant Engineer; Slip Form Op. (Power Driven) (Paving); Tandem Scraper-Twin Engine, 50 cu. yds. Struck & over	6.15	.35	.25			
ASPHALT PAVING MACHINE OPERATOR; Asphalt Plant Operator and Console Board Op.; CMI Grading Operator; Crushing Plant Operator (Gravel & Stone or Gravel Washing, Crushing and Screening Plant Operator); Front End Loader Operator, 1 cu. yd. up to 6 cu. yds.; Grader or Motor Patrol, Finishing Earth Work and Bituminous; Mechanic or Welder (Heavy Duty); Rubber Tired Dozer Kapco or similar & over; Rubber Tired Industrial Tractor with Backhoe						

AQ-1,000 P. 3 2-NO. DAK.-PEO-2-3-n (2-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Oth-
Attachment (Water Main Sanitary Sewer & Storm Sewer, Trunk Line Construction); Scraper Op.; Tractor Type Dozer D-6 & over; Trenching Machine Operator, Sewer & Water, (Except Ditch Witch or Similar use oiler rate); Turnapull Operator, (or similar type)	$4.10	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Power); Concrete Distributor and Spreader Operator, Finishing Machine Longitudinal Float Operator, Ft. Machine Operator & Spray Operator; Concrete Mixer Operator on Job Site 16S or Over; Paving Breaker or Tamping Machine Op., including Machine with Power Shovel Attachments (Power Driven); Power Actuated Augers & Boring Machine Operator; Power Actuated Jacks Operator; Power Plant Engineer, 100 K.W.H. & over; Push Tractor; Self-Propelled Traveling Soil Stabilizer; Soil Cement Stabilizer	5.85	.35	.25			
CONCRETE SAW OPERATOR (MULTIPLE BLADE) (Power Operated); Fine Grade Operator; Roller, Steel, and Self-Propelled Rubber, on Hot Mix Asphalt Paving; Rubber Tired Dozer under Nopco or similar; Tractor Type Dozer under D-6; Truck Mechanic	5.62	.35	.25			
BRAKEMAN OR SWITCHMAN; Concrete Batch Plant Operator (Cement, Rock and Sand) electronic; Concrete Mixer Operator on Job Site under 16S; Crane Truck Oiler; Distributor Operator; Grader Operator (Motor Patrol) (Haul Road); Gravel Screening Plant Operator (Portable not Crushing or Washing); Greaser (Truck or Tractor); Gunnite Operator Gunall; Hoist Engineer (Power); Hydro Crane Operator Launchman (Tankerman or Pilot License); Pick-up Sweeper, 1 yd. and over Hopper Capacity; Shouldering Machine Operator (Power) (Apsco or similar type) including Self-Propelled Sand Chip Spreader Flaherty or Similar	4.69	.35	.25			

AQ-1,000 P. 4 2-NO. DAK.-PEO-2-3- n (3-3)

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	O
CRAWLER TYPE TRACTOR PULLING COMPACTION OR AREATING EQUIPMENT; Farm Type Rubber Tired Tractor with Backhoe Attachment; Self-Propelled Vibrating Packer Op. Pad Type (35 H.P. & Over); Sheepsfoot Roller or Compactor (Self-Propelled); Off road Self-Propelled Watering Equipment	$4.54	.35	.25			
BITUMINOUS SPREADER & BITUMINOUS FINISHING OPERATOR (Helper) (Power); Boom Truck Operator; Concrete Batch Operator (Cement, Rock & Sand) (Manual); Fireman or Tank Car Heater Op.; Form Trench Digger (Power); Front End Loader Op., up to 1 cu. yd.; Hyster Carrier; Leverman; Loader Operator (Barber Greene or Similar Type); Mechanics' Helper; Oiler (Power Shovel, Crane, Dragline); Pugmill Operator; Pump Operator (Well Points); Roller, Steel & Self-Propelled Rubber, on other than Hot Mix Asphalt Paving; Self-Propelled Broom	4.46	.35	.25			
CONVEYOR OPERATOR: Curb Machine Operator; Dredge Deck Hand; Farm Tractors, Rubber Tired for Compacting & Areating; Front End Loader Operator (Farm Type Rubber Tired Tractor); Stump Chipper Operator; Tie Tamper and Ballast Machine Operator	4.10	.35	.25			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Single axle	$4.37	.35				
Tandem	4.47	.35				
Agitator dumpcrete	4.57	.35				
Lowboy; Off road heavy duty end dumps, 20 yds. and under; Tandem semi	4.72	.35				
Euclid, over 20 yds.	5.35	.35				

SUPERSEDEAS DECISION

AP-862 P. 2

STATE: Pennsylvania
DECISION NO.: AQ-2,000
COUNTY: Berks County
DATE: Date of Publication
Supersedes Decision No. AP-429, dated October 6, 1972, in 37 FR 21255.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories)

6-PA-1-G 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.83	.30	.30	-	.01
Boilermakers	8.85	.50	1.00		.01
Bricklayers	7.60	.40	.50		
Carpenters	7.33	.42	.35		.20of1%
Cement masons	7.965		.155		
Electricians:					
Hereford, Longswamp & Washington Twps., portion of Maxatawney, Twp. east of Saucony Creek	8.575	.20	1%		
Marion, Tulpehocken & Bethel Twps.	7.81	.20	1%	-	½of 1%
Remainder of County	8.74	.28	1%		.03
Elevator constructors	8.30	.345	.23	2%+a+b	.015
Elevator constructors' helpers	5.81	.345	.23	2%+a+b	.015
Elevator constructors' helpers (prob.)	4.15				
Glaziers	7.32	.25	.10		.01
Ironworkers, structural & ornamental, bridge	8.29	f			.01
Ironworkers, reinforcing	8.29	f			.01
Laborers:					
Blasters	6.06	.15	.10		
Cofferdam (below 30'), tunnel free air & suckers	5.89	.15	.10		
Handling & using cutting or burning torches in wrecking of buildings, plasterer tenders, scaffold builders & removal for plasterers	6.00	.15	.10		
Jackhammer, vibrators paving breakers other pneumatic tools, & mechanical tools, laying of all clay, Terra Cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same, & wagon drill operators	5.84	.15	.10		
Laborers, unskilled	5.61	.15	.10		
Mason tenders, scaffold builders & removal for masons	6.04	.15	.10		
Lathers	7.83		.15		.01
Lead burners	8.25	.30		a	.01
Line construction:					
Cable splicers	8.55	.15	1%		.75%
Groundman	5.13	.15	1%		.75%
Linemen	8.55	.15	1%		.75%
Winch truck operator	5.99	.15	1%		.75%

6-PA-1-G 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Dis
Marble setters	$6.64	.30	.60			
Millwrights	7.83	.42	.35		.20of1%	
Painters:						
Brush	6.86	.45	.26			
Bridge, tower, stacks and tanks	8.31	.45	.26			
Spray and steel	7.91	.45	.26			
Piledrivermen	9.22	1.08	.40		.07	
Plasterers	8.00		.155		.01	
Plumbers	8.42	.57	.92			
Roofers:						
Albany, Maxatany and Windsor Composition and slate	8.05	.40	.30		.02	
Remainder of County						
Composition, damp and waterproof	8.425	.375	.10	d		
Precast slabs	9.225	.375	.10	d		
Slate, tile and asbestos	8.425	.375	.10	d		
Sheet metal workers	7.95	.30	.50			
Soft floor layers	7.33	.42	.35		.20of1%	
Sprinkler fitters	8.75	.30	.50		.05	
Steam fitter	8.42	.51	.92		.05	
Stone masons	7.60	.40	.50			
Terrazzo workers	6.64	.25	.35			
Tile setters	6.45	.40	.20			
Welders-receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. 8 paid holidays, A through F, Washington's Birthday, Good Friday, and Christmas Eve provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holiday: C

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers:						
Truck drivers	$5.88	g	h			
Truck drivers' helpers	5.83	g	h			
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. 9 paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the days preceding and following the holiday.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holiday: C and July 4th.

f. Employer contributed $1.50 to a combined Health and Welfare and Pension Fund.

g. Employer contributes $58.37 per month.

h. Employer contributes $39.00 per month.

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

YA-27-TEO-1 D

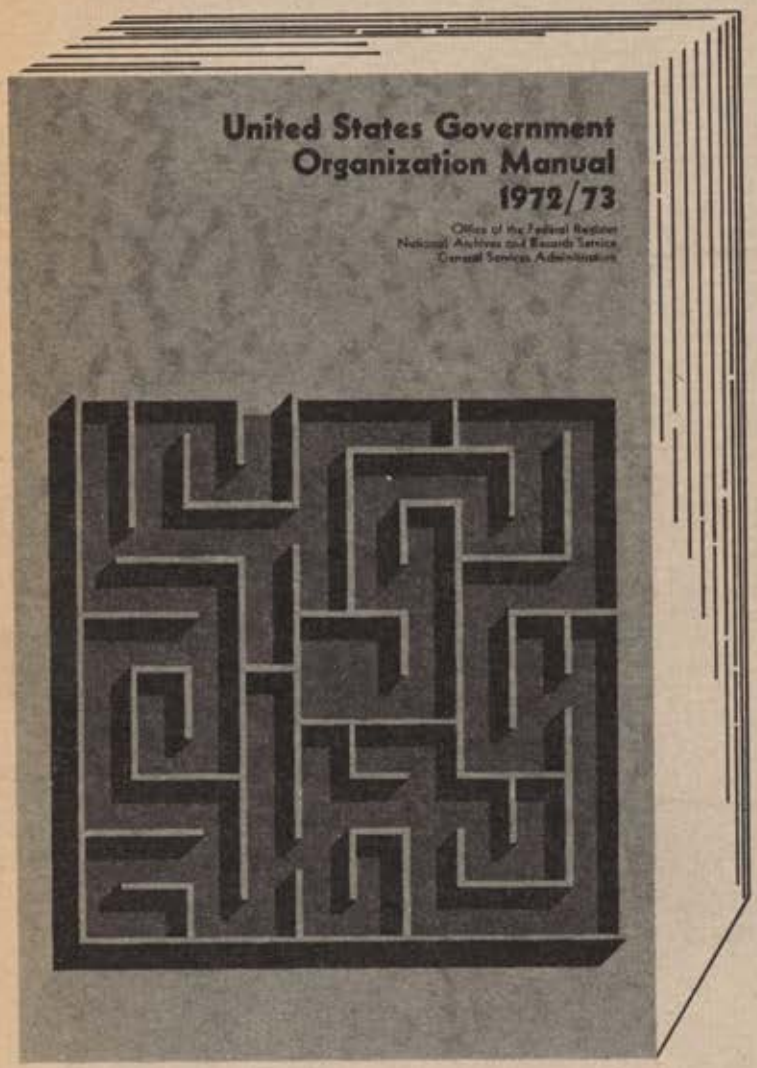
	Basic Hourly Rate	Fringe Benefits Payments				
		H&W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a		1.2%
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoists with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-1/2 c. y. and over, tandem scrapers, pig-in type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a		1.2%
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yards., mechanic-welders, motor patrols, drill helper- self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a		1.2%
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, for grade machines, fine grade machines, sand finishing machines, concrete trenching machines, rollers, screen pulverizing mixer, power brush, seeding spreader, oilers (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a		1.2%
WAGE GROUP V						
Firemen, grease truck	7.02	4.6%	9.5%	a		1.2%
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a		1.2%
WAGE GROUP VII						
All machines with booms (including jibs, masts, leads, etc.):						
100 ft. and over	9.69	4.6%	9.5%	a		1.2%
150 ft. and over	9.94	4.6%	9.5%	a		1.2%
200 ft. and over	10.94	4.6%	9.5%	a		1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

[FR Doc.73-14152 Filed 7-12-73;8:45 am]

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